

CALIFORNIA LEGISLATURE—ASSEMBLY.

THIRTY-NINTH SESSION.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Monday, January 2, 1911. }

Pursuant to the requirements of the Constitution and the law, at the hour of twelve o'clock M., the Assembly of the thirty-ninth session of the Legislature of California was called to order by T. G. Walker, Chief Clerk of the extra thirty-eighth session.

In conformity with law, the following officers of the thirty-eighth session were also present: H. A. Harper, Minute Clerk, and J. T. Stafford, Sergeant-at-Arms.

PRAYER.

By invitation of the Chief Clerk, prayer was offered by Rev. A. B. Patton of Sacramento.

APPOINTMENTS.

The Chief Clerk announced the following appointments of attachés for the temporary organization of the Assembly:

Gatekeeper—John Kofod.
Page—Tom Farewell.
Assistant Sergeant-at-Arms—Fred Medley.
Stenographer—Ralph Sollars.

ROLL CALL OF COUNTIES.

The Chief Clerk directed that as the roll of counties was called the members-elect, representing such counties, should proceed to the Clerk's desk and take and subscribe to the oath of office.

MEMBERS SWORN IN.

As required by Section 239 of the Political Code, the Chief Clerk called the roll of counties in alphabetical order, and the following members-elect appeared before the bar of the Assembly, presented their certificates of election, and duly qualified by taking and subscribing to the following oath, administered by C. N. Post, Judge of the Superior Court of the County of Sacramento:

OATH OF OFFICE

I do swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Member of the Assembly of the State of California, according to the best of my ability.

ALAMEDA—A. A. Rogers, Sumner Crosby, Robert J. Callaghan, George Fitzgerald, William C. Clark, Frank M. Smith, C. C. Young.
 ALPINE, AMADOR, CALAVERAS, MONO—Ferdinand G. Stevenot
 BUTTE—John H. Guill, Jr.
 COLUSA, GLENN, LAKE—J. L. Mendenhall.
 CONTRA COSTA—M. R. Jones.
 DEL NORTE, SISKIYOU, TRINITY—George E. Malone.
 EL DORADO, PLACER—E. C. Gaylord.
 FRESNO—W. F. Chandler, W. A. Sutherland.
 HUMBOLDT—W. Kehoe, Gustavus A. Jasper.
 IMPERIAL, SAN DIEGO—Fred E. Judson, E. C. Hinkle
 INYO, TULARE—G. W. Wyllie.
 KERN—Fred H. Hall
 KINGS—Frank J. Walker.
 LASSEN, MODOC, SIERRA—James H. Tibbits
 LOS ANGELES—H. G. Cattell, Prescott F. Cogswell, William E. Hinshaw, Edwin M. Butler, Lyman Farwell, Henry Stanley Benedict, Henry H. Lyon, Charles R. Randall, William A. Lamb.
 MADERA, MERCED, STANISLAUS—Thomas F. Griffin.
 MARIN—George H. Harlan.
 MARIPOSA, TUOLUMNE—Dan E. Williams
 MENDOCINO—W. D. L. Held.
 MONTFRET—Charles B. Rosendale.
 NAPA—W. B. Griffiths
 NEVADA—Frank M. Rutherford.
 ORANGE—Clyde Bishop.
 PLUMAS, TEHAMA, SIERRA—Harry Polsley.
 RIVERSIDE—G. R. Freeman.
 SACRAMENTO—Charles A. Bliss, John C. March, Edw. J. Lynch.
 SAN BENITO—W. R. Flint.
 SAN BERNARDINO—Cornelius G. H. Bennink.
 SAN FRANCISCO—Andrew Cunningham, Daniel Rimlinger, J. E. Mullally, Walter McDonald, William P. Kennedy, James J. Ryan, Thomas J. Feeley, Fred C. Gerdes, Henry N. Beatty, Edward P. Walsh, Edw. J. D. Nolan, Walter T. Lyon, Milton L. Schmitt, Nathan C. Coghlan, Arthur Joel, Frank N. Rodgers, Victor A. Sbragia, D. M. Denegri.
 SAN JOAQUIN—J. W. Stuckenbruck, E. H. McGowen.
 SAN LUIS OBISPO—John F. Beckett.
 SAN MATEO—Henry Ward Brown
 SANTA BARBARA—C. L. Preister
 SANTA CLARA—Robert L. Telfer, L. D. Bohnett, Daniel R. Hayes
 SANTA CRUZ—John B. Maher.
 SOIANO—John R. Cronin
 SONOMA—Herbert W. Slater, James W. Hamilton.
 SUTTER, YUBA—A. H. Hewitt.
 VENTURA—D. W. Mott.
 YOLO—L. H. Wilson.

ANNOUNCEMENT.

The Chief Clerk announced that the next order of business was the election of officers for the thirty-ninth session of the Assembly, and declared that nominations for the office of Speaker of the Assembly were now in order.

NOMINATIONS FOR SPEAKER.

Mr. Rutherford of Nevada placed in nomination for Speaker Hon. A. H. Hewitt of Yuba City.

The nomination of Mr. Hewitt was seconded by Assemblymen Schmitt, Cogswell, Griffiths, and Young.

Mr. Slater placed in nomination for Speaker Hon. J. W. Stuckenbruck.

Mr. Stuckenbruck withdrew, and seconded the nomination of Mr. Hewitt.

ELECTION OF SPEAKER.

The roll was called, with the following result:

For Hewitt—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gay-

lord, Gerdes, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wythe, and Young—77.

The Chief Clerk announced the vote of the Assembly, and declared Mr. Hewitt the unanimous choice of the Assembly for Speaker.

APPOINTMENT OF COMMITTEE OF ESCORT

The Chief Clerk appointed Messrs. Schmitt, Rutherford, Young, and Stuckenbruck a special committee to escort Speaker-elect Hewitt to the chair.

OATH OF OFFICE.

Upon arriving at the bar of the Assembly Speaker-elect Hewitt took and subscribed to the following oath administered by C. N. Post, Judge of the Superior Court of the County of Sacramento:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and I will faithfully discharge the duties of the office of Speaker of the Assembly to the best of my ability.

ADDRESS OF SPEAKER.

Upon assuming his duties the Speaker addressed the Assembly as follows:

Fellow Members of the Assembly. It is quite unnecessary for me to say that I appreciate to the fullest extent the honor in having been selected by you as your presiding officer during the session which has just opened. I presume that it is the first time in the history of this State that a candidate for the office of Speaker received the entire vote of both the Republican and Democratic parties, and for that reason I appreciate the honor all the more.

Possibly you may not know collectively that this honor has come to me without a promise on my part, either directly or indirectly, as to what I would or would not do, either in appointing the committees of this body or as to any other matter or subject which will come before this Assembly. Individually, however, you do know, for there is not a member present who can say that any promise has been made to him by me concerning any matter which will come before this Assembly.

The position having come to me in the manner it has, and I will say that it could not have been accepted by me under any different conditions, carries with it the confidence of this body, and I shall endeavor to see that this confidence has not been misplaced.

It shall be my purpose at all times to be fair and courteous to all of you, and I especially ask your cooperation and assistance in aiding me to properly perform my duty as the presiding officer of this body.

To the Republican members of this Assembly I wish to say just a word concerning legislation. We were elected upon a party platform, formed and constructed in a different manner from any which had previously been adopted. It was formed by delegates selected by direct votes of the members of the party, and we should for that reason see that the provisions of that platform are carried out.

There was no uncertainty as to the issues of the last campaign. The people indicated by their votes the kind of a government they want, and we must see that they are not disappointed. Opportunity has presented itself to us, and let us embrace it and give to the people of this State the laws which they desire and which they deserve. Let us not be hasty in any matters of legislation, but let us act with deliberation and care, keeping in mind always the welfare of the people of this great State, to the end that everything done shall be done with a view of bettering conditions.

I again thank you, gentlemen, for the honor which you have granted me.

NOMINATIONS FOR SPEAKER PRO TEM.

The Speaker declared the election of Speaker pro tem. next in order, and called for nominations.

Mr. Benedict nominated Hon. H. G. Cattell of Los Angeles.

Mr. Rogers of Alameda seconded the nomination of Mr. Cattell.

Mr. Maher nominated Hon. Harry Polsley of Tehama.

Mr. Polsley withdrew, and seconded the nomination of Mr. Cattell.

There being no further nominations, the Speaker declared the nominations closed.

The roll was called, with the following result:

For Cattell—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—70.

Mr. Cattell being the unanimous choice of the Assembly for Speaker pro tem., the Speaker declared him duly elected, and appointed Messrs. Benedict, Rogers, and Polsley a committee to escort Speaker pro tem. elect Cattell to the bar of the Assembly, where he took and subscribed to the following oath of office:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and will discharge the duties of the office of Speaker pro tem. of the Assembly according to the best of my ability.

NOMINATION OF CHIEF CLERK.

The Speaker next declared the nomination and election of Chief Clerk of the Assembly in order.

Mr. Bohnett nominated L. B. Mallory of Los Gatos.

Mr. Smith seconded the nomination of Mr. Mallory.

The roll was called, with the following result:

For Mallory—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—78.

Mr. Mallory having received the unanimous vote of the Assembly, was declared duly elected Chief Clerk of the Assembly.

Mr. Mallory appeared before the bar of the Assembly, and took and subscribed to the following oath of office:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of Chief Clerk of the Assembly to the best of my ability.

ELECTION OF SERGEANT-AT-ARMS.

The Speaker declared the next order of business the nomination and election of Sergeant-at-Arms of the Assembly.

Mr. Bliss nominated E. H. Whyte.

The roll was called, with the following result:

For Whyte—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin,

Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—79.

Mr. Whyte, having received the unanimous vote of the Assembly, was declared duly elected Sergeant-at-Arms, and was directed to appear before the bar of the Assembly, where he took and subscribed to the following oath of office.

OATH OF OFFICE

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of the office of Sergeant-at-Arms of the Assembly according to the best of my ability.

NOMINATIONS FOR MINUTE CLERK.

The Speaker declared the next order of business the nomination and election of Minute Clerk of the Assembly.

Mr. Gaylord placed in nomination H. A. Harper of El Dorado.

Mr. Young seconded the nomination of Mr. Harper.

ELECTION OF MINUTE CLERK

The roll was called, with the following result:

For Harper—Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmidt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, and Mr. Speaker—72.

Mr. Harper, having received the unanimous vote of the Assembly, was declared duly elected Minute Clerk of the Assembly and was directed to appear before the bar of the Assembly, where he took and subscribed to the following oath of office:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of Minute Clerk of the Assembly to the best of my ability.

ANNOUNCEMENT

The Chief Clerk announced that in accordance with the power vested in him by the statutes he appointed T. G. Walker as First Assistant Chief Clerk of the Assembly, and asked that the Assembly confirm the appointment.

The question being upon the confirmation of the appointment.

The roll was called, with the following result:

Ayes—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of

Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—78.

NOES—None

Whereupon the Speaker declared Mr. Walker duly elected First Assistant Chief Clerk, and directed him to appear before the bar of the Assembly, where he took and subscribed to the following oath of office:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of the office of First Assistant Chief Clerk to the best of my ability.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Benedict:

Resolved, That the Chief Clerk be and he is hereby directed to inform the Senate that the Assembly has organized by the election of the following officers, viz:

Speaker—Hon. A. H. Hewitt.

Speaker pro tem.—Hon. H. G. Cattell.

Chief Clerk—L. B. Mallory.

Minute Clerk—H. A. Harper.

Sergeant-at-Arms—E. H. White.

First Assistant Chief Clerk—T. G. Walker.

Resolution read and, on motion, adopted.

By Mr. Cogswell:

Resolved, That a committee of three be appointed by the Speaker to wait upon the Governor and inform him that the Assembly is organized and awaits any communication he may have to make to it.

Resolution read and, on motion, adopted.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker appointed Messrs. Cogswell, Griffiths, and Schmitt

By Mr. Cattell.

Resolved, That the standing rules of the thirty-ninth session be and the same are hereby adopted as the temporary standing rules of this House until otherwise ordered, with the following changes, to wit: "1911" shall be inserted in lieu of "1909" wherever the latter figures occur.

Resolution read and, on motion, adopted.

TEMPORARY RULES OF THE ASSEMBLY.

1. *Hour of Meeting.*

The sessions of the House shall be daily (Sundays excepted), beginning at nine o'clock and thirty minutes A. M. Until February 8, 1911, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by a vote of the House.

2. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Senate.
9. Introduction and Reference of Bills.

10. Motions and Resolutions
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills

3. *Reports of Committee on Engrossed and Enrolled Bills.*

It shall be in order for the Committee on Engrossed and Enrolled Bills to report at any time.

4. *Messages from the Governor and Senate.*

Messages from the Governor and from the Senate may be considered at any time by a vote of the House.

5. *Petitions to be Presented, With a Brief Statement of Contents.*

Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine.

6. *Introduction and Reading of Bills*

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and upon being recognized shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two thirds of the House shall, by vote of ayes and noes, dispense with this provision. The Speaker shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the House has so determined by a vote. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means. The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

7. *Introduction of Bills by Committee.*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file. When such a bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, ordered printed, and placed upon the Assembly file for further action.

8. *Disposition of Senate Bills*

When a Senate bill has been received by the House, with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee; *provided, however*, that when a Senate bill is received, the provisions of which are identical with those of an Assembly bill which has already been considered and reported by a committee of the House, such Senate bill shall be substituted for the Assembly bill (the latter being considered withdrawn), shall take the same place upon the Assembly file, and be considered as having received the same recommendation of the Assembly committee, *provided*, that the fact that the bills are identical shall be entered in the Journal.

9. *Joint Resolutions and Constitutional Amendments.*

Joint resolutions shall be treated the same as bills; *provided*, that they shall be read but once, and that after they have been reported by a committee; *and provided further*, that the ayes and noes shall not be called upon their adoption, unless regularly demanded. Proposed amendments to the Constitution shall be treated the same as bills, *provided*, they shall be read but once, and only after they shall have been reported by a committee.

10. *Proceedings Touching Appropriations of Money to be Considered in Committee of the Whole.*

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole.

11. *Reference of Bills.*

No debate shall be allowed on any motion to refer a bill or resolution to a committee. The Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee.

12. Referring With Special Instructions.

A bill or resolution may be committed with special instructions at any time after the third reading has been ordered.

13. Order of Making File.

Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 6. When reported back they shall be placed upon the General File, to be kept by the Clerk, as follows: All bills when reported to the House by the committees shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills in the following order: Third-Reading File and Second-Reading File, unless otherwise ordered by a two-thirds vote of the House. The Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

14. Order of Making Special File.

The Clerk shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the State government and State institutions, revenue, election laws and constitutional amendments, in the order named, and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the General File be substituted for any bill thereon.

15. Taking Up Bills Out of Order.

When a member shall ask leave to have a bill taken up out of its regular order, he shall in making the motion give the number and title of the bill, and its position on the file.

16. Engrossing and Enrolling Bills.

The Engrossing and Enrolling Clerk shall engross, and enroll, the bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. Said Clerk shall be responsible for every violation of this rule by his assistants or deputies; no Clerk of this House, or his deputy or assistant, shall demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House.

17. Bills to be Reported Back Within Ten Days.

All bills referred to any committee shall be by such committee reported back to the House with its action thereon within ten days after such reference, unless the House, by request of such committee, shall otherwise order.

DUTIES OF SPEAKER.

18. To Call the House to Order.

The Speaker, or, in his absence, the Speaker pro tem, shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order. In the absence of both the Speaker and the Speaker pro tem., the Chief Clerk, or an assistant, shall call the House to order, whereupon a Chairman shall be elected from among the members to preside.

19. To Preserve Order; to Decide Points of Order; and May Speak to Same.

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

20. To Have Direction of the Hall; May Call Any Member to the Chair.

He shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

21. To Sign Resolutions, Etc., Attested by the Clerk.

All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpoenas issued by order of the House shall be under his hand, attested by the Clerk.

22. May Order the Galleries and Lobby Cleared.

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

DUTIES OF THE SERGEANT-AT-ARMS.

23. *To Attend Sitzings of House; Scree Proccesses.*

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the Speaker of the House, and all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision of all the attachés of the House (except the clerks at the desk, the committee attachés, and the Page to the Speaker, which Page shall be under the exclusive supervision of the Speaker), and shall be responsible for the performance of their duties, and shall have power to suspend any attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof; said attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché of his suspension, and shall have the power to remove any attaché for incompetency or for willful neglect of duty.

24. *Fees of Sergeant-at-Arms.*

The Sergeant-at-Arms shall receive for every arrest the sum of one dollar; for each day's custody and release, one dollar; and for traveling expenses for himself, or a special messenger, going and coming, ten cents per mile; but no compensation shall be allowed for the arrest, custody, or release of members under a call of the House, within the limits of the Capitol grounds. All fees accruing to the Sergeant-at-Arms for arrest, custody, and release of members, shall be paid by the members so arrested, held in custody, and released, unless excused by a vote of the House. And when a member shall be excused by the House, the Sergeant-at-Arms shall not be allowed any fees for the arrest.

25. *Assistant Sergeant-at-Arms to be Doorkeeper*

The Assistant Sergeant-at-Arms shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

26. *Standing Committees.*

The Standing Committees of the House shall be as follows

1. A Committee on Agriculture, to consist of seven members.
2. A Committee on Attachés and Employés, to consist of seven members.
3. A Committee on Banks and Banking, to consist of five members.
4. A Committee on Building and Loan Associations, to consist of seven members.
5. A Committee on Claims, to consist of seven members.
6. A Committee on Commerce and Navigation, to consist of nine members.
7. A Committee on Commissions and Public Expenditures, to consist of seven members.
8. A Committee on Contingent Expenses and Accounts, to consist of five members.
9. A Committee on Constitutional Amendments, to consist of seven members.
10. A Committee on Contested Elections, to consist of seven members.
11. A Committee on Corporations, to consist of nine members.
12. A Committee on Counties and County Boundaries, to consist of nine members.
13. A Committee on County and Township Governments, to consist of thirteen members.
14. A Committee on Dairies and Dairy Products, to consist of nine members.
15. A Committee on Election Laws, to consist of seven members.
16. A Committee on Education, to consist of nine members.
17. A Committee on Engrossing and Enrollment, to consist of seven members.
18. A Committee on Fruit and Vine Interests, to consist of seven members.
19. A Committee on Fish and Game, to consist of eleven members.
20. A Committee on Federal Relations, to consist of seven members.
21. A Committee on Governor's Messages, to consist of five members.
22. A Committee on Immigration, to consist of nine members.
23. A Committee on Insurance and Insurance Laws, to consist of nine members.
24. A Committee on Irrigation, to consist of nine members.
25. A Committee on Judiciary, to consist of twenty-one members.
26. A Committee on Labor and Capital, to consist of nine members.
27. A Committee on Labor and Capital, to consist of nine members.
28. A Committee on Manufactures and Internal Improvements, to consist of seven members.
29. A Committee on Mileage, to consist of five members.
30. A Committee on Military Affairs, to consist of seven members.
31. A Committee on Mines and Mining Interests, to consist of nine members.
32. A Committee on Municipal Corporations, to consist of seven members.
33. A Committee on Oil Industries and Oil Mining Interests, to consist of nine members.
34. A Committee on Public Buildings and Grounds, to consist of eleven members.
35. A Committee on Public Health and Quarantine, to consist of seven members.
36. A Committee on Public Lands and Forestry, to consist of seven members.
37. A Committee on Public Morals, to consist of nine members.

38. A Committee on Public Printing, to consist of seven members.
39. A Committee on Public Works, State Capitol, and Parks, to consist of seven members.
40. A Committee on Public Charities and Corrections, to consist of seven members.
41. A Committee on Reform of the Civil Service, to consist of five members.
42. A Committee on Refrenchment and Reform, to consist of seven members
43. A Committee on Revenue and Taxation, to consist of nine members
44. A Committee on Revision and Reform of Laws, to consist of nine members.
45. A Committee on Roads and Highways, to consist of eleven members.
46. A Committee on Rules and Regulations, to consist of five members, one of whom shall be the Speaker.
47. A Committee on State Hospitals and Asylums, to consist of eleven members.
48. A Committee on State Library, to consist of five members
49. A Committee on State Prisons and Reformatory Institutions, to consist of nine members
50. A Committee on Ways and Means, to consist of fifteen members
51. A Committee on Universities, to consist of seven members.
52. The San Francisco Delegation, to whom may be referred matters of interest to the City and County of San Francisco, but not to the exclusion of the jurisdiction of other committees
53. The Los Angeles Delegation, to whom may be referred matters of interest in particular to the City and County of Los Angeles, but not to the exclusion of the jurisdiction of the other committees
54. A Committee on Common Carriers, to consist of eleven members

27. *Committees to be Appointed by Speaker.*

All committees shall be appointed by the Speaker, unless otherwise ordered by the House.

28. *Committee on Contested Elections.*

It shall be the duty of the Committee on Contested Elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question and be referred to them by the House.

29. *Committee on Ways and Means.*

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the State Officers and State Boards or State Commissions, and all propositions relative to the revenue of the State, as may be referred to them by the Assembly, to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means, and said committee shall consider and report thereon the amount of appropriation required, but such bill shall retain its place on file pending its consideration by said Committee on Ways and Means. The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending

30. *Committee on Commissions and Public Expenditures*

It shall be the duty of the Committee on Commissions and Public Expenditures to ascertain what State commissions, institutions, or boards, if any, can be abolished or consolidated with advantage to the public, in view of a more economical administration of State affairs; to ascertain what expenditures and salaries of the various public offices and institutions can be advantageously reduced or discontinued, to prepare and report to the Assembly such bills or resolutions as may be required to carry out the recommendations of the committee.

31. *Committee on Engrossment.*

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House with the engrossed copies thereof and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto, and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed.

32. *Committee on Revision and Reform of Laws.*

It shall be the duty of the Committee on Revision and Reform of the Law to take into consideration all petitions, bills, and resolutions touching the revision and reform of the existing laws of the State of California as shall or may be presented or come into question and be referred to it by the Assembly.

33. Committee Expenditures.

No committee shall be permitted to incur any expense by visiting any part of the State on official or other business, without first obtaining leave of the House by a two-thirds vote of the members thereof.

34. Committee of the Whole House.

In forming a Committee of the Whole House, a chairman, to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the Assembly by the chairman. After being reported to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

35. Rules in Committee of the Whole.

The rules of the Assembly shall be observed in Committees of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes shall not be taken.

36. Motion to Rise Decided Without Debate.

A motion that the committee rise shall always be in order, and shall be decided without debate.

37. Reference of Bills.

When a motion is made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order

The Committee of the Whole.

A Standing Committee.

A Select Committee.

38. Calling Members to Order When Transgressing Rules

If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair.

39. Speaker to Decide Who is Entitled to the Floor.

When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

40. Order in Speaking to Questions.

Every member, when he speaks, shall, standing in his place, address "Mr Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution, or mover of a question, who shall have the right to close the debate. No member shall be allowed to speak more than thirty (30) minutes upon any question, except by leave of the House.

41. Called to Order for Offensive Words in Debate

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to censure of the House, for language used in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

42. Personal Explanation.

Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

43. Motions to be Stated by Speaker Shall be Reduced to Writing, or May be Withdrawn.

No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker, or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn, by leave of the House, at any time before amendment or decision.

44. Motion to Adjourn

A motion to adjourn shall always be in order, except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made.

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the

House relating to the condition of the business of the House which would seem to render it improper to adjourn at that time. Such statement, however, shall not be debatable, and such statement or statements shall not, in any case, occupy more than two minutes.

Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means. That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and tax levy.

45. *Precedence of Motions During Debate.*

When a question is under debate, or before the House, no motion shall be received but: To adjourn; to lay on the table; for the previous question; to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and, if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

46. *Previous Question.*

The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it.

47. *Questions of Order After Previous Question is Ordered.*

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate; *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

48. *Previous Question Demanded.*

The previous question shall only be put when demanded by three members.

49. *Question Indefinitely Postponed.*

When a question is postponed indefinitely, the same shall not again be introduced during the session.

50. *Division of Questions.*

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert.

51. *Substitute.*

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

52. *Subjects Different from the One Under Consideration.*

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

53. *Printing of Bills.*

Five hundred copies of all bills shall be printed. The Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity thereof.

54. *Printing Extra Number of Bills, Etc*

A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by consent of the House.

55. *Printing of Maps.*

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

56. *Filling Blanks.*

In filling up blanks the least sum and shortest time shall be first put.

57. *Priority of Business.*

All questions relating to the priority of business shall be decided without debate.

58. Reading of Papers.

When the reading of a paper is called for, except petitions, and the same is objected to by a member, it shall be determined by a vote of the House, without debate.

59. Notice of Reconsideration.

On the day succeeding that on which a final vote on any bill or resolution has been taken said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such a reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

60. Elections by House.

In all cases of election by the House the vote shall be taken *viva voce*.

61. Calling Ayes and Noes.

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes.

62. Members at Clerk's Desk.

No member or other person shall remain by the Clerk's table while the ayes and noes are being called or while the votes are being counted.

63. Voting on Questions When Interested.

No person shall vote on any question in the result of which he is personally interested or involved.

64. Division and Count of House.

Upon a division and count of the House on any question, no person without the bar shall be counted.

65. Explaining or Changing Vote.

No member shall be allowed to explain his vote or discuss the question while the ayes and noes are being called, and no member shall be allowed to change his vote after the vote is announced from the chair.

66. Call of the House.

Upon a call of the House the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms wherever to be found, or by special messenger, to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a call of the House and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House.

67. Suspending and Changing Rules.

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor; *provided*, that the Committee on Rules and Regulations may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the State government, its revenue, its various departments or commissions, or appropriations therefor.
 2. Bills affecting county and township governments, or roads and highways.
 3. Bill's affecting town, city, city and county governments, or the municipal affairs of the same.
 4. Bills amending election or primary election laws.
 5. Constitutional amendments.
 6. Bills amending or repealing the Codes or sections thereof.
- Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendment by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to

the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two thirds of the members present, except that portion of Rule 6 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations.

The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation for the consideration of the business on the file, having regard to the condition of the business of the House. When such temporary rule or regulation shall have been adopted by the House, it shall have the effect, for the time being, of a standing rule, and shall be enforced by the Speaker.

68. *Members Absenting Themselves*

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness, and if any member or officer of the House absent himself without leave, his *per diem* shall not be allowed him; but no member shall obtain leave of absence, or be excused, without a vote of two thirds of the House.

69. *Persons Admitted to Floor.*

No persons, except Senators, State officers, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme or Superior Courts, members of the press when accredited by their respective journals, ladies when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House; but a majority may have the floor of the House within the bar cleared of any or all such persons. The Speaker is charged with the enforcement of this rule.

70. *Smoking in Hall.*

No smoking shall be allowed within the Assembly Chamber during the session of the House.

71. *Parliamentary Rules.*

The rules of parliamentary practice contained in Roberts' Rules of Order shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and House of Assembly.

72. *Use of Hall.*

The Assembly Room shall not be used for any public or private business other than legislative, except by consent of a majority of the House.

73. *Fees for Witnesses*

Witnesses summoned to appear before the House or any of its committees shall be paid as follows. For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

74. *Protests of Members.*

It shall be in order for any member or members to protest against the action of the House, and have such protest entered upon the minutes.

75. *Fees Allowed in Cases of Contest.*

Whenever, in the Assembly, a contest is made for the seat of any Assemblyman, no more than two hundred dollars shall be allowed as counsel fees to either side.

76. *Assignment of Attachés*

The Committee on Attachés and Employés shall assign the committee clerks and the official stenographers of the House to the various committees, *provided*, that the Committee on Judiciary and the Committee on Ways and Means shall each be entitled to one clerk and one stenographer, to be selected by the chairmen of those committees, respectively.

All assignments of committee clerks and stenographers made by the Committee on Attachés and Employés under this rule shall be reported to the House and entered in the Journal.

77. *Introduction of Bills after Fiftieth Day.*

On or prior to the fiftieth day of the session the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members.

All motions for leave to introduce bills after the fiftieth day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character

which might be amended to effect the result sought, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution without debate.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill.

78. Form for Introduction of Bills

When a bill is introduced, and when printed, amending an existing law, the new matter shall be underscored, and portions of the law proposed to be omitted shall be included in brackets; *provided, however*, that where the subject consists of an entirely new section, the words thereof need not be underscored, and that when any bill introduced repeals an existing law in whole, the matter repealed need not be put in the bill.

All bills reported favorably or for consideration, if reported with amendments, shall be immediately reprinted: the new matter underscored and the parts of the law proposed to be omitted included in brackets.

79. Leave of Absence of Committee Visiting Public Institutions.

When leave of absence shall be granted any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by a two-thirds vote taken *in a voce*, and no expenses or mileage of attachés shall be allowed. No member of the Assembly shall accompany a committee as a substitute for a member thereof who declines to accompany the committee, without permission for such substitution being obtained from the Speaker. Application for a leave of absence for a committee shall be made to the Assembly by the chairman thereof, by resolution, which shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the number of committeemen desiring leave. Such resolution shall immediately, and without debate, be referred to the Committee on Rules and Regulations, with instructions to report upon the next legislative day on the same, and whether the leave of absence can be granted without interfering with the business of the Assembly.

80. Duties of Chief Clerk

It shall be the duty of the Chief Clerk to have charge and supervision of all the clerical business of the Assembly. He shall perform the duties imposed on him by law and the rules of the Assembly. He shall have the supervision of all the clerks and assistants at the desk, of the journal clerk and his assistants, of all bill clerks, bill filers, stenographers, and of all committee attachés except the attachés to the committees on Judiciary and Ways and Means, and shall be responsible for the performance of their duties, and shall have power to suspend any such clerk, or attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof. Said clerk or attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché or clerk of his suspension, and shall have the power to remove any clerk or attaché for incompetency or for willful neglect of duty.

81. Lobbying.

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business during the sessions of the Assembly, or be permitted on the floor of the Assembly at any time, and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule.

This rule can not be suspended except by a two-thirds vote of the entire Assembly.

RESOLUTIONS—(RESUMED).

By Mr. Preisker:

Resolved, That the Speaker be and he is hereby authorized to appoint a temporary Committee on Rules, to consist of five members, one of whom shall be the Speaker, and that said committee be and it is hereby directed to report as speedily as possible rules for the government of the Assembly.

Resolution read and, on motion, adopted.

APPOINTMENT OF TEMPORARY COMMITTEE.

In accordance with the above resolution, the Speaker appointed Messrs. Preisker, Young, Held, and Guill as such committee.

SENATE MESSAGES.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 2, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate is now duly organized and ready to proceed with the business of the State, having elected the following statutory officers:

President pro tem.—A. E. Boynton
Secretary of Senate—Walter N. Parrish.
Sergeant-at-Arms—Joseph L. Coughlin.
Minute Clerk—R. H. Jackson.
Chaplain—Rev. Father H. H. Wyman.

W. N. PARRISH, Secretary of Senate.

Also:

SENATE CHAMBER, SACRAMENTO, January 2, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Concurrent Resolution No. 1—Relative to inaugural ceremonies—and have appointed as the Senate committee Senators Estudillo, Bills, and Holohan.

W. N. PARRISH, Secretary of Senate.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION.

On motion of Mr. Coghlan, Senate Concurrent Resolution No. 1 was taken up for consideration.

SENATE CONCURRENT RESOLUTION No. 1.

Relative to Inaugural Ceremonies.

Resolved by the Senate, the Assembly concurring, That a committee of three members of the Senate be appointed to confer with a committee of four from the Assembly, to make arrangements for the inaugural ceremonies, said committee to be appointed by the President of the Senate and the Speaker of the Assembly, respectively, and to have full power to act in the premises. Any expense to be paid equally by the Senate and Assembly out of their several contingent funds, and not to exceed in the aggregate the sum of five hundred dollars.

Senate Concurrent Resolution No. 1 read.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—79.

NOES—None.

Senate Concurrent Resolution No. 1 ordered transmitted to the Senate.

APPOINTMENT OF COMMITTEE.

In accordance with the above concurrent resolution, the Speaker appointed Messrs. Benedict, Rutherford, March, and Gerdes as such committee.

REPORT OF THE SELECT COMMITTEE.

The select committee appointed to wait upon the Governor filed the following report:

ASSEMBLY CHAMBER, SACRAMENTO, January 2, 1911.

MR. SPEAKER: Your committee appointed to wait upon the Governor and notify him that the Assembly had organized and was ready to receive any message which he might desire to make, begs to report that it has visited the Governor, and in response to your message wishes to extend the compliments of the season to the members of the Assembly, and that he will transmit his message to the Assembly at 4 P. M. to-day.

COGSWELL, Chairman

RECESS.

At two o'clock P. M., on motion of Mr. Brown, the Assembly was declared at recess until four o'clock P. M., of this day.

RECONVENED.

At four o'clock P. M. the Assembly reconvened.
Speaker A. H. Hewitt in the chair.

GOVERNOR'S MESSAGE.

The following message from the Governor was taken up and read:

SECOND BIENNIAL MESSAGE OF GOVERNOR JAMES N. GILLET.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 2, 1911.

To the Senate and Assembly:

Under the provisions of Section 10 of Article V of the Constitution of this State, it becomes my official duty to communicate by message to you the condition of the State, and recommend such matters as are deemed expedient.

We must all necessarily look to the incoming Governor for the policy of the next four years, and predicting for him that course which in his judgment will be for the best interest of our State, it is not my wish or intention to hamper my successor by recommendations as to new legislation. I will attempt, therefore, to confine whatever recommendations I make herein to aid in carrying out to a successful conclusion those matters already provided for by law which I deem highly important at this time. I desire also to make certain suggestions which past experience has indicated may help to make the term of my successor more certain of success and redound to the general welfare of the State, and to set forth such recommendations as have been brought directly to my attention by the several officers, departments, and commissions which go to make up our state government, through their annual and biennial reports made to me since the meeting of the last Legislature.

It is with pardonable pride, I hope, that I may now, at the end of my administration, allude briefly to the more important acts which have become laws during my term of office. Since my inauguration there have been enacted a number of very important laws, among which I may mention the "State Highway Act," which, as a far-reaching measure for the State's future general welfare and prosperity, has never been excelled by any law heretofore passed; a modern and comprehensive "Banking Law," which is second to none, in my opinion, to that of any of our sister states, a "Pure Food Law," under which our State Board of Health has done much to protect the health of our people, and prevent frauds in our foodstuffs, a "Railroad Rate Law," a "Reciprocal Demurrage Law," an "Employers' Liability Act," an "Anti-Trust Law," an "Anti-Racetrack Gambling Law," an "Act creating the Department of Engineering," and a "Direct Primary Election Law."

Much has also been accomplished during the last two years by our state government looking to the ultimate making of the Sacramento and San Joaquin rivers great highways of trade and commerce, and the reclamation of thousands of acres of most fertile lands lying within their valleys. Steps also have been taken which are certain to make San Francisco's harbor one of the very best and cheapest in the entire world, and to insure for all time its ability to take care of the great commerce which will inevitably come to it. And, with the improvements that are contemplated for the beautiful harbor of San Diego, which have been made possible by a bond proposition submitted by the thirty-eighth session of the Legislature and adopted at

the last general state election, California will, with the improved San Pedro and other harbors, be well able to take care of the fleets of the world long before the time for holding the Panama-Pacific Exposition in 1915 at San Francisco.

FINANCIAL AFFAIRS.

The State is in a splendid financial condition. At the end of the last fiscal year there remained in the treasury a balance of \$7,201,219.82. The balance over all obligations incurred or to accrue is in excess of \$2,000,000 00, the largest balance by more than \$1,000,000 00 ever left in the treasury at the end of any previous administration. This condition of most satisfactory solvency is especially pleasing when the tax rates of this administration are compared with previous years.

The tax rates under the administration of Governor Gage were as follows:

1899	-----	.601
1900	-----	.498
1901	-----	.48
1902	-----	.382

Under the administration of Governor Pardee the rates were as follows:

1903	-----	.561
1904	-----	.535
1905	-----	.49
1906	-----	.476

During the past four years the rates were:

1907	-----	.445
1908	-----	.40
1909	-----	.64
1910	-----	.353

A more ready comparison can be made by an inspection of the average rates on each \$100.00 of assessed valuation of the last five administrations:

Markham's administration	-----	48 7 cents
Budd's administration	-----	52 8 cents
Gage's administration	-----	49 0 cents
Pardee's administration	-----	51.5 cents
Gillett's administration	-----	39.0 cents

STATE HIGHWAY ACT.

At the last session of the Legislature I prepared and submitted to that body a measure providing for the issuance of \$18,000,000 00 of bonds, for the acquisition, construction, and maintenance of a system of state highways. This bill was prepared with great care, and was drafted with an idea that it should serve as a model for future bond issues in this State.

I am greatly indebted to the Attorney General of this State for his services in putting this bill in proper legal form, and also to the State Treasurer for his most excellent advice and suggestions relating to the method for the issuance and sale of the bonds provided for in the Act.

As originally introduced, the bill provided that all public highways lying within the right of way of such state highway should become a part thereof without compensation being made therefor.

Objection to this broad provision was made by the representatives of certain counties where highways had been constructed under bond issues, and the argument was advanced that these highways recently constructed were of the same class and character of the proposed state highway, and that the counties had become indebted for the same, and that it would be unfair to compel them to transfer such highways to the State free of cost, and they should, therefore, receive some compensation therefor.

I concurred in this view, and the original bill was amended in such a manner as to permit the State of California to compensate the counties for all highways permanently improved and constructed under bond issues within three years prior to the adoption of this Act, and which came up to the standard required of a state highway.

I wish to call particular attention to this matter, as it has repeatedly been claimed that there was no provision in this Act providing for compensating counties which had permanently improved highways lying within the right of way of the state highway. There is more or less excuse for this error because of a peculiar mistake made in punctuation in the printing of the statute.

As originally passed by the Legislature and approved by me, the bill provided that the only highways which would be taken without compensation were those not permanently improved under county or road district bond issues. Under the erroneous punctuation in the printed statutes this provision does not appear. I call attention to this matter so that those interpreting this law may not be misled, but will refer to the original statute as passed and approved by me and now in the office of the Secretary of State.

Before leaving this subject I wish to add that the bond issue as submitted to the people was correctly published, and conforms entirely with the statute as passed by the Legislature and approved by the Governor.

An additional objection made to this bill is that there is no provision made therein for the maintenance of the highways after construction. The Act does provide specifically, in the last sentence of Section 8 thereof, "that all highways constructed or acquired under the provisions of this Act shall be permanently maintained and controlled by the State of California."

As I was largely instrumental in the submission of this Act to the people, I certainly take the deepest interest in the proper construction of these highways and their maintenance thereafter by the State. Inasmuch as there must be additional legislation to provide a working system under which these roads may be constructed and maintained, I feel that it will not be deemed amiss for me to make some suggestions relative thereto.

I have fully realized during my official term that the Governor is held responsible for the successful performance of all public affairs, even though the execution of such affairs may be in the hands of a commission. Often his only connection therewith relates back to the appointment of such commission. In many instances the Governor loses control over such commission after its appointment. He may give his advice, but the advice is not necessarily followed. In many instances the advice is neither sought nor desired. At times the work of the commission may be in direct conflict with the wishes of the Governor, and yet because of his connection with the commission through his power of appointment he is held responsible for their every act.

In the preparation of this bill I sought to place the responsibility of carrying out its provisions directly upon the Governor, by placing the work under the control of the Department of Engineering, of which the Governor is the head, and all the members of which receive appointments directly from him. If the work is not done in accord with his wishes he can correct it. He is the one responsible party for the performance of this work, and is given supreme power to see that it is properly and faithfully performed.

In an undertaking of this magnitude I was opposed to having it referred to a commission which might be out of harmony with the Governor, and which could do the work without consultation with him or perhaps in defiance of his wishes.

The successful performance of this great project is, therefore, entirely in the hands of the Governor, and he is the one primarily responsible for its successful completion, and I believe that this thought should be kept in mind in framing all future legislation affecting the construction of said highways.

A great mistake can be made in placing this work in the hands of incompetent and unskilled men. To secure good results the most competent men to be found, with large experience and superior past record, should be secured, and the salaries paid should be sufficient to attract such men. Therefore, the Department of Engineering should be granted the power and authority to reach out to any portion of the United States or Europe to find the men best qualified, from technical knowledge and experience, to carry on the practical work. The work of building this state highway should be most carefully planned and considered, so that when completed it will compare favorably with the best roads of Europe or of this country.

The employees of this department should not be appointed for a definite fixed term, but should receive their appointment directly from the Governor, holding office at his pleasure, removable at his will, and subject at all times to his orders. So long as he remains the party responsible for the successful construction of these roads, he should be given the fullest power to control the work. He should be given absolute power of removal, and should not hesitate to use such power upon the slightest appearance of neglect, incompetency, or wrongdoing.

When vested with these powers, the people can truthfully and with propriety hold him responsible for its success. Anything short of this full and ample authority would be to the detriment of the work and should relieve him from this responsibility. I would therefore suggest that you be liberal in your laws, investing the Governor with most ample powers, and giving to him the absolute discretion in the appointment of subordinates and control over their actions.

Every contract let should receive the approval of the Department of Engineering. These contracts should be submitted to the Governor and should be under his personal supervision and control, acting through this department.

On account of the diversity of soil and the differing conditions throughout the State it is impossible to prescribe any one kind of road to be constructed, and the roads should be built in the manner most suitable to the conditions surrounding them. What would be suitable for one portion of the State might not be sufficient or might be more than would be necessary for another portion of the State. These things can only be determined by actual experience and knowledge surrounding road work and road construction.

The highways to be selected and improved should be chosen with great care, and by those who have no direct interest in such choice other than securing the best route. And when so chosen the route should be prescribed in the Act, and should be so laid out and constructed or acquired as to constitute a continuous and connected state highway system running north and south through the State, traversing

the Sacramento and San Joaquin valleys and along the Pacific coast by the most direct and practical routes, connecting the county seats of the several counties through which it passes and joining the centers of population, together with such branch roads as may be necessary to connect therewith the several county seats lying east and west of such state highway.

The people of the State of California, by their votes and confidence in the success of this project, are entitled to receive the very best service and results for their expenditure. This work can not be left to take care of itself, but must be watched with the utmost diligence in order to secure the best results. If the expenditure of this money is not wisely made and the best results obtained, the good roads movement in California will suffer a severe setback. Failure can only come from incompetency and inattention on the part of those in charge. It would be a misfortune for this vast sum of money, or any part of it, to be wasted. The fund should be used to the very best advantage in order to carry on this work to a completion, giving to the most remote county seats the benefit of this highway, connecting them with the centers of trade and markets for their products.

The people's confidence must not be abused, and it is due to them that the members of the Legislature should vest in the Governor the most ample and complete authority to carry on this work to a successful termination, enabling him to prevent neglect, incompetence, graft, or official corruption.

Before concluding this subject I desire to call your attention to the matter of constructing a road from Jackson, the county seat of Amador County, to Bridgeport, the county seat of Mono County, and the improvement and reconstruction where necessary of the road from Bridgeport southward through Mono County, connecting with the eastern terminus of the Tioga Pass road, recently constructed by the State, thence into Inyo County through Bishop, Big Pine, Independence, the county seat, and Lone Pine to Mojave, there to connect with the road to Bakersfield, the county seat of Kern County, such road to be made in accordance with the most approved principles of scientific highway construction adapted to all classes of traffic and particularly to that of tourists with motor cars.

This road is not specifically provided for under the provisions of the Highway Act, except so far as the same is included under the general provision of connecting outlying county seats with the main state highway. The importance of this road can not be overestimated, as it will open up one of the most fertile portions of this great State, with abundant promise of immense development.

A model highway along the route suggested would quickly acquire an international fame and form a scenic thoroughfare unsurpassed, if not unequalled, by any other in the world, and it would skirt for many miles the beautiful Sierras, and would penetrate into the very heart of this magnificent range of mountains. Such a highway would annually attract to this State thousands of tourists.

STATE HOSPITALS FOR THE INSANE.

The population of our state hospitals for the insane is steadily increasing. During the last biennial period ending June 30, 1910, there were received into our state hospitals 3,531 patients, as compared with 3,018 during the previous two years, and the total population of the hospitals at the end of the last fiscal year was 7,136. But, while it is true that the number of insane in our state hospitals has been increasing quite rapidly for years past, yet we are fortunate in the fact that the increase has not kept pace with the increase in our state population.

The Government census of 1900 shows that California had a population that year of 1,485,053. The insane in our hospitals at that time was 5,276, or one insane person to every 281 of the general population. The census of 1910 gives us a total population of 2,377,549, and our hospital population being 7,136, we thus have one insane person to every 333 of the State's population. With an increase of 60 per cent in population for the past ten years, there has been an increase during the same period of but 35 per cent in the insane under state care.

TREATMENT OF PATIENTS

During the past two years considerable advance has been made in our state hospitals for the better care and curative treatment of the patients. Four of our hospitals have opened receiving and treatment buildings fully equipped with apparatus for hydrotherapeutic treatment, and having skilled nurses in attendance. The reports of the several medical superintendents show that markedly successful results have been obtained from the adoption of these modern methods for the treatment of the insane.

The percentage of complete recoveries for the biennial period, taking the entire hospital system of our State, has reached 35 per cent.

PERMANENT IMPROVEMENTS AND BUILDINGS.

Much building work and permanent improvements of a general nature have been completed in the last two years. Among the improvements completed or practically so, and including ten buildings at Agnews, are twenty-one buildings for patients' use. While the expenditure has been large it has been necessary, and the result has been increased comfort for patients, increased capacity, and an enlargement and betterment of the facilities for their successful treatment.

APPROPRIATIONS.

While the State by liberal appropriations in the past two years has largely increased the capacity of our hospitals, the work of enlargement must still continue, for we have to make provision to take care of a yearly increase of 200 or more patients.

COLLECTION OF HOSPITAL ACCOUNTS.

Somewhat over three years ago the State Lunacy Commission adopted a system for the collection of money due the several state hospitals by reason of monthly board accounts of pay patients. It is gratifying to note that under the supervision of the secretary of the Commission, who is virtually the author of the system, the State has received thereby on an average of over \$3,000 a month more money than ever before in its history. Hospital collections for the last fiscal year reached the sum of \$158,346.03. Before the adoption of the present system the highest annual collection was \$106,541.98.

DEPORTATION OF ALIENS.

During the past fifteen months, since this work has been assumed by it, the State Lunacy Commission has actively and successfully carried forward a plan for the general deportation of aliens who have been committed to our asylums. The commission has induced the United States Government to deport sixty-four patients, while friends and relatives have sent home twenty-six more. This without any cost to the State. And, through the assistance of the Japanese Consul at San Francisco, there have been returned to Japan thirty-one Japanese patients.

VOLUNTARY COMMITMENTS AND CARE OF INEBRIATES.

I believe that some method looking to the more prompt treatment of mental cases in the early stages should be adopted, and with this in view I recommend that the lunacy law be amended so as to permit of voluntary admissions to state hospitals upon personal applications, in addition of course to our present method by commitment after a judicial investigation in open court. The commitment of mental cases to state hospitals is unavoidably delayed by the legal proceedings necessary to bring about the lawful entrance into a state hospital. This objection can be overcome when desirable by voluntary admissions. Also, with voluntary admissions on direct written application from the patient, the stigma of being legally pronounced insane will be avoided, while the danger of illegal detention can be obviated by providing that a voluntary patient must be discharged upon his written demand. It is not believed that more than a small percentage of admissions will be voluntary, but it affords a way of providing for the advantages of an early treatment in certain classes of cases. Many of the Eastern States have a similar plan, and I believe our State could adopt it with good results.

I believe it would also be well to amend the lunacy law to permit the commitment of inebriates and drug habitues for such definite periods of time as will permit of the necessary treatment. Under the law as it now exists we can not hold these cases of temporary insane long enough to obtain radical benefit. The result is that a great majority of this class are discharged only to be recommitted in a comparatively short space of time, and some of them are committed even the third and fourth time.

GENERAL SUPERINTENDENT OF STATE HOSPITALS.

Finally, I wish to say, before concluding the subject of the care of our state insane, that in my opinion California is very fortunate in having at the head of its hospitals, Mr. F. W. Hatch. For over thirteen years Dr. Hatch, as the General Superintendent of State Hospitals, has been in practical charge of our state hospital system, and I believe that no state officer has worked more conscientiously and efficiently than he, and to him more than to any other person can we credit the high standard to which our state hospitals for the insane have been brought.

STATE BOARD OF HARBOR COMMISSIONERS

It is especially pleasing to me to again direct your attention to the splendid work done by the present State Board of Harbor Commissioners in improving the water front of San Francisco.

In my campaign for Governor I felt and stated that the State was entitled to receive the services of the best men obtainable for appointment as members of this board. I was careful to select men of large administrative experience and fully capable of carrying on the work necessary to be done with ability and to complete success. Under their splendid administration thousands of feet of new seawall and bulkhead wharves have been constructed; the trackage of the belt railroad increased more than 10,000 feet; seawall lots having a value of over \$1,000,000 created; and large additions made to the street area. These seawall lots have been leased as fast as acquired at a good rate of interest upon their respective valuations, and a contract has been entered into which will when completed add

three more seawall lots with a valuation of about \$700,000. The total property thus acquired will yield an income almost equal to the interest rate of the bond issue under which such work was done.

The income from the docks when completed under such bond issue, will repay the principal long before its maturity. The docks constructed are of the best and most durable and convenient type. The pier and bulkhead wharves offer about five miles of berth space at the present time. The complete development of the water front from Taylor street to the San Mateo line would give a berth space of about forty miles, exclusive of space in Channel street, in Central or India Basin, and Islais Creek. The state properties along the water front of San Francisco are wholly self-supporting, the expenses being borne by those who use the wharves, seawall lots, and other state property. The addition of seawall lots as the seawall is increased, and the construction of piers of a similar and durable character to those now being built, will ultimately permit the abolishment of dockage and toll charges; and when this is accomplished San Francisco will have the cheapest and best harbor in the world. The prospective rentals alone will be more than sufficient to pay all the expenses of administration, maintenance, and ordinary repairs. This is the goal for which we have been striving, and I urgently recommend a continuance of the policies of the present board to secure such results.

PRISONS AND REFORMATORIES.

During the past four years our prison conditions have continually improved. By the erection of new buildings now under way and practically completed the congestion existing will disappear. Order and discipline prevail in both prisons, and they are being most economically and carefully managed. The completion of the new buildings will allow a better separation of the prisoners, and will permit to a certain extent a classification and segregation of them.

The new cell building in San Quentin will give accommodation for about 800 prisoners, and will be one of the most modern buildings of this class.

The work at Folsom is going ahead rapidly, and ample and complete accommodations for all of the prisoners will soon be available for use.

PAROLE SYSTEM

The parole system of this State is meeting with great success. It holds out a constant incentive to the prisoner to conform to the prison rules and regulations, in the hope of receiving his liberty and ultimate pardon.

In 1893 the Legislature of this State enacted a parole law empowering the Board of Prison Directors to grant paroles to prisoners who by their conduct had shown that they were worthy of being released on probation prior to the expiration of their terms.

Very little use was made of this law until 1907. Realizing at that time that it was impossible for the Governor of this State to give to pardons the attention they deserved without neglecting other matters demanding his attention, I suggested to the State Board of Prison Directors that they make a more liberal application of the parole law to worthy and deserving prisoners. As an additional incentive to the prisoner to make good, and to conduct himself as a worthy and upright man outside of the prison, I have granted pardons to those prisoners who had faithfully obeyed the parole laws and regulations for a period of time sufficient to satisfy me of their intention to become honorable and law-abiding citizens, the purpose being to enable every prisoner to earn his liberty by good conduct.

This plan of granting pardons to paroled prisoners has been remarkably successful, and I believe it would be a step backward to change it. I am informed that the prison records of this State show that during the existence of the parole law there is only one case recorded of the subsequent conviction of a man pardoned after parole. This rule results in more frequent pardons being granted by the Executive; but as the prisoner is already at liberty, and has acquired a standing among his fellow men, his transition from a convict to a free man involves no serious change in social conditions, and can only result in good.

During the past two years there have been on parole at times 627 prisoners. Paroled men according to our state records have earned during their time on parole \$642,822 34, and their savings have aggregated over \$150,000. When we realize also how few of the men on parole have violated the confidence reposed in them, and when we further consider that it costs our State about \$180 a year to confine and care for a prisoner, I think it must impress even the most skeptical with the virtues of our parole system. I may further add, that it has been estimated that had all of our paroled men been forced to live out their prison sentences the additional cost to the taxpayers of the State would have exceeded \$500,000.

This policy ought to be continued in fairness to those on parole who are now earnestly striving to become worthy men, so that the hope of ultimate reward may continue before them. An abandonment of the policy would be most discouraging, and would have a serious effect on prison discipline.

REFORM SCHOOLS.

Our reform schools are being very ably managed and are doing good in directing the minds of those confined therein away from crime and criminal conditions. These

schools ought to be encouraged, and sufficient appropriations should be made for the purpose of giving ample accommodations and supplying those confined therein with the means of learning useful trades and acquiring an education. There should not be confined in these institutions, where there are so many young boys, boys of strong criminal tendencies. Some other provision should be made for them. I believe that it is also a mistake to have both girls and boys committed to the same reform school.

SCHOOL OF MANUAL ARTS.

The last legislature made an appropriation of \$10,000 for the establishment of a State Normal School of Manual Arts and Home Economics. This school has been located in Santa Barbara, and the entrance requirements are graduation from a normal school, two years' college work, or teaching experience. Twenty-four graduated last June, and all are now successfully holding positions. An ideal site has been found, as provided in the bill passed by the legislature, and I understand an appropriation of \$200,000 will be asked for buildings, equipment, and support. It seems to me that this appropriation is none too large, and that the greatest encouragement should be given to an institution of this kind. This is the first school of this class in the United States to provide a professional training in all branches of manual training for men and women.

The value of manual training in our schools can not be overestimated, and it follows that a school of this character, educating men and women to enable them to teach manual training in our public schools, is of the utmost importance to the welfare of this State.

It is the purpose of this institution to present many branches, such as domestic science, food, chemistry, domestic art, dressmaking, millinery, textiles, applied design, wood carving, pottery, metal work, tooled leather, bench work, pattern making, turning, forging, plumbing, electric wiring, carpentering, printing, drafting, etc.

With the school open all the year, with a wise administration knowing the needs of the State and prepared by training and travel to meet them, this school will fulfill the hopes of those who believe that all education should be practical, and that the academic work of normal and university should be supplemented with the learning to meet real conditions.

UNIVERSITY OF CALIFORNIA.

The adoption of Senate Constitutional Amendment No. 1 has worked a change in the source of revenue for our State University. On account of increasing attendance and other demands the Legislature of 1900 increased the ad valorem tax to three cents, to be used for the support, maintenance, and permanent improvements of the University.

It was specifically provided that not less than 25 per cent of the amount thus raised should for a period of ten years be used to construct and equip permanent buildings. Under the authorization of this statute the Regents very properly adopted plans for such work, and are now proceeding to make the improvements contemplated.

The amount which would be raised each year by the three-cent tax levy would be about \$700,000, of which about \$175,000 could be used for permanent improvements. This money is now lost to the University, and it must depend upon direct appropriations for its support and for improvements. It is plainly the duty of the Legislature to provide for the maintenance of the present high standard of this institution, and for carrying out the plans of the Regents for its improvement. We must not take a step backward with our educational institutions, least of all with our University. Its magnificent progress, its splendid achievements along educational lines, its rapid increase in attendance, make imperative the demand that this magnificent institution shall be fostered and encouraged by wise legislation and upheld and enlarged by liberal appropriations.

ORPHANS, HALF ORPHANS, AND ABANDONED CHILDREN.

The care and training of the State's dependents has become, and is becoming, one of the expensive responsibilities of the people of the State. California, like New York, is more burdened with this class than are the other states, because of their relation to the nation as gateways for the admission of all classes of immigrants, and California in particular is much burdened on account of its original native population and its climatic prominence as a statewide health resort. Families come to this State to benefit their health, exhaust their means of support in an effort to regain their health, and leave their children for the State to care for. Lax divorce laws and insufficient parental responsibility is another cause of dependency. The juvenile court laws are doing much to correct this, however.

The result is, nevertheless, that California has now over 6,500 children drawing state aid in the forty-six exceptionally well-conducted orphan asylums and through county boards of supervisors, which aid continues up to the age of fourteen years. Then comes a greater responsibility of the State—the training for the trials of life of all such children as may be left as public charges. At the most critical time of life for either boy or girl, those who have not been fortunate enough to find homes with desirable families through the agencies of the numerous admirable societies organized for that purpose in this State are left without training for life's battles.

The last Legislature, feeling its responsibility in this direction, very wisely appropriated money and established the California State Trades and Training School for this character of children, realizing that it is far better to save as good citizens the unfortunate children than it would be to reform them after they have become wayward or criminal.

This school will be devoted to the training of its inmates in the different pursuits of life as may seem best. Its principal aim will be largely along the lines of agriculture and kindred branches, making the school practically self-supporting in so far as it is possible by the cultivation of the soil. Its industrial branches will also be devoted to the training of the young minds and hands in those branches that will produce the best results.

The commission appointed under the law to select a site for the school have done so, conditionally upon the title being approved by the Attorney General.

The site consists of about 3,500 acres, in Knights Valley, Sonoma County, and the surroundings are considered the most beautiful and picturesque in northern California. A pure mountain stream of water pours from the side of Mount St. Helena, capable of furnishing ample power for factory purposes, lighting plant, domestic use, and for irrigation of the fertile valley lands of the tract. Ample standing timber, stone quarries, and grazing lands make the site ideal for the purpose. In this pure air and perfect climate, California, with proper instructions, can save her dependent children, and produce men and women grown under proper environment that will add materially to her rapidly increasing wealth in good citizenship.

There are now in the institutions in the State about 700 children who will be fourteen years old, eligible to admission to this school during the next year—about 275 girls and 425 boys, some may find homes, but the greater portion must be provided with education and training by the State.

There will be some future need in the way of further appropriations to equip the training school for efficient service, and I recommend a liberal appropriation therefor.

FISH HATCHERIES.

It is very important that there should be an abundance of fish in the streams of this State to furnish a cheap food supply for the people. Salmon and striped bass are our two best food fishes and there is no reason why the waters of this State should not be abundantly stocked with them. This can only be done by protecting their spawning grounds and by erecting fish hatcheries.

The fish hatchery at Sisson has been an unqualified success, and similar hatcheries should be erected at various points in this State for the purpose of furnishing this food supply.

One of the most important natural spawning grounds for striped bass is Cache Slough and its tributaries, which empties into the Sacramento River near Rio Vista. Bass going up these streams in large numbers are followed by the fishermen and are caught before they can spawn.

By an adequate and proper protection of this spawning ground, San Francisco Bay and the streams flowing into it will in a few years be thoroughly stocked with this splendid fish, reducing the price to the consumer much below that which now prevails. In addition to the protection of this slough as a natural spawning ground there should be established at some point thereon one of the largest hatcheries in this country, for the purpose of propagating salmon and striped bass. Thousands of small fish hatched at the head waters of our streams never reach tide water, but if hatched in a stream near the ocean they could gain it in safety.

A law should be passed making it unlawful to cast or set a seine or net in this slough or any of its tributaries. If this is done most excellent results will follow, our fish supply will be vastly increased, and its price to the consumer will be greatly reduced.

DEPARTMENT OF ENGINEERING.

Owing to the very severe illness of the State Engineer, the report of the Department of Engineering is not available, and perhaps may be delayed for some further time. An immense amount of work has been done under its supervision and control. With the commencement of the state highway system this department must assume greater burdens and responsibilities. The Act creating this department, with the amendments for 1909, should, and I believe does, contain adequate provisions for the assumption of this most important work without material amendment. All contracts must be approved by the board, of which the Governor is the presiding officer, and he is in close touch with its work. It may be advisable at times for the department to establish certain rules for its guidance, but practically all the necessary basic principles can be found within the Act itself to permit this department to work for the best interest of the State.

STATE FARM.

Under provisions and appropriations of the legislatures of 1905 and 1907 a farm of nearly 800 acres was purchased, and a start was made towards its equipment as an agricultural college farm. Buildings were erected and equipped; lighting, sewer,

and water systems were installed; live stock was purchased and crops planted; in short, all necessary preparations were made for the beginning of instruction as provided in the legislative act.

The first instruction given on the farm was a series of short courses in the fall of 1908. Regular courses from one to eight weeks in length were organized in all branches of agriculture practiced in this State, with an attendance of more than 100 students.

In January, 1909, elective courses were first offered to students of the college of agriculture. Five students attended during the spring of 1909, in 1910 there were nine, and during the coming term nearly thirty are expected.

The University Farm School was also opened in January, 1909. During the first term of its existence twenty-three students were in attendance, the next year there were forty-three, and during the first term of the present year there was a registration of seventy-seven.

Generous provision was made by the Legislature of 1909 for increase of equipment, and for maintenance of instruction on the farm. The increase in the number of students, however, has outrun all provision which has been made. In order to carry on the work of the farm and school in accordance with the high practical standard which has been set, and which was intended by the legislature, more buildings are needed, with a corresponding increase in the number of instructors and in maintenance funds. The location of the farm near a small village makes it impossible for students to find living accommodations outside the farm, and dormitories must be provided. The present dormitory was filled to capacity several weeks before the opening of school last fall—and some of the students have been living in tents.

It is evident to one familiar with the facts that the aims of the farm school are meeting with wide approval throughout the State. There is a demand for the kind of instruction which is given at the farm. In a comparatively short time the school will have hundreds of students. The efficiency of its work will always be hampered if buildings are overcrowded, equipment inadequate, and instructors overworked. The highest interest of the State requires that its citizens shall be educated and prosperous, and the liberal encouragement of all means looking toward this end is one of the most essential aims of government. The greatest educational opportunity of the present lies in the development of such institutions as this which is growing upon the University Farm.

IMPROVEMENT OF MONTEREY HARBOR.

The Joint Committee on Harbors appointed by the Legislature in 1907 called attention to the necessity of a Federal appropriation for Monterey Bay. Such an appropriation now seems probable. It is made a condition of such Federal act that the sum of \$200,000 shall be raised from other sources. The construction of a seawall providing a safe anchorage for ships in this harbor is a matter of the utmost importance, and should strongly commend itself to your consideration. As the National Government does not feel disposed to make the entire appropriation, the balance, or a considerable portion thereof, should be supplied by the State of California.

STATE BOARD OF AGRICULTURE.

During this administration the State Board of Agriculture had a bill passed in the Legislature removing the old agricultural pavilion from the Capitol grounds, it being the purpose of the State Board of Agriculture to park and beautify a large tract of land immediately adjoining the city limits of the State capital, whereupon annual fairs and exhibits could be held, with abundance of room for suitable buildings.

Following this, other laws have been enacted and appropriations have been granted for the erection of a few of the most important buildings necessary for exhibition purposes. Some of these buildings are only partially built and others are very necessary if this State intends to hold annual fairs of the same high standard adopted by many of our Eastern States, and thereby stimulate, protect, and foster production along the lines of agriculture, horticulture, mining, manufacturing, and kindred industries.

The wonderful success of the last State Fair is largely due to the pluck and energy of the citizens and merchants of Sacramento, and the State is greatly indebted to the committee in charge, acting in conjunction with the Directors of the State Board of Agriculture, for one of the best—in fact, by long odds generally conceded the very best fair—the State has ever held. It is not to be expected, however, that the State should continue to look to the citizens of any one city to continue to appropriate money for State purposes, and I therefore hope and trust that this Legislature will give this subject the consideration due it when it is presented by and through the Directors of the State Board of Agriculture.

STATE LIBRARY AND COURT BUILDING.

Not only has the work increased in all the State offices, but likewise there is hardly an officer, department, board, or commission that is not in need of additional room: the Controller and other officials have no private offices in which to conduct

the important affairs of State. Many needed additions have been made by the State Capitol Commissioners during this administration, but the State has outgrown its Capitol building, and it is not large enough to house its courts and its State Library, together with its various other departments centered therein.

I call your attention to the report of our State Librarian, and respectfully suggest that this Legislature take some action towards an investigation of conditions with a view of erecting an appropriate building in the Capitol grounds in which to house the Supreme Court, Appellate Court, and State Library. The latter alone takes up a very large space in the basement, half of the top floor, and a great portion of the first, second, and third floors. Besides taking the space that is now becoming very necessary to the proper conduct of the State's business under the various officials, the inconvenience for those using the library is very marked. More important than this is the unnecessary expense entailed in the management of the library brought about by the existing conditions.

EXECUTIVE OFFICE

Some of the departments, in their biennial reports, call attention to the increase in the amount of work performed. In many instances, judging from the work in my own office, this is undoubtedly true, and legislation should be enacted allowing additional help. As this matter will be brought to your attention in various other ways, I will make no specific recommendation. The executive and clerical work in this office for the last year and a half about equals that of the first two years and a half. During my term the records show we have written over 70,000 letters, many of them requiring considerable research in this as well as other offices of the State government, especially those letters received from foreign countries and sister States.

This office has honored 353 requisitions and issued warrants of rendition for return of criminals to other States. Many of these required hearings which consumed much of the time of the executive. It has granted 274 applications for requisitions by district attorneys of this State on other States and countries for return of criminals to this State. It has issued 4 proclamations offering rewards: 58 holiday and other proclamations; signed 1,308 land patents; issued 6,518 commissions to notaries public, and made 1,214 executive appointments.

During the last session of the Legislature a bill was introduced requiring that a person for whom an application for extradition is granted, must be returned and convicted, otherwise the State was not to be compelled to pay the expenses of the agent appointed. This bill passed the Senate, but was defeated in the Assembly. At almost every session of the Legislature a deficiency claim is granted for the payment of expenses in connection with extradition of criminals. Many district attorneys of the various counties use proper discretion in making applications for extradition, but I am sorry to say a large number do not. If the counties making application for extradition had to bear this expense I feel certain fewer applications would be asked for. I respectfully submit to the Legislature that some action along this line should be taken granting the Executive more power, or the law changed so that the State would not be taxed unnecessarily, especially where conviction is not obtained or the party for whom extradition is asked is not returned.

My relations with both branches of the Legislature have always been most pleasant. Constituted of able, upright men, striving at all times to attain the right, their services have been distinguished by progressive and creative legislation to the great good of the State, and they have helped to make my administration whatever of success it has been.

In conclusion, I desire to express my thanks and appreciation to the officers and employees of the different departments and institutions of the State who have so ably and loyally assisted me in my administration. To their efforts I feel deeply grateful.

J. N. GILFILL, Governor "

APPENDIX

LIST OF REPRIEVES, COMMUTATIONS, AND PARDONS

The number of applications for executive clemency has been very large, and in the consideration of same I have endeavored to be extremely careful that none but those who in justice, humanity, and law should receive clemency. I have been greatly assisted in arriving at satisfactory results by the exercise of the parole system, to which I have referred in the body of this message.

Following is a list of cases in which clemency has been granted during the last two years and since my last biennial message:

REPRIEVES.

APRIL 15, 1908. J. W. FINLEY, convicted in the Superior Court of the county of Sacramento in December, 1906, of the crime of assault with a deadly weapon with malice aforethought, defendant then being a prisoner undergoing a life sentence in the State Prison. As punishment therefor, Finley was sentenced to be executed at the State Prison at Folsom, the 2d day of March, 1906. Finley thereafter appealed his case to the Supreme Court of the State, which appeal was denied. The Superior Court

of Sacramento County thereafter ordered that Finley be executed on the 17th day of April, 1908. By reason of my absence from the State I had no opportunity to examine the matters submitted to this office upon his application for clemency. I therefore reprieved him until the 15th day of May, 1908. Subsequent reprieves were made on May 14th, May 27th, June 10th, and August 12th to enable Finley to apply for a writ of error to appeal to the Supreme Court of the United States.

DECEMBER 9, 1908. FRANCISCO QUIJADA, convicted in the month of December, 1905, in the Superior Court of the county of Sacramento of the crime of assault with a deadly weapon with malice aforethought, defendant being at the time of the commission of said assault a life prisoner in the State Prison, and sentenced to be hanged. Quijada was convicted under the provisions of Section 246 of the Penal Code, and as the constitutionality of such section was in question in the case of the *People vs. J. W. Finley*, on appeal to the Supreme Court of the United States, I ordered a reprieve until the 12th day of February, 1909, so that he might not be executed until the constitutionality of such section was determined. For the reason that the matter of appeal of J. W. Finley was still pending before the Supreme Court of the United States, I again on February 8, 1909, reprieved said Francisco Quijada until the 9th day of April, 1909. Subsequent reprieves were made on the 7th day of April to July 9, 1909, and on the 3d of July to October 8, 1909, and on September 27th to February 11, 1910, and on January 29, 1910, to May 13, 1910, and on April 26, 1910, to October 7, 1910, and on September 26, 1910, to April 7, 1911.

MAY 25, 1909. CHARLES CARSON, convicted in January, 1906, in the Superior Court of the county of Sacramento of the crime of assault with a deadly weapon with malice aforethought, defendant being at the time of commission of said assault a life prisoner in the State Prison and sentenced to be hanged. Said Charles Carson was convicted under the provisions of section 246 of the Penal Code, and as the constitutionality of such section was in question in the case of the *People vs. J. W. Finley*, on appeal to the Supreme Court of the United States, therefore I ordered a reprieve until October 1, 1909, so that he might not be executed until the constitutionality of such section was determined. Subsequent reprieves were granted on September 18, 1909, to February 4, 1910, and on January 26, 1910, to May 6, 1910, and on the 26th day of April, 1910, to October 7, 1910, and on September 28, 1910, to April 7, 1911.

AUGUST 2, 1909. W. B. BRADBURY, convicted in 1904 in the Superior Court of the county of Marin and sentenced to imprisonment for one year in the State Prison at San Quentin. Said Bradbury appealed from said judgment to the Appellate Court, and on September 24, 1908, said judgment was reversed and prisoner remanded for new trial. In November, 1908, the District Attorney of Marin County carried the appeal to the State Supreme Court, and in June, 1909, the Supreme Court reversed the ruling of the Appellate Court and affirmed the judgment of the Marin County Superior Court. I having been requested to pardon said W. B. Bradbury, and not having at the time had an opportunity to examine into the merits of the case, reprieved the said Bradbury until September 2, 1909, unless otherwise ordered.

SEPTEMBER 8, 1910. LOUIS AUGUSTINE, convicted in Lake County of the crime of murder in the first degree and sentenced to be hanged at the State Prison at San Quentin on Friday, the 16th day of September, 1910. An application for commutation of sentence having been filed in this office, and that I might review the transcript of testimony in this case, I caused a reprieve of the judgment and sentence of the said Louis Augustine to and until Friday, the 18th of November, 1910. Subsequent reprieve was granted said Louis Augustine for the reason that there had not yet been filed in this office a transcript of testimony taken at the trial, which was necessary for me to have before I could pass upon the application for commutation of sentence. Said subsequent reprieve was made November 4, 1910, to December 16, 1910, and by Acting Governor Porter on December 12 to January 20, 1911.

NOVEMBER 30, 1910. WILLIE LUIS, convicted in San Luis Obispo County of the crime of murder in the first degree, was sentenced to be hanged in the State Prison at San Quentin on Friday, December 1, 1910. It appeared that this is a matter which should be given close attention and consideration, and as I had not yet had an opportunity to examine into the facts of the case, I therefore issued a reprieve of judgment and sentence to Friday, February 3, 1911.

COMMUTATIONS.

FEBRUARY 11, 1909. ED SILVER, convicted in December, 1907, of the crime of murder in the first degree in the county of San Bernardino and sentenced to be hanged on the 19th day of February, 1909. I have made careful investigation of all the facts surrounding the commission of the offense for which he was adjudged to be guilty, and have carefully investigated the conduct of said prisoner since that time, and have weighed most carefully the recommendations of those asking clemency for said Ed Silver. In view of the opinion signed by the following members of the Supreme Court: Lucien Shaw, J., W. H. Beatty, C.J., Henry A. Melvin, J., F. W. Henshaw, J., F. M. Angellotti, J., W. G. Lorigan, J., dated San Francisco, Cal., December 19, 1908, and the statement by them that there was serious doubt in their minds as to the justice of the decision that the crime was accompanied by no mitigating circumstances sufficient to have reduced the punishment to imprisonment for life, I therefore commuted the

death sentence of said Ed Silver to imprisonment for life in the State Prison at San Quentin.

MARCH 19, 1909. FRANK S. WILSON, in June, 1902, was convicted in the county of San Joaquin of the crime of robbery and sentenced to the State Prison at Folsom for the term of his natural life. The State Board of Prison Directors, under resolution adopted July 18, 1908, have recommended that sentence of said Wilson be commuted. A majority of the members of the Supreme Court of the State on the 8th day of October, 1908, recommended that executive clemency be extended to the said Frank S. Wilson by commutation from that of life imprisonment to a term of not less than ten years. It appears that the said Wilson has been an exemplary prisoner during the full term of his imprisonment, and that in the opinion of the State Prison Board he will ever after remain a good and law abiding citizen. In view of these recommendations and such other recommendations as are on file with such application, the sentence of said Frank S. Wilson was commuted, said commutation to take effect immediately, provided that if the said Frank S. Wilson shall thereafter be convicted of any felony this commutation shall become void, and in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

JUNE 14, 1909. JOHN W. LAKE, convicted in the county of Alameda in June, 1908, of the crime of passing a fictitious check, and sentenced to two years in the State Prison at San Quentin. It appeared that said Lake is a very old man, in bad health, and not expected to live through an operation necessary to save his life; that he has been confined in the prison hospital for six months past, and will remain there until discharged. The State Board of Prison Directors have recommended executive clemency. The sentence of said John W. Lake was commuted so that he could be released from prison at once.

JUNE 21, 1909. JOHN STEVENS, convicted in August, 1892, in the county of Calaveras, of the crime of burglary in the first degree, was sentenced for a term of twenty-seven years upon nine commitments of three years each, each sentence of three years to take effect on the termination of the preceding one. It appears that at the time sentence was pronounced on said Stevens it was and previously had been the custom, where a prisoner was imprisoned upon two or more terms running consecutively, the credits for good behavior were computed on the aggregate time of such terms; it further appears that said custom has been declared illegal by the Attorney General, and such credits for good behavior are now computed upon each sentence separately, thereby increasing in the case of said Stevens' actual term to serve four years and seven months. Judge Gottschalk, who sentenced said Stevens, has certified that it was his intention in imposing the sentence that Stevens would receive full credits based on the entire time to serve; in other words, he was to serve equal to a single term of twenty-seven years. Therefore by reason of the foregoing statement, and that the conduct of said John Stevens has been exemplary, and a majority of the Judges of the Supreme Court of the State have recommended the commutation of sentence, and by such other recommendations as are on file with such application. Acting Governor Porter commuted the sentence of John Stevens to take effect immediately, provided that if said John Stevens shall hereafter be convicted of any felony this commutation shall become void, and in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

JULY 9, 1909. FRANK METZGER, convicted in April, 1903, in the county of Los Angeles of the crime of robbery, was sentenced to life imprisonment in the State Prison at San Quentin. There have been filed in this office affidavits which tend to show that the conviction of said Metzger was the result of a mistaken identity, and while I was not fully satisfied from such affidavits and proofs of the innocence of said Metzger, yet, in view of this uncertainty, I felt that his sentence should be commuted to such term as will permit him to be paroled within the near future, so that he may be able to show by his conduct outside the prison walls whether he is worthy of receiving a full pardon. It appears that said Frank Metzger's prison conduct has been exemplary, and he had conformed to all the prison rules. Therefore, in accordance with recommendations that are on file with such application, I commuted the sentence of said Frank Metzger to twenty years.

SEPTEMBER, 21, 1909. WILLIAM BUCKLEY, convicted in February, 1902, in San Francisco of the crime of murder in the first degree, was sentenced to be hanged. It appeared from statement submitted to me that the actual killing of Rice was committed by one "China Copeland" and not by said Buckley. Of the truth of this I am fully satisfied. But in view of the fact that Buckley was present at the time of the killing, his flight from the scene of the fatal affray, and other circumstances connected therewith, I can not but feel that there may be some justification for the belief that Buckley was in some way culpable. My opinion is confirmed by a letter from Hon. F. M. Angellotti, Associate Justice of the Supreme Court of this State. I therefore commuted the sentence of the said William Buckley to fifteen years, which time would entitle him to immediate parole, to the end that his conduct may be determined outside of prison walls whether he is worthy of a full and complete pardon.

JANUARY 19, 1910. E. EDMINSTER, convicted in March, 1902, in San Francisco of the crime of burglary in the second degree, was sentenced to undergo an imprison-

ment of eighteen years in the State Prison at San Quentin upon seven commitments. Said Edminster had suffered a previous conviction of burglary in the second degree. The State Board of Prison Directors by resolution dated November 13, 1909, represented to the Supreme Court of this State that the conduct of the said E. Edminster had been good, that he had been a faithful workman, and that said Edminster was losing his sight; his left eye was sightless and the right eye seriously impaired and steadily failing, as evidenced by statement of oculist Wallace A. Franklin, the result of which examination was concurred in by Resident Physician W. J. Stone, whereon the majority of the Judges of the Supreme Court, F. M. Angellotti, F. W. Henshaw, W. G. Lorigan, M. C. Sloss, and Henry A. Melvin, joined in the recommendation that the application be granted. Therefore, in compliance therewith, the sentence of said E. Edminster was commuted to such time as would entitle him to release immediately upon signing the commutation. Provided that if the said E. Edminster shall hereafter be convicted of any felony this commutation shall be void, and, in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

FEBRUARY 15, 1910. J. H. RUSSELL, convicted in April, 1908, in the county of Alameda of the crime of passing a fictitious check, was sentenced to five years in the State Prison at San Quentin. It appears that said Russell had already served two and a half years in the county jail pending his appeal to the appellate court. It also appears from the certificate of the Justices of the District Court of Appeal of the First District of this State that such appeal was a meritorious one, and the questions involved were such as to justify the defendant in anticipating a reversal of the judgment appealed from. The commutation of sentence was requested by the Justices of the District Court of Appeal and by Associate Justice of the Supreme Court Hon. F. M. Angellotti, who wrote the opinion of the Supreme Court affirming said judgment, and by Hon. Henry A. Melvin, who presided at the trial in the Superior Court, and by the jurors who sat in judgment upon the trial of said case, and by Frank Barnett, Sheriff of Alameda County, who certified that he was an exemplary prisoner when in the county jail, and had rendered valuable assistance to the authorities at the time of an attempted outbreak in said county jail. Therefore with the recommendations on file with such application I commuted the sentence of said J. H. Russell to one year.

MARCH 22, 1910. EDWARD CONNELLY, convicted in August, 1892, in the county of Calaveras of the crime of burglary in the first and second degrees, was sentenced to thirty-nine years in the State Prison at San Quentin upon twelve commitments, to serve a series of consecutive terms as follows, to wit: One for six and eleven for three years each. The said Edward Connelly was previously convicted of burglary in the second degree. It appeared that said Connelly has been a patient in the prison hospital for eleven years past, and that there is a hardening of the posterior column of his spinal cord, and he has practically no use of his body from the waist down, and that this condition is a progressive one, and one for which there is no cure, and will continue to grow worse until he is confined to his bed. This statement is substantiated by the Resident Physician. The State Board of Prison Directors, by resolution dated February 12, 1910, recommended to the Supreme Court of the State and to the Chief Executive that the sentence of the said Edward Connelly be commuted to twenty-nine years. It appeared that the statements of the State Prison Board are true and correct and that said Connelly has at all times conducted himself in strict conformity with the prison rules, and a majority of the State Supreme Court, viz., W. H. Beatty, Chief Justice, W. G. Lorigan, Justice, Henry A. Melvin, Justice, Lucien Shaw, Justice, and F. M. Angellotti, Justice, have recommended commutation be granted. Commutation of sentence to twenty-nine years was issued to said Edward Connelly, provided that if the said Edward Connelly shall thereafter be convicted of any felony this commutation shall be void, and in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

MAY 25, 1910. CORNELIUS J. CROWLEY, convicted in January, 1904, in the county of Riverside of the crime of murder, and sentenced to life imprisonment at the State Prison at San Quentin. It appears from statement of W. J. Stone, M.D., resident physician of the prison that said Crowley was suffering from pulmonary tuberculosis and that he could survive but a few days. John E. Hoyle, Warden of San Quentin Prison, recommended that it would be advisable to commute this sentence so as to entitle him to release at once. It further appeared that the conduct of said Crowley has been such as to entitle him to the favorable consideration of the prison officials. Therefore, by reason of the foregoing representations and recommendations, Acting Governor Porter commuted the sentence of the said Cornelius J. Crowley so that he would be entitled to immediate release.

JUNE 17, 1910. ARTHUR VALIN, convicted in November, 1905, in the county of San Bernardino of the crime of robbery, was sentenced to a term of eighteen years in the State Prison at Folsom. It appeared that said Arthur Valin at the time of the commission of the offense was of the age of twenty years, and was at the time under the influence of liquor and in a measure not responsible for his criminal act. It also appeared to me that the term of eighteen years was an excessive sentence in view of

all the circumstances of the case, his age, his first offense; that upon the trial of Valin there was a disagreement of the jury, and it required a second trial before conviction could be secured. I therefore commuted the sentence of the said Arthur Valin to the term of ten years, provided that if said Arthur Valin thereafter be convicted of any felony this commutation shall be void, and in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

AUGUST 8, 1910. JOHN McEVoy, convicted in June, 1908, in the county of Imperial of the crime against nature, and sentenced to a term of ten years in the State Prison at San Quentin. It appeared the offense was committed at a time when McEvoy was under the influence of liquor and in a measure not responsible for his criminal acts; also it appeared to me that the term of ten years was an excessive one in view of all the circumstances in the case, and it being his first offense. I therefore caused the sentence of said John McEvoy to be commuted to a term of five years.

AUGUST 23, 1910. FABRONIO MACHUCA, convicted in December, 1908, in Los Angeles of the crime of murder in the first degree, was sentenced to be hanged. In a letter from Hon. M. C. Sloss, Associate Justice of the Supreme Court of the State of California, he stated that upon review of the evidence in this case there was left in his mind a grave doubt whether under all the facts the extreme penalty of the law should, in justice, have been imposed upon the accused, and recommended that executive clemency be exercised to said Machuca with a view that the ends of justice would be served by a commutation of sentence. This opinion and recommendation was concurred in by all of the members of the Supreme Court, and signed by W. H. Beatty, Chief Justice, F. M. Angellotti, Henry A. Melvin, W. G. Lorigan, F. W. Henshaw, and Lucien Shaw, Associate Justices. Upon careful examination of the record I concurred in the opinion of the Supreme Court, and in accordance with the recommendations that are on file with such application, commuted the sentence of said Fabronio Machuca to life imprisonment.

DECEMBER 17, 1910. WILLIAM D. WRIGHT, convicted in October, 1906, in the county of Santa Clara of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. It appeared that the Board of State Prison Directors received a letter from Hon. J. R. Welch, the judge who sentenced said William D. Wright, in which he said, in part: "I am writing this letter to recommend a commutation of sentence to a term of years. I do not regard Wright in the category of hardened criminals. He committed his crime under great excitement, brought on by domestic infelicity. He was not himself; yet this does not excuse him for the deed committed. He must be punished. The question remains, how much shall he be punished, and what is best for the individual and for society? He did not try to evade punishment. He wished to plead guilty. To receive the plea meant the imposing of the death sentence. I did not care to take the responsibility; a jury trial was ordered. He was found guilty as charged, and the jury fixed the punishment at life imprisonment. Because of the circumstances of the crime and because of the character of the man, I have reached the conviction, unaided by the suggestion of any one, that society will not suffer, and the individual will be made better and of some use to himself and his fellow men by commutation of sentence." It appears that said William D. Wright has an excellent prison record. For the foregoing reasons, and in accordance with the recommendations on file with such application, Acting Governor Porter commuted the sentence of the said William D. Wright to twenty years, provided that if the said William D. Wright shall hereafter be convicted of any felony this commutation shall become void, and in addition to the sentence imposed for such felony, he shall serve the remainder of the sentence cut short by this order.

DECEMBER 17, 1910. ARCHIE P. STANSELL, convicted in December, 1907, in the county of Fresno, was sentenced to a term of fifty years in the State Prison at San Quentin. It appears that the State Board of Prison Directors, by resolution adopted December 10, 1910, concurred in the recommendation of the Judge who imposed the sentence on the said Stansell, that his sentence be commuted to a term of ten years, which will permit of his being paroled at once, and recommend that the Governor do commute the said sentence to a term of ten years. Acting Governor Porter commuted the sentence of the said Archie P. Stansell to a term of ten years, provided that if the said Archie P. Stansell shall hereafter be convicted of any felony this commutation shall be void, and in addition to the sentence imposed for such felony he shall serve the remainder of the sentence cut short by this order.

DECEMBER 17, 1910. HARRY FINNERTY, convicted in January, 1908, in the county of Fresno of the crime of robbery, was sentenced to a term of fifty years in the State Prison at San Quentin. It appeared from a resolution adopted by the State Board of Prison Directors dated December 10, 1910, that said Harry Finnerty has received the recommendation of the Judge who imposed the sentence and the District Attorney who prosecuted the case for commutation of sentence to such term as will permit him to be paroled at once. The Board of State Prison Directors concurred with the said Judge and District Attorney and recommended that the sentence of said Harry Finnerty be commuted to a term of ten years. Therefore, in accordance with the recommendations of the Board of Prison Directors and such other recommendations as are on file with such application, Acting Governor Porter commuted the sentence of said Harry Finnerty to ten years.

DECEMBER 17, 1910. THOMAS MORAN, convicted in April, 1902, in the county of San Francisco of the crime of murder, was sentenced to life imprisonment in the State Prison at Folsom. It appeared from affidavits and statements submitted to this office in the Buckley case, that the actual killing of Rice was committed by one "China Copeland." It also appeared that the claim in the Moran case at its inception was that Moran wielded the club which felled Rice to the ground, immediately before the killing, and that Moran rode out with Buckley on the front left hand open portion of the car. The witness Piatt testified positively that Moran and Buckley got off the car together; that Moran used the club on Rice, and that Buckley fired the fatal shots. It further appeared from affidavits and statements submitted to this office in the Buckley case that witnesses Walter J. Piatt, Erline Piatt, and Arthur Cleve were mistaken in their identification of Buckley, and it appeared that, stripped of this element, the only evidence against Moran is that he went to the scene of the shooting, and that when he found that there was a likelihood of getting into trouble he first denied that he had been to the scene of the shooting, and afterward admitted it. Therefore, in accordance with the foregoing statements and in accordance with the recommendations that are on file with such application, Acting Governor Porter commuted the sentence of the said Thomas Moran to a term of fifteen years.

PARDONS.

RECOMMENDED BY STATE BOARD OF PRISON DIRECTORS.

DURING the first year of my administration I adopted the policy of granting pardons to paroled prisoners upon full and satisfactory proof that such prisoners had conducted themselves in entire conformity with all parole requirements, and had shown by their conduct that they had become sober, industrious, and upright men. This was established in each case by the reports made to the State Board of Prison Directors by the parole officer and others familiar with the conduct and habits of life of the paroled prisoner. Upon the recommendation of the State Board of Prison Directors this office granted pardons to the following deserving prisoners:

JANUARY 29, 1909. JAMES MELLARKY, convicted in Nevada County, September, 1888, of the crime of murder in the first degree and sentenced to undergo an imprisonment for the term of his natural life in the State Prison at San Quentin. On March 18, 1905, Mellarky was released on parole.

MARCH 17, 1909. DANIEL J. O'SHEA, in April, 1898, was convicted in San Francisco of the crime of murder in the second degree, and sentenced to a term of twenty-one years in the State Prison at San Quentin. Said Daniel J. O'Shea was released upon parole in April, 1907.

MAY 4, 1909. CHARLES C. COLE was convicted in the city and county of San Francisco in the month of January, 1902, of the crime of grand larceny and was sentenced to a term of eight years in the State Prison at San Quentin. In December, 1906, said Cole was released on parole.

MAY 10, 1909. AUGUST KOENIG was convicted in the county of Fresno in the month of July, 1890, of the crime of murder in the first degree and sentenced to life imprisonment in the State Prison at San Quentin. August Koenig was paroled in February, 1907.

MAY 10, 1909. FRANK H. LARRABEE was convicted of the crime of murder in San Francisco in February, 1895, and sentenced to life imprisonment in the State Prison at San Quentin. In March, 1905, said Larrabee was released on parole.

MAY 10, 1909. CLEMENT GARCIA in February, 1886, was convicted in San Francisco of the crime of murder and sentenced to life imprisonment in the State Prison at San Quentin. Said Garcia was released on parole in February, 1907.

JUNE 3, 1909. E. B. PURRIER, convicted in the county of Shasta in October, 1901, of the crime of robbery and sentenced to fifteen years in the State Prison at San Quentin. Paroled December, 1906.

JUNE 14, 1909. ISOM FROST, convicted in January, 1886, in the county of Mendocino of the crime of murder, was sentenced to life imprisonment in the State Prison at Folsom. In 1904 said Isom Frost was released on parole.

JUNE 21, 1909. W. E. MITCHELL, convicted in October, 1899, in the county of Tuolumne of the crime of murder in the second degree, was sentenced to seventeen years in the State Prison at San Quentin. In December, 1906, he was paroled. A pardon was granted by Acting Governor Porter.

JUNE 6, 1909. JOHN PARRELL, convicted in the month of November, 1888, in the county of Tuolumne of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at San Quentin. In 1905 the said Parrell was released on parole.

JULY 29, 1909. INDIAN PIKE, convicted in August, 1882, in the county of Shasta of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. Paroled in July, 1906.

JULY 30, 1909. F. M. CONKLING was convicted in August, 1896, in the county of San Benito of the crime of murder, and sentenced to life imprisonment in the State Prison at San Quentin. Was released on parole December, 1906.

SEPTEMBER 25, 1909. WILLIAM DOLAN, convicted February, 1887, in San Francisco of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. Said William Dolan was released on parole in September, 1907.

SEPTEMBER 25, 1909. WONG (LUNG) TOY, convicted in June, 1895, in the county of Placer of the crime of robbery, was sentenced to a term of twenty-six years in the State Prison at San Quentin. In April, 1905, said Wong (Lung) Toy was released on parole.

OCTOBER 22, 1909. RAPHAEL A. TORRAS, convicted in February, 1903, in San Francisco of the crime of rape, was sentenced to a term of twelve years in the State Prison at Folsom. Said Torras was released on parole in the year 1907.

OCTOBER 27, 1909. AUGUST FOURGOURS, convicted in November, 1891, in the county of Sacramento of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at Folsom. Said August Fourgours was released on parole in the year 1907.

DECEMBER 15, 1909. FREDERICK H. RADER, convicted in September, 1901, in the county of Mariposa of the crime of murder in the second degree, was sentenced to a term of twenty-five years in the State Prison at San Quentin. In July, 1907, said Rader was released on parole.

DECEMBER 15, 1909. GEORGE C. WILLIAMS, convicted in October, 1897, in the county of San Joaquin of the crime of attempted train wrecking, was sentenced to life imprisonment in the State Prison at Folsom. In October, 1907, said George C. Williams was released on parole.

DECEMBER 15, 1909. CHRIST SCOPELO, convicted in May, 1894, in the county of Solano of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. Said Scopelo was paroled in August, 1907.

DECEMBER 16, 1909. Y. CASTRO, convicted in October, 1897, in the county of Santa Clara of the crime of rape, was sentenced to thirty years in the State Prison at San Quentin. Said Castro was released on parole in December, 1906.

JANUARY 8, 1910. MICHAEL MURRAY, convicted in December, 1889, in the county of El Dorado of the crime of murder in the second degree, was sentenced to a term of forty years in the State Prison at Folsom. Said Michael Murray was in December, 1904, released on parole.

JANUARY 10, 1910. CLARENCE DEWITT, convicted in October, 1907, in the county of Los Angeles of the crime of rape, was sentenced to a term of five years in the State Prison at Folsom. Said DeWitt was paroled October, 1908.

JANUARY 20, 1910. S. J. ROADS, convicted in October, 1891, in the county of Mendocino of the crime of murder and sentenced to life imprisonment in the State Prison at San Quentin. In March, 1905, said S. J. Roads was released on parole.

MARCH 7, 1910. HARRY HILL, convicted in January, 1902, in the county of Alameda of the crime of robbery and sentenced to a term of fifteen years in the State Prison at Folsom. Said Harry Hill was released on parole in March, 1908.

MARCH 16, 1910. ENRICO MORASCO, convicted in May, 1894, in the county of Solano, was sentenced to be executed. Said sentence was subsequently commuted to life imprisonment. Said Enrico Morasco was paroled in January, 1908.

MARCH 16, 1910. DENNIS MOORE, convicted October, 1894, in the county of San Francisco of the crime of robbery, was sentenced to life imprisonment in the State Prison at Folsom. Said Dennis Moore was released on parole October, 1907.

MARCH 16, 1910. HARRY MELVILLE, convicted in March, 1906, in the county of San Joaquin of the crime of forgery, was sentenced to a term of six years in the State Prison at Folsom. In June, 1908, said Harry Melville was released on parole.

MARCH 25, 1910. JOSE RAMON TAPIA, convicted in October, 1889, in the county of Kern of the crime of murder in the second degree, was sentenced to a term of fifty years in the State Prison at San Quentin. Said Tapia was in December, 1903, released on parole.

MARCH 25, 1910. ALVA JOHNSON, convicted in May, 1895, in the county of Los Angeles of the crime of train robbery, was sentenced to life imprisonment in the State Prison at San Quentin. In October, 1907, said Alva Johnson was paroled.

MARCH 25, 1910. C. M. CREWS, convicted in November, 1892, in the county of Sonoma of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. In October, 1907, said C. M. Crews was released on parole.

APRIL 12, 1910. JOE TOTMAN, convicted March, 1901, in the county of Fresno of the crime of rape, was sentenced to twenty years in the State Prison at San Quentin. Said Joe Totman was released on parole in October, 1907.

APRIL 12, 1910. GEE GUN, convicted in November, 1902, in the county of San Francisco of the crime of robbery, was sentenced to fourteen years in the State Prison at San Quentin. In June, 1907, said Gee Gun was released on parole.

APRIL 21, 1910. THOMAS BATEMAN, convicted in May, 1888, in the county of San Francisco of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at Folsom. Said Thomas Bateman was released on parole September, 1907.

MAY 23, 1910. W. S. REX, convicted in March, 1898, in the county of Yuba of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. Said W. S. Rex was released on parole in March, 1908. Acting Governor Porter granted him a pardon.

MAY 23, 1910. CHARLEY LE ROY, convicted in April, 1898, in the county of Sacramento of the crime of robbery, was sentenced to imprisonment in the State Prison at San Quentin. In April, 1908, said Le Roy was released on parole. Acting Governor Porter granted him a pardon.

MAY 23, 1910. F. L. WOOD, convicted in November, 1883, in the county of Stanislaus, was sentenced to life imprisonment in the State Prison at Folsom. Said F. L. Wood was released in January, 1908, on parole. He was issued a pardon by Acting Governor Porter.

JUNE 2, 1910. WM. EATON (true name Eden), convicted in April, 1902, in the county of Alameda of the crime of rape, was sentenced to a term of forty-five years in the State Prison at Folsom. It appears that the sentence of said Wm. Eaton (true name Eden) was commuted by Governor Pardee to fifteen years. Said Eaton was paroled in March, 1908. Acting Governor Porter issued him a pardon.

JUNE 15, 1910. JACKSON DENNIS, convicted in March, 1909, in the county of Amador of the crime of embezzlement, was sentenced to a term of one and one-half years in the State Prison at San Quentin. Said Jackson Dennis was released on parole in April, 1910.

JUNE 20, 1910. JAMES M. GRIFFITH, convicted in November, 1908, in the county of Monterey of the crime of grand larceny, was sentenced to a term of three years in the State Prison at San Quentin. In March, 1910, said James M. Griffith was released on parole.

JUNE 29, 1910. E. J. EMMONS, convicted May, 1908, in the county of Sacramento of the crime of asking and receiving a bribe, was sentenced to a term of five years in the State Prison at San Quentin. In November, 1909, said E. J. Emmons was released on parole.

JULY 12, 1910. F. O. GOODMAN, convicted in July, 1904, in San Francisco of the crime of robbery and sentenced to a term of ten years in the State Prison at San Quentin. Said F. O. Goodman was released on parole in March, 1908.

JULY 27, 1910. LOUIS PEROSSE, convicted in September, 1888, in San Francisco of the crime of murder in the second degree, was sentenced to life imprisonment in the State Prison at Folsom. In July, 1908, said Louis Perosse was released on parole.

AUGUST 6, 1910. WILLIAM R. LANE, convicted in April, 1894, in the county of Yuba of the crime of murder in the first degree and sentenced to life imprisonment in the State Prison at San Quentin. Said William R. Lane was released on parole in August, 1906.

AUGUST 6, 1910. LOUIS J. SEARCEY, convicted in April, 1897, in the county of San Bernardino of the crime of murder in the first degree and sentenced to life imprisonment in the State Prison at San Quentin. In July, 1908, said Louis J. Searcey was released on parole.

AUGUST 15, 1910. THOMAS F. GRIMES, convicted in March, 1900, in the county of Placer of the crime of murder in the second degree, was sentenced to a term of twenty-four years in the State Prison at San Quentin. Said Thomas F. Grimes was released in July, 1908, on parole.

SEPTEMBER 22, 1910. JAMES BOND, convicted in March, 1901, in the county of San Francisco of a crime against nature, was sentenced to a term of twenty years in the State Prison at Folsom, and on June 30, 1906, was transferred to the State Prison at San Quentin. In September, 1908, said James Bond was released upon parole.

SEPTEMBER 22, 1910. WILLIAM LINEHAN, convicted in October, 1896, in San Francisco of the crime of robbery, was sentenced to a term of life imprisonment in the State Prison at San Quentin. Said William Linehan was released upon parole in August, 1908.

SEPTEMBER 22, 1910. WALTER T. BALDWIN, convicted in June, 1902, in the county of Alameda of the crime of robbery, was sentenced to a term of fifteen years in the State Prison at San Quentin. In September, 1908, said Walter T. Baldwin was released on parole.

NOVEMBER 26, 1910. NICKOLUS KUTZLER, convicted in April, 1906, in the county of Los Angeles of the crime of arson of the second degree, was sentenced to a term of eight years in the State Prison at San Quentin. Said Nickolous Kutzler was released on parole in October, 1908.

NOVEMBER 26, 1910. FRANK NEWMAN, convicted in January, 1902, in Santa Clara of the crime of robbery, was sentenced to a term of twenty-five years in the State Prison at Folsom. Said Frank Newman was released on parole in July, 1908.

NOVEMBER 26, 1910. W. M. PECK, convicted in September, 1908, in the county of Orange of the crime of passing a fictitious check, was sentenced to a term of three years in the State Prison at San Quentin. In December, 1909, said W. M. Peck was released on parole.

SEPTEMBER 26, 1910. JO TONG CHONG, convicted in March, 1885, in the county of Alameda of the crime of murder of the first degree, was sentenced to life imprisonment in the State Prison at San Quentin. In September, 1905, Jo Tong Chong was released on parole.

SEPTEMBER 26, 1910. SAMUEL MARS, convicted in September, 1890, in the county of Fresno of the crime of murder in the second degree, was sentenced to life imprisonment in the State Prison at Folsom. Said Samuel Mars was released on parole in June, 1908.

DECEMBER 1, 1910. JARRATT M. IRVING, convicted in November, 1905, in the county of Siskiyou of the crime of murder of the second degree, was sentenced to a term of twenty-one years in the State Prison at San Quentin. In July, 1910, said Jarratt M. Irving was released on parole.

DECEMBER 17, 1910. K. TAUCHI, convicted in April, 1898, in the county of San Francisco of the crime of murder in the second degree, was sentenced to life imprisonment in the State Prison at Folsom. In November, 1907, said K. Tauchi was released on parole, and by Acting Governor Porter was pardoned.

DECEMBER 17, 1910. MICHAEL BRADY, convicted in September, 1885, of the crime of murder, was sentenced to life imprisonment in the State Prison at Folsom. In May, 1908, said Michael Brady was released on parole. Acting Governor Porter granted him a pardon.

DECEMBER 17, 1910. E. J. SMITH, convicted in May, 1905, in the county of San Francisco of the crime of embezzlement, was sentenced to a term of ten years in the State Prison at Folsom. In May, 1910, said Smith was paroled. Acting Governor Porter granted him a pardon.

DECEMBER 17, 1910. E. M. FAURE, convicted in April, 1894, in the county of San Francisco of the crime of murder in the second degree, was sentenced to life imprisonment in the State Prison at Folsom. In February, 1908, said Faure was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. THOMAS BOWMAN, convicted in January, 1890, in the county of Humboldt of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at San Quentin. In January, 1908, said Bowman was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JOSE ANTONIO RODRIGUEZ, convicted in April, 1886, in the county of Santa Barbara of the crime of murder of the first degree, was sentenced to life imprisonment in the State Prison at San Quentin. In July, 1908, said Rodriguez was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. MARY E. BALKWELL, convicted in September, 1904, in the county of San Francisco of the crime of murder of the second degree, was sentenced to a term of ten years in the State Prison at San Quentin. In December, 1907, said Mary E. Balkwell was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. B. W. VAN HORN, convicted in January, 1898, in the county of Trinity of the crime of murder of the second degree, was sentenced to a term of twenty-five years in the State Prison at San Quentin. In January, 1905, said B. W. Van Horn was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. E. L. PATTERSON was convicted in April, 1905, in the county of Los Angeles of the crime of robbery, and sentenced to a term of ten years in the State Prison at San Quentin. In October, 1908, said Patterson was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. FELISARA COBARUVIA, convicted in December, 1884, in the county of Placer of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at Folsom. In July, 1905, said Cobaruvia was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. CHARLES H. TURNER, convicted in June, 1909, in the county of San Francisco of the crime of embezzlement, was sentenced to a term of three years in the State Prison at San Quentin. In September, 1910, said Charles H. Turner was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JAMES SEARIGHT, convicted in April, 1898, in the county of Sacramento of the crime of robbery, was sentenced to life imprisonment in the State Prison at Folsom. In January, 1909, said James Searight was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. WILLIAM HUBER, convicted in February, 1902, in the county of Sacramento of the crime of rape, was sentenced to life imprisonment in the State Prison at Folsom. In March, 1909, said William Huber was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JOSEPH WINDROW, convicted in June, 1898, in the county of San Francisco of the crime of robbery, was sentenced to life imprisonment in the State Prison at Folsom. In December, 1908, said Joseph Windrow was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. OTTO CHRISTIE, convicted in September, 1896, in the county of Tulare of the crime of robbery, was sentenced to a term of twelve years in the State Prison at San Quentin. In December, 1908, said Otto Christie was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. EDWARD RICHARDS, convicted in October, 1904, in the county of San Francisco of the crime of manslaughter, was sentenced to a term of ten years in the State Prison at Folsom. In December, 1908, said Edward Richards was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JOHN J. MURPHY, convicted in May, 1889, in the county of Solano of the crime of murder, was sentenced to life imprisonment in the State Prison at San Quentin. In October, 1907, said John J. Murphy was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JOHN GREENBANK, convicted in June, 1896, in the county of Alameda of the crime of robbery, was sentenced to a term of twenty-five years in the State Prison at San Quentin. In October, 1908, said John Greenbank was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. CYRUS V. WOOD, convicted in July, 1904, in the county of Yolo of the crime of manslaughter, was sentenced to a term of ten years in the State Prison at Folsom. In November, 1908, said Cyrus V. Wood was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. JOSEPH M. SMITH, convicted in September, 1907, in the county of Alameda of the crime of embezzlement, was sentenced to a term of five years in the State Prison at San Quentin. In October, 1909, said Joseph M. Smith was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. A. N. CAPPOLA, convicted in March, 1899, in the county of San Francisco of the crime of robbery, was sentenced to a term of twenty years in the State Prison at San Quentin. In February, 1908, said A. N. Cappola was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. FRED BRYANT, convicted in August, 1906, in the county of Calaveras of the crime of rape, was sentenced to a term of nine years in the State Prison at San Quentin. In July, 1908, said Fred Bryant was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 17, 1910. WESLEY M. WALDEN, convicted in October, 1907, in the county of Fresno of the crime of embezzlement, was sentenced to a term of seven years in the State Prison at San Quentin. In June, 1910, said Wesley M. Walden was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 23, 1910. THOMAS D. GARDENHIRE, convicted in October, 1903, in the county of San Joaquin of the crime of rape, was sentenced to a term of thirty-five years in the State Prison at Folsom. In December, 1908, said Thomas D. Gardenhire was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 23, 1910. CLAUDE R. HOWES, convicted in December, 1907, in the county of Los Angeles of the crime of passing a fictitious check, was sentenced to a term of five years in the State Prison at San Quentin. In February, 1909, said Claude R. Howes was released on parole. Pardon was granted by Acting Governor Porter.

DECEMBER 23, 1910. GEORGE T. THOMAS, convicted in September, 1885, in the county of San Francisco of the crime of murder in the second degree, was sentenced to life imprisonment in the State Prison at Folsom. In December, 1908, said George T. Thomas was released on parole. Pardon was granted by Acting Governor Porter.

PARDONS—Continued.

FEBRUARY 1, 1909. ASCENSION VELA was convicted in the county of Los Angeles of the crime of manslaughter, and was sentenced to a term of six years in the State Prison at Folsom. It appears from affidavits that the conviction of said Ascension Vela was procured through perjured testimony, and that true facts would show that such homicide was committed in self-defense, and that the verdict rendered against him was improper, and he should have been acquitted had not perjured testimony been given at the trial. For the foregoing reasons a pardon was issued to said Ascension Vela.

MAY 14, 1909. GERALD A. COURVOISIER, in December, 1907, was convicted in San Francisco of the crime of forgery and sentenced to six years in the State Prison at San Quentin. Upon the recommendation of a majority of the Judges of the Supreme Court of this State a pardon was granted the said Gerald A. Courvoisier.

JUNE 21, 1909. RALPH A. HUNTINGTON, convicted in July, 1908, in San Francisco of the crime of manslaughter, was sentenced to a term of four years in the State Prison at San Quentin. It appeared that said Huntington had been ever since he was received at the State Prison under the care of the prison physician, having tubercular disease, and it appeared from report of the prison physician that said R. A. Huntington could live but a short time. Therefore, it appeared that no good purpose could be served by compelling the said R. A. Huntington to serve the balance of his term and that his death would be hastened by continual imprisonment. The Board of State Prison Directors, by resolution dated April 10, 1909, recommended that executive clemency be extended to said R. A. Huntington. For the foregoing reasons a pardon was issued by Acting Governor Porter.

JUNE 24, 1909. R. D. JACKSON, convicted in the month of January, 1903, in the county of Los Angeles of the crime of burglary in the first degree, was sentenced to ten years at San Quentin, and on said day and date the said Jackson was convicted in the same court of the crime of burglary in the second degree and sentenced to five years at San Quentin. Said Jackson was paroled on September 1, 1908, and ever since has led an honorable and upright life. It appeared that said Jackson must on the 27th day of July, 1909, be returned to the prison to serve his second sentence, and under the parole laws he could not receive his liberty upon parole for a period of one year thereafter. It appeared that his conduct had been highly commendable, and that he had given evidence of complete reformation. The honorable Board of Prison Directors and a majority of the Justices of the Supreme Court recommended that a pardon be granted to the said paroled prisoner. Acting Governor Porter granted a pardon to the said R. D. Jackson for the commission of the said crime of burglary in the second degree and ordered that he shall not be compelled to undergo any imprisonment for the commission of the second crime.

MAY 26, 1910. W. F. CORD, convicted in June, 1908, in the county of Tulare of the crime of manslaughter and sentenced to a term of ten years in the State Prison at San Quentin. It appeared that the crime for which Cord was convicted was committed under great provocation, and that many facts connected therewith were not available at the trial for the defense of Cord, but have since come to light, and create serious doubt as to his guilt. It further appeared that said W. F. Cord had lived in Tulare County for twenty years prior to the commission of this offense, and had always been a quiet, sober, and industrious man, and had never had trouble before. It also appears that said Cord is the father of five minor motherless children who are dependent upon him for support. Petitions have been filed in this office by all the living jurors who sat on the trial, asking, in view of the circumstances which had come to their notice and knowledge since the trial, that said Cord be pardoned. Petitions signed by hundreds of the most prominent citizens of Tulare County, testifying that Cord was a quiet, sober, industrious man and never in previous trouble, and asking for his pardon, have been presented. It appeared that Cord had already suffered almost two years' imprisonment. Under these circumstances Acting Governor Porter considered it right and proper to pardon the said W. F. Cord.

JUNE 27, 1910. A. J. FLOOD, convicted in January, 1910, in the county of Alameda of the crime of forgery, was sentenced to a term of one year in the State Prison at Folsom. It appears that the conduct of said Flood has uniformly been good, and that he faithfully discharged the duties assigned him during his imprisonment, and that at a meeting of the State Board of Prison Directors June 18, 1910, considering the conduct of the prisoner, by resolution recommended that the Governor do extend executive clemency to the said A. J. Flood. A pardon was therefore issued.

SEPTEMBER 2, 1910. C. M. REED, convicted in January, 1910, in the county of Contra Costa of the crime of burglary in the second degree, was sentenced to a term of five years in the State Prison at San Quentin. In a letter from the President of the State Board of Prison Directors, written by direction of said Board, relative to a report from Resident Physician W. J. Stone of San Quentin Prison to Warden J. E. Hoyle of the same prison, respecting the condition of health of said Reed, and a communication of Warden Hoyle transmitting said report, both communications being dated August 29, 1910, the Board adopted an order directing the president to communicate with the Governor, and to state that in the judgment of the Board the above

case was one where executive clemency might be properly exercised, to the end that the prisoner might end his life at home with his wife, adding that his wife claims to be capable of taking care of him during the very short time he has to live. A majority of the Justices of the Supreme Court joined in the following recommendation to the Governor: "In pursuance of the foregoing statement from the State Board of Prison Directors and solely upon the ground of humanity, we Justices of the Supreme Court of California hereby recommend the pardon of said C. W. Reed, September 1, 1910. W. H. Beatty, Chief Justice; F. M. Angellotti, Associate Justice; Lucien Shaw, Associate Justice; F. W. Henshaw, Associate Justice." A pardon was therefore issued to said C. M. Reed, to take effect immediately.

OCTOBER 6, 1910. MARY ANN DELEHANTY, convicted in July, 1909, in San Francisco of the crime of manslaughter and sentenced to a term of eighteen months in the State Prison at San Quentin. The judge before whom the prisoner was tried and convicted and the district attorney, who were familiar with all the circumstances in the case, have requested that a pardon be granted said Mary Ann Delehanty. In accordance with the recommendations on file with such application I caused a pardon to be issued to the said Mary Ann Delehanty, provided that if the said Mary Ann Delehanty shall hereafter be convicted of any misdemeanor this pardon shall become void and in addition to the sentence imposed for such misdemeanor she shall serve the remainder of the time cut short by this order.

DECEMBER 17, 1910. HERBERT THAYER THORNBURGH, convicted in July, 1910, in the county of Sacramento of the crime of obtaining money under false pretenses, was sentenced to a term of two years in the State Prison at San Quentin. It appeared that said Thornburgh was a duly licensed physician and surgeon employed by the Fer-Don Medicine Company on a salary at the time of the commission of the alleged crime, and he was included as one of the defendants in the indictment returned to the Superior Court. All parties connected in the crime had been convicted, and the most guilty of the parties had received their freedom. It also appeared that said Thornburgh had aided the officers in securing the conviction of the Fer-Dons and it further appeared that said Dr. Thornburgh was in poor health, having contracted malarial fever while in the service of the United States as a contract doctor in the Philippines, and since his confinement he had been affected with severe attacks of heart trouble, and his confinement had undermined his health to the extent that further confinement would so impair it as to prevent his recovery. J. W. Hughes, Judge of the Superior Court, who tried and sentenced said Thornburgh, and E. S. Wachhorst, the District Attorney who prosecuted the case, have recommended executive clemency. For the foregoing reasons, and in accordance with the recommendations that are on file with such application, Acting Governor Porter pardoned the said Herbert Thayer Thornburgh.

DECEMBER 17, 1910. SEVARIANO GONZALES, convicted in January, 1903, in the county of Los Angeles of the crime of murder in the first degree, was sentenced to life imprisonment in the State Prison at San Quentin. It appeared from a statement filed in this office by Leonard Mordaunt, a celebrated philanthropist who has devoted much time to criminology and who has investigated this case, also from affidavits from several police officers of Los Angeles city, among them F. J. Tamantes, that said Gonzales was a Mexican and could not speak the English language, and did not understand any part of the proceedings at the time of the trial, and being friendless and penniless, counsel was appointed for him by the court, and it appeared from the said statement and affidavits that said Gonzales was neglected by his attorney, that there was at the time of the trial reasonable doubt as to the guilt of the defendant, and that certain testimony suggested by the said police officers was not brought out in the trial whereby said Gonzales might have been proven innocent of the crime of which he was convicted; and it further appeared that Gonzales had an excellent prison record. For the foregoing reasons, and in accordance with the recommendations on file with such application, Acting Governor Porter granted a pardon to the said Sevriano Gonzales.

DECEMBER 22, 1910. HARRY SQUIRE, convicted in May, 1905, in the county of San Francisco of the crime of attempt to commit arson, was sentenced to a term of twelve years in the State Prison at San Quentin. It appeared that said Harry Squire afterward perfected an appeal, and the bill of exceptions to be used on appeal was burned in the general conflagration of April, 1906, and that he had since been unable to have the records of his appeal restored for want of funds, and continued to be confined in the county jail upon the stay of proceedings granted in the superior court pending the appeal. It further appeared that during the time that said Harry Squire has been an inmate of the county jail he has won the sympathy and good grace of the sheriff and all the jail officials by his uniformly excellent and model conduct, as well as his valuable services to the county, and is a trusty at the jail and holds the highest position obtainable by an inmate of the jail, and it appeared that he had been actually in confinement for over six years, and that the grand jury through its foreman and secretary, the committee on county jail, the district attorney, and the sheriff did recommend and petition that a pardon be granted. Therefore, by reason of the record and in accordance with the recommendations on file in this case, Acting Governor Porter granted a pardon to the said Harry Squire.

DECEMBER 23, 1910. ALBERT J. WARD, convicted in February, 1910, in the county of Los Angeles of the crime of burglary in second degree, was sentenced to a term of five years in the State Prison at San Quentin. It appeared that said Ward was serving a third term in the State Prison; that he had not served one calendar year of the term for which he was last sentenced, therefore could not be paroled. It further appeared that said Albert J. Ward was a patient in the Prison Hospital, that he was suffering from an incurable disease, and in the opinion of the Prison Physician and also of several other reputable physicians who have examined the patient that he has only a short time to live. The State Board of Prison Directors in a resolution dated December 10, 1910, recommended to this office and to the Honorable Justices of the Supreme Court that a pardon be granted to the said Albert J. Ward. A majority of the members of the Supreme Court of this State have in accordance with said recommendation recommended that a pardon be granted. In accordance with the recommendations on file with said application, Acting Governor Porter granted a pardon to the said Albert J. Ward.

POLICE COURT AND COUNTY JAIL.

PARDONS (PETTY CRIMES).

JUNE 3, 1909. W. J. DALEY, convicted in the Police Court of Oakland in January, 1909, of the crime of petit larceny, and sentenced to six months in the city prison at Oakland. Said Daley has served more than four months of the sentence imposed by the court. Judge George Samuels of the Police Court who sentenced said Daley, W. J. Hennessey, the prosecuting attorney, and J. F. Lynch, Captain of the Police of Oakland, recommended clemency to be extended to said W. J. Daley; therefore a pardon was granted to take effect immediately.

NOVEMBER 3, 1909. CARL A. HOLMQUIST, convicted in the Police Court of Los Angeles Township in August, 1909, of the crime of vagrancy, was sentenced to six months' imprisonment in the city jail of Los Angeles. It appears that said Holmquist is an old man and has served three months of his sentence. J. D. Fredericks, District Attorney of Los Angeles County, and the Mayor of Los Angeles City have recommended that executive clemency be exercised in this case, which recommendations were joined in by a number of citizens of Los Angeles in petition, therefore a pardon was issued for the said Carl A. Holmquist.

MARCH 22, 1910. W. H. FORD, convicted in the Police Court of Los Angeles City in February, 1910, of the crime of vagrancy, was sentenced to serve a term of 180 days in the city jail. It appeared that for many years past said Ford has suffered from erysipelas of the brain, and that by reason of said disease of the brain said W. H. Ford was at date of commission of the crime mentally unbalanced and incompetent, and was not responsible for the crime committed. It further appears that such facts were unknown to the Hon. H. H. Rose, Judge of said court, and that had said Judge been acquainted with said facts he would not have sentenced the defendant. It appeared that further confinement in prison would further unbalance said Ford's mind, and that it was for the best interest of said Ford that he be placed in a hospital, where proper treatment might be given, provision for such treatment had already been made. The petition for his pardon was signed by such men as Hon. Henry T. Gage, Edward H. Brady, M. H. Flint, and many others. I therefore issued a pardon to the said W. H. Ford.

MARCH 29, 1910. A. H. SOUTHWICK, convicted in the Police Court of the city of Oakland on three charges of battery, was sentenced to imprisonment in the city jail of Oakland for six months on each charge. It was represented that the city jail in which he was confined was in an unsanitary condition and that said Southwick was in poor health, and if confined in said jail for the remainder of his sentence that his sickness would result fatally. His pardon was recommended by the District Attorney of Alameda County, the Chief of Police of Oakland, and many others familiar with the circumstances of such offense and the condition of the said prisoner. It further appeared that said Southwick would be removed to and placed in a Soldiers' Home where he could receive such care as was necessary to restore him to health, therefore a pardon was issued to said A. H. Southwick.

MARCH 31, 1910. WILLIAM NASH, convicted in November, 1909, in the Police Court of the city of Oakland of the crime of vagrancy, was sentenced to imprisonment in the city jail at Oakland for six months. It appeared that said Nash suffered a stroke of paralysis on February 19, 1910, and had been ever since confined in bed on account of said paralytic stroke. It further appeared that said Nash had a mother and sister residing at Hot Springs, Arkansas, who would take said Nash to their home for the purpose of caring for him in his illness. Dr. W. A. Clark, superintendent of the Alameda County Hospital, represented to me that the chances of cure for said Nash would be materially improved by a sojourn at the Arkansas Hot Springs, where his friends wish to take him. His pardon was recommended by George Samuels, Judge of the Police Court, W. J. Hennessey, Prosecuting Attorney of the Police Court, A. Wilson, Chief of Police, and J. F. Lynch, Captain of Police. William Nash was therefore pardoned.

APRIL 2, 1910. ERNEST CICERO, convicted in the Police Court of the city of Oakland in February, 1910, of the crime of battery, was sentenced to pay a fine of twenty dollars and serve twenty days in the city prison. It appeared that said Cicero has paid the fine of twenty dollars, and had served four days and was out on bail pending appeal. It further appeared from statement of the Police Judge that circumstances have arisen which show that the said Ernest Cicero had been sufficiently punished, and a doubt had been cast upon the truthfulness of the testimony given by one of the witnesses for the prosecution. It further appeared that the mother and sister of said Cicero are largely dependent upon him for support, and that no further good could be accomplished by compelling him to serve the balance of his sentence. A pardon was therefore granted said Ernest Cicero.

AUGUST 2, 1910. AUGUST FAURE, convicted in the Police Court of the city of Oakland of the crime of battery, was sentenced to six months in the city jail of Oakland. It appears that said Faure is seventy-two years of age and in declining health, and that he has already served three months of his sentence. The Superintendent of Police, together with a number of police officers who are familiar with the case, have joined in a petition that clemency be granted said August Faure. A pardon was therefore issued to him.

SEPTEMBER 3, 1910. MAY STEVENS, convicted in the Police Court of the city of Oakland of the crime of drunkenness, was sentenced to a term of four months in the city jail of Oakland. The Judge who sentenced the prisoner, the Prosecuting Attorney, the Superintendent of Police, and the Captain of Detectives of the city of Oakland, who are familiar with the circumstances in the case, have joined in a petition that clemency be granted to said May Stevens. It appears that the said May Stevens has served more than one half of the sentence imposed upon her. In accordance with the recommendations on file with such application, I pardoned the said May Stevens.

SEPTEMBER 4, 1910. JESUS QUIROS, convicted in the Police Court of the city of Los Angeles in August, 1910, of the crime of intoxication, was sentenced to a term of fifty days in the city jail of Los Angeles. The police magistrate who sentenced said Quiros and who is familiar with all the circumstances in the case, has petitioned that clemency be granted. In accordance with the recommendations on file with such application, I caused a pardon to be issued to said Jesus Quiros.

NOVEMBER 3, 1910. EUGENE FRANKLIN, convicted in the Police Court of the city of Los Angeles in September, 1910, of the crime of carrying deadly weapons in a rude and threatening manner, was sentenced to a term of ninety days in the city jail of Los Angeles. The Judge before whom the prisoner was tried and convicted and the Prosecuting Attorney, who are familiar with all the circumstances in the case, have joined in a petition that clemency be granted said Franklin. It appeared that said Franklin had served more than one half of his sentence. In accordance with the recommendations on file with such application, a pardon was issued.

DECEMBER 23, 1910. WILLIAM LACEY, convicted December 16, 1910, of the crime of vagrancy, was sentenced to a term of 180 days in the city jail of Los Angeles. It appeared that for the past seven years said William Lacey has been under the constant care of a physician because of organic heart trouble. It also appeared that since his incarceration in the city jail he has had two severe attacks of heart failure and that his life seems to be in peril. A letter on file from Dr. R. V. Day of Los Angeles reads as follows: "I desire to state that I have this day examined a prisoner in the city jail to determine his physical condition from the standpoint of his health and disease as to whether his remaining there will seriously endanger his life. I found him an extremely neurotic individual, suffering from chronic heart trouble of many years' duration, with an acute exacerbation, which seriously jeopardizes his health and life, and I deem it an imperative necessity because of his serious condition that he be released at once, as his incarceration may prove fatal at any moment. Dated December 21, 1910." Acting Governor Porter granted the said William Lacey a pardon.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Mr. Brown, the Assembly was declared adjourned until eleven o'clock A. M., of January 3, 1911.

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
 Tuesday, January 3, 1911. }

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called and the following members answered to their names:

Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ruthertford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75.

Quorum present

PRAYER.

Prayer was offered by the Rev. Frank K. Baker of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Held, its further reading was dispensed with.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Young:

ASSEMBLY CONCURRENT RESOLUTION NO. 1.

Resolved by the Assembly, the Senate concurring. That the Senate and Assembly meet in joint session in the Assembly Chamber, at 2 o'clock in the afternoon of this day, January 3, 1911, for the purpose of being present when the Speaker of the Assembly shall open and publish the returns of the election for Governor and Lieutenant Governor, as provided and required by Article V, Section 4, of the Constitution of the State of California.

Concurrent resolution read, adopted, and ordered transmitted to the Senate.

By Mr. Held:

Resolved, That the Speaker be and he is hereby authorized to appoint immediately a temporary Committee on Mileage to consist of three members.

Resolution read and, on motion, adopted.

APPOINTMENT OF TEMPORARY COMMITTEE.

In accordance with the above resolution the Speaker appointed Messrs. Lynch, Cronin, and Hayes as such committee.

By Mr. Sutherland:

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase for the use of the members of the Assembly and the Chief Clerk, eighty-five copies each of Deering's Pony Codes, with latest amendments, General Laws, and Treadwell's Constitution of California, latest edition.

Resolution read and, on motion of Mr. Held, referred to the Committee on Contingent Expenses and Accounts when appointed.

MOTION.

Mr. Cogswell moved that the Assembly proceed with the election of a Chaplain.

Motion carried

ELECTION OF CHAPLAIN.

Mr. Wyllie placed in nomination Rev. Frank K. Baker of Sacramento. There being no further nomination, the roll was called with the following result:

For Rev. Frank K. Baker—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Meudenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Wilson, Wyllie, Young, and Mr. Speaker—71.

RESOLUTIONS—(RESUMED).

The following resolutions were offered:

By Mr. Schmitt:

Resolved, That the Sergeant-at-Arms of the Assembly, or the Bookkeeper to the Sergeant-at-Arms, be and he is hereby authorized to receipt to the Controller for all warrants for payment to members, officers, and attachés of the Assembly.

Resolution read and, on motion, adopted.

Also:

Resolved, That each member of the Assembly be and he is hereby allowed \$25 00 for contingent expenses, as provided by law, payable out of the appropriation for the contingent expenses of the Assembly, and that the aggregate amount of the value of the stamps and stationery which any member shall draw on his requisition from the Secretary of State shall be charged to his account as a part of his allowance hereby made.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—71.

NOES—None.

By Mr. Bishop:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure for the use of the members of the Assembly all necessary stationery, including pens, ink, paste and such other stationery as may be necessary, including waste baskets, also, that he be and is hereby directed to procure for each member of the Assembly, the Chief Clerk, and Minute Clerk, and accredited newspaper representatives, four Key-stone binders, and the Controller is authorized to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbitts, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—64.

NOES—Messrs. Farwell, Hinshaw, Judson, Lamb, Polsley, Randall, and Telfer—7.

By Mr. Schmitt:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the proper fund in favor of L. B. Mallory, Chief Clerk, and the State Treasurer is hereby directed to pay the same, for the sum of seventy-five dollars (\$75.00), said amount being for the payment of postage, telegraphing, expressage, and incidental expenses of Chief Clerk's office.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wyllie, Young, and Speaker—68.

Noes—None.

By Mr. Coghlan:

Resolved, That the privileges of the floor of the Assembly be extended to all ex-Assemblymen.

Resolution read and, on motion, adopted.

SENATE MESSAGE

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 3, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

WALTER N. PARRISH, Secretary.

By H. P. TRAVERS, Assistant Secretary

Assembly Concurrent Resolution No. 1 ordered to enrollment.

RECESS.

At twelve o'clock and ten minutes P. M., on motion of Mr. Brown, the Assembly was declared at recess until one o'clock and forty-five minutes P. M. of this day.

At one o'clock and forty-five minutes P. M. the Assembly reconvened. Speaker A. H. Hewitt in the chair.

SENATE AT THE BAR OF THE HOUSE.

At one o'clock and fifty-five minutes P. M. the Sergeant-at-Arms announced that the Senate was at the bar of the House.

The Speaker directed that the Senate be admitted and seated.

IN JOINT CONVENTION.

ASSEMBLY CHAMBER,

Tuesday, January 3, 1911.

At two o'clock P. M. the Senate and Assembly met in Joint Convention.

Senator A. E. Boynton, President pro tem. of the Senate, directed the Secretary of the Senate to call the roll of Senators.

SENATE ROLL CALL.

The roll was called, and the following answered to their names:

Senators Avey, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juilliard, Larkin, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

The President declared a quorum of the Senate present.

Hon. A. H. Hewitt, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

ASSEMBLY ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Bently, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisler, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—79.

The Speaker declared a quorum of the Assembly present.

REGULAR ORDER OF BUSINESS.

By direction of the President of the Senate, the Secretary of the Senate read sections of the Constitution of the State of California and sections of the Political Code of the State, which provide for the two branches of the Legislature meeting in joint convention for the purpose of canvassing the votes cast for Governor and Lieutenant Governor, as follows:

Of Article V of the Constitution:

Section 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Section 15. A Lieutenant Governor shall be elected at the same time and places, and in the same manner, as the Governor, and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant Governor shall be disqualified from holding any other office except as specially provided in this Constitution, during the term for which he shall have been elected.

Of the Political Code:

Section 1292. When an election has been held to fill the office of Governor or Lieutenant Governor, the clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must, as soon as the statement of the vote of his county is made out and entered upon the records of the boards of supervisors, make two certified abstracts of so much thereof as relates to the vote given for such officers.

Section 1293. The clerk must seal up each abstract separately, and endorse thereon "Election Returns for Governor and Lieutenant Governor."

Section 1294. He must at once direct one copy to the Speaker of the Assembly next to meet, address it to Sacramento, California, and deposit it, postpaid, in the postoffice.

Section 1295. The other copy he must direct and address, in the same manner, and at once deliver it to a member elect of the Legislature, or to a Senator who holds over; and the person to whom it is so directed must deliver it to the Speaker on or before the second day next after his election.

Section 1296. The returns for election for Governor and Lieutenant Governor must, during the first week of the session, be opened, canvassed, and the result declared by the Speaker of the Assembly, in presence of both houses.

Section 1297. No declaration of the result, commission or certificate, must be withheld on account of any defect or informality in the return of any election if it can with reasonable certainty be ascertained from such return what office is intended, and who is elected thereto.

ANNOUNCEMENT.

The Speaker of the Assembly announced that the election returns from all the counties in the State had been received and were now at the desk.

APPOINTMENT OF TELLERS.

The Speaker of the Assembly appointed as tellers, on the part of the Assembly, Messrs. Bliss and Kehoe.

The President of the Senate appointed as tellers, on the part of the Senate, Senators Walker and Cartwright.

CANVASS OF RETURNS.

A canvass of the returns was thereupon made, and the tellers reported:

FOR GOVERNOR.

The total number of votes cast for each of the several candidates for the office of Governor of the State of California was announced as follows:

Hiram W. Johnson	177,191
Theodore A. Bell	154,835
J. Stitt Wilson	47,819
Simeon Pease Meads	5,807

Whereupon the Speaker of the Assembly declared that Hiram W. Johnson had been elected Governor of the State of California.

FOR LIEUTENANT GOVERNOR.

The total number of votes cast for each of the several candidates for the office of Lieutenant Governor of the State of California was announced as follows:

Albert J. Wallace	168,145
Timothy Spellacy	153,364
Fred C. Wheeler	45,830
M. W. Atwood	5,592

Whereupon the Speaker of the Assembly declared Albert J. Wallace had been duly elected Lieutenant Governor of the State of California.

RESOLUTION.

Senator Estudillo offered the following resolution, and moved its adoption:

Resolved. That the hour of eight o'clock P. M. of Tuesday, January 3, 1911, be appointed the time when, and the Assembly Chamber, in the State Capitol, Sacramento, California, the place where the Governor and Lieutenant Governor-elect shall take the official oath in the presence of both houses of the Legislature, in Joint Convention assembled, as required in and by Section 905 of the Political Code.

That the joint committee on inauguration, already appointed, be and are hereby directed to inform the Governor and Lieutenant Governor-elect of this action, and that when this Joint Convention adjourns it adjourn to meet at the hour and place aforesaid.

Resolution read and adopted.

READING AND APPROVAL OF MINUTES.

The minutes of the Joint Convention were then read and approved.

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., the President pro tem. declared the Joint Convention adjourned until eight o'clock P. M. of this day.

IN ASSEMBLY.

REASSEMBLED.

At three o'clock and fifteen minutes P. M. the Assembly reconvened. Speaker A. H. Hewitt in the chair.

ADJOURNMENT.

At three o'clock and twenty minutes P. M., on motion of Mr. Coghlan, the Assembly was declared adjourned until eleven o'clock A. M. of Wednesday, January 4, 1911.

IN JOINT CONVENTION.

ASSEMBLY CHAMBER,

Tuesday, January 3, 1911.

Pursuant to adjournment this day, the Senate and Assembly met in Joint Convention on this day, Tuesday, January 3, 1911, at eight o'clock P. M., for the purposes set forth in the following resolution, adopted in Joint Convention on this day.

Resolved. That the hour of eight o'clock P. M. of Tuesday, January 3, 1911, be appointed the time when, and the Assembly Chamber of the State Capitol, Sacramento, California, the place where, the Governor and Lieutenant Governor-elect shall take the official oath in the presence of both houses of the Legislature, in Joint Convention assembled, as required in and by Section 905 of the Political Code.

That the Joint Committee on Inauguration, already appointed, be and are hereby directed to inform the Governor and Lieutenant Governor-elect of this action, and that when this Joint Convention adjourns it adjourn to meet at the hour and place aforesaid.

Senator A. E. Boynton, President pro tem. of the Senate. and Hon. A. H. Hewitt, Speaker of the Assembly, presiding.

The President pro tem. of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsell, Black, Boynton, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juillard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—40.

The President declared a quorum of the Senate present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polkey, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—79.

The Speaker declared a quorum of the Assembly present.

ORDER OF BUSINESS.

The following was the order of business followed:

INAUGURAL CEREMONIES

1. Call to order of the Assembly by the Speaker, Hon. A. H. Hewitt.
2. Announcement of the arrival of the Senate at the Bar of the House.
3. Call to order of the Joint Assembly of the Legislature of the State of California by Hon. A. E. Boynton, President pro tem. of the Senate.
4. Roll call of the Senate by Secretary Walter N. Parrish.
5. Roll call of the Assembly by Chief Clerk L. B. Mallory.
6. National airs, orchestra.
7. Hon. M. Estudillo, Chairman of the Joint Legislative Committee on Inaugural Ceremonies, announces the presence of the Committee with retiring Governor, Hon. James N. Gillett, the incoming Governor, Hon. Hiram W. Johnson, the retiring Lieutenant Governor, Hon. Warren R. Porter, the incoming Lieutenant Governor, Hon. A. J. Wallace, and State Officers.
8. Invocation, Rev. Father Henry H. Wyman, Chaplain of the Senate.
9. "America," double quartet.
10. Introduction of Governor James N. Gillett by the Speaker of the Assembly.
11. Address, Governor James N. Gillett.
12. Administration of oath of office to Hon. Hiram W. Johnson, incoming Governor, by Hon. E. C. Hart, Justice of the Third District Court of Appeal.
13. "Hail to the Chief!" orchestra.
14. Introduction of Governor Hiram W. Johnson by Hon. A. E. Boynton, President pro tem. of the Senate.
15. Inaugural address.

In the political struggle from which we have just emerged the issue was so sharply defined and so thoroughly understood that it may be superfluous for me to indicate the policy which in the ensuing four years will control the executive department of the State of California. The electorate has rendered its decision, a decision conclusive upon all its representatives, but while we know the sort of government demanded and decreed by the people, it may not be amiss to suggest the means by which that kind of administration may be attained and continued. "Successful and permanent government must rest primarily on recognition of the rights of men and the absolute sovereignty of the people. Upon these principles is based the superstructure of our republic. Their maintenance and perpetuation measure the life of the republic." It was upon this theory that we undertook originally to go to the people; it was this theory that was adopted by the people; it is upon this theory, so far as your Executive is concerned, that this government shall be henceforth conducted. The problem first presented to us, therefore, is how best can the government be made responsive to the people alone? Matters of material prosperity and advancement, conservation of resources, development of that which lies within our borders, are easy of solution when once the primal question of the people's rule shall have been determined. In some form or other nearly every governmental problem that involves the health, the happiness, or the pros-

perity of the State has arisen, because some private interest has intervened or has sought for its own gain to exploit either the resources or the politics of the State. I take it, therefore, that the first duty that is mine to perform is to eliminate every private interest from the government, and to make the public service of the State responsive solely to the people. The State is entitled to the highest efficiency in our public service, and that efficiency I shall endeavor at all times to give. It is obvious that the requisite degree of efficiency can not be attained where any public servant divides his allegiance between the public service and a private interest. Where under our political system, therefore, there exists any appointee of the Governor who is representing a political machine or a corporation that has been devoting itself in part to our politics, that appointee will be replaced by an official who will devote himself exclusively and solely to the service of the State. In this fashion, so far as it can be accomplished by the Executive, the government of California shall be made a government for the people. If there are in existence now any appointees who represent the system of politics which has been in vogue in this State for many years and who have divided their allegiance between the State and a private interest of any sort, or if there be in existence any Commission of like character, and I can not alone deal with either, then I shall look to the Legislature to aid me in my design to eliminate special interests from the government, and to require from our officials the highest efficiency and an undivided allegiance; and I shall expect such legislative action to be taken as may be necessary to accomplish the desired result.

In pursuing this policy, so long as we deal only with the ward-heeler who holds a petty official position as a reward for political service, or with the weak and vacillating small politician, we will have the support and indeed the commendation of all the people and all the press; but as we go a little higher, with firm resolve and absolute determination, we will begin to meet with opposition here and there to our plan, and various arguments, apparently put forth in good faith for the retention of this official or that, will make their appearance; and finally when we reach, if we do, some representative, not only of the former political master of this State, the Southern Pacific Company, but an apostle of "big business" as well (that business that believes all government is a mere thing for exploitation and private gain), a storm of indignation will meet us from all of those who have been parties to or partisans of the political system that has obtained in the past; and particularly that portion of the public press which is responsive to private interest and believes that private interest should control our government, will, in mock indignation and pretended horror, cry out against the desecration of the public service and the awful politics which would permit the people to rule. Much, doubtless, will be said of destructiveness, of abuse of power, of anarchistic tendencies and the like, and of the astounding and incomparable fitness of him who represents "big business" to represent us all. And in the end it may be that the very plan, simple, and direct to which we have set ourselves in this administration will be wholly distorted, and will be understood only by those who, with a singleness of purpose, are working for a return of popular government in California.

It matters not how powerful the individual may be who is in the service of the State, nor how much wealth and influence there may be behind him, nor how strenuously he may be supported by "big business" and by all that has been heretofore powerful and omnipotent in our political life, if he be the representative of Southern Pacific politics, or if he be one of that class who divides his allegiance to the State with a private interest and thus impairs his efficiency, I shall attack him, and I shall strive in respect to such an one in exactly the same way as with his weaker and less powerful accomplices. I prefer, as less dangerous to society, the political thug of the water front to the smugly respectable individual in broadcloth of pretended respectability who, from ambush, employs and uses that thug for his selfish political gain.

In the consummation of our design at last to have the people rule, we shall go forward, without malice or hatred, not in animosity or personal hostility, but calmly, coolly, pertinaciously, unswervingly and with absolute determination, until the public service reflects only the public good and represents alone the people.

THE INITIATIVE, REFERENDUM, AND RECALL.

When, with your assistance, California's government shall be composed only of those who recognize one sovereign and master, the people, then is presented to us the question of, How best can we arm the people to protect themselves hereafter? If we can give to the people the means by which they may accomplish such other reforms as they desire, the means as well by which they may prevent the mis-use of the power temporarily centralized in the Legislature, and an admonitory and precautionary measure which will ever be present before weak officials, and the existence of which will prevent the necessity for its use, then all that lies in our power will have been done in the direction of safeguarding the future and for the perpetuation of the theory upon which we ourselves shall conduct this government. This means for accomplishing other reforms has been designated the "Initiative and the Referendum," and the precautionary measure by which a recalcitrant official can be removed is designated the "Recall." And while I do not by any

means believe the initiative, the referendum, and the recall are the panacea for all our political ills, yet they do give to the electorate the power of action when desired, and they do place in the hands of the people the means by which they may protect themselves. I recommend to you, therefore, and I most strongly urge, that the first step in our design to preserve and perpetuate popular government shall be the adoption of the initiative, the referendum, and the recall. I recognize that this must be accomplished, so far as the State is concerned, by constitutional amendment. But I hope that at the earliest possible date the amendments may be submitted to the people, and that you take the steps necessary for that purpose. I will not here go into detail as to the proposed measures. I have collected what I know many of your members have,—the various constitutional amendments now in force in different states,—and at a future time, if desired, the detail to be applied in this State may be taken up. Suffice it to say, so far as the recall is concerned, did the solution of the matter rest with me, I would apply it to every official. I commend to you the proposition that, after all, the initiative and the referendum depend on our confidence in the people and in their ability to govern. The opponents of direct legislation and the recall, however they may phrase their opposition, in reality believe the people can not be trusted. On the other hand, those of us who espouse these measures do so because of our deep-rooted belief in popular government, and not only in the right of the people to govern, but in their ability to govern; and this leads us logically to the belief that if the people have the right, the ability and the intelligence to elect, they have as well the right, ability and intelligence to reject or to recall; and this applies with equal force to an administrative or a judicial officer. I suggest, therefore, that if you believe in the recall, and if in your wisdom you desire its adoption by the people, you make no exception in its application. It has been suggested that by immediate legislation you can make the recall applicable to counties without the necessity of constitutional amendment. If this be so, and if you believe in the adoption of this particular measure, there is no reason why the Legislature should not at once give to the counties of the State the right which we expect to accord to the whole State by virtue of constitutional amendment. Were we to do nothing else during our terms of office than to require and compel an undivided allegiance to the State from all its servants, and then to place in the hands of the people the means by which they could continue that allegiance, with the power to legislate for themselves when they desired, we would have thus accomplished perhaps the greatest service that could be rendered our State. With public servants whose sole thought is the good of the State the prosperity of the State is assured, exaction and extortion from the people will be at an end, in every material aspect advancement will be ours, development and progress will follow as a matter of course, and popular government will be perpetuated.

THE RAILROAD QUESTION.

For many years in the past shippers, and those generally dealing with the Southern Pacific Company, have been demanding protection against the rates fixed by that corporation. The demand has been answered by the corporation by the simple expedient of taking over the government of the State; and instead of regulation of the railroads, as the framers of the new Constitution fondly hoped, the railroad has regulated the State.

To Californians it is quite unnecessary to recall the motives that actuated the framers of the new Constitution when Article XII was adopted. It was thought that the Railroad Commission thereby created would be the bulwark between the people and the exactions and extortions and discriminations of the transportation companies. That the scheme then adopted has not proved effective has become only too plain. That this arose because of the individuals constituting the Railroad Commission, is in the main true, but it is also apparent there has been a settled purpose on the part of the Southern Pacific Company not only to elect its own Railroad Commission, but also whenever those Commissioners made any attempt, however feeble, to act, to arrest the powers of the Commission, and to have those powers circumscribed within the narrowest limits. All of us who recall the adoption of the new Constitution will remember that we then supposed the most plenary powers were conferred upon the Commission. It has been gravely asserted of late, however, by those representing the Railroad Company, and they insist that in the decisions of our courts there is foundation for the assertion, that the Constitution does not give the Commission power to fix absolute rates. In my opinion this power is conferred upon the Commission, and in this I am upheld by the Attorney General of the State, and by the very able and eminent attorneys who represent the various traffic associations.

The people are indeed fortunate now in having a Railroad Commission of ability, integrity, energy, and courage. I suggest to you, and I recommend, that you give to the Commission the amplest power that can be conferred upon it. The President of the Railroad Commission, Mr. John M. Eshleman, in conjunction with Attorney General Webb, Senator Stetson, and others, in all of whom we have the highest confidence, has been at work preparing a bill which shall meet the requirements of the case, and I commend to your particular attention this instrument.

I would suggest that an appropriation of at least \$75,000 be made for the use of the Commission that it may, by careful hearing and the taking of evidence, determine

the physical value of the transportation companies in the State of California, and that the Commission may have the power and the means to determine this physical value justly and fairly, and thereafter ascertain the value of improvements, betterments and the like, and upon the values thus determined may fix the railroad rates within the State of California.

It is asserted that some ambiguity exists in that portion of the language of Section 22 of Article XII of the Constitution, which fixes the penalty when any railroad company shall fail or refuse to conform to rates established by the Commission or shall charge rates in excess thereof, and it is claimed that the use of the last phrase "or shall charge rates in excess thereof" excludes the power to punish discrimination by the railroad companies. The rational construction of the language used can lead to no such conclusion; but if you believe there is any ambiguity in the constitutional provision as it now exists, or any doubt of the power conferred by it upon the Railroad Commission, I would suggest that this matter be remedied by a constitutional amendment. In no event, however, should action be deferred in reference to needed legislation and that herein suggested. It is not unlikely that the ingenuity of those who represent the railroad companies will pretend, and find some advocates in this, that all legislative action should await the amendment of the Constitution. I trust that you will not permit this specious plea to prevail, but that you will at once accord the power to the Commission that is designed by the bill referred to.

I beg of you not to permit the bogie man of the railroad companies, "Unconstitutionality," to deter you from enacting the legislation suggested, if you believe that legislation to be necessary; and I trust that none of us will be terrified by the threat of resort to the courts that follows the instant a railroad extortion is resented or attempted to be remedied. Let us do our full duty, now that at last we have a Railroad Commission that will do its full duty, and let us give this Commission all the power and aid and resources it requires; and it, thereafter, legitimate work done within the law and the Constitution shall be nullified, let the consequences rest with the nullifying power.

AMENDMENT OF DIRECT PRIMARY LAW.

California took a long step toward popular government when the direct primary law was enacted. The first experiment under the direct primary law has been made, and despite the predictions of the cynical and the critical, the law has been a success, and has come to stay. It may, however, be improved in many respects, and so recent has been the discussion of the minor imperfections of the act that they are familiar to us all; and I think the desire is general to remedy those defects. When the law shall have been amended and its imperfections corrected, and when it shall have been made less difficult for one to become a candidate for public office (and this should be one of the designs of amendment, I think), the important question of dealing with the candidacy for United States Senator remains. Of course, the Constitution of the United States requires that United States Senators shall be elected by state legislatures. Notwithstanding the popular demand expressed now for a quarter of a century that United States Senators should be elected by direct vote of the people, we have been unable to amend the Federal Constitution; but the people in more than half the states are striving to effect the same result by indirection. The result that our people, in common with those of most of the states, are seeking is to have the people themselves elect United States Senators. I do not think it is extravagant to say that nine electors out of ten in California desire the electorate directly to choose United States Senators, and if they possessed the power they would remove the selection wholly from the Legislature. The present primary law in its partisan features does not attain the desired result. And the present law, in its provision relating to United States Senators, is at variance with the wishes of an overwhelming majority of our people. Some of those who desire direct election may wish a selection made by parties, while others would eliminate all partisan features in such an election; yet all wish a selection by the whole State by plurality; and the present provisions of the primary law meet with the approval of none who really wish the election of United States Senator by direct vote. I suggest to you, therefore, that the present law be amended so that there be a state-wide advisory vote upon United States Senator and the logical result of a desire to elect United States Senators by direct vote of the people is that that election shall be of any person who may be a candidate, no matter what party he may be affiliated with. For that reason I favor the Oregon plan, as it is termed, whereby the candidate for this office, as for any other office may be voted for, and by which the candidate receiving the highest number of votes may be ultimately selected. If, in your wisdom, you believe we should not go to the full extent expressed in my views, then, in any event, the primary law should make the vote for the United States Senator state-wide and the vote of the whole State, irrespective of districts, controlling.

SHORT BALLOT.

The most advanced thought in our nation has reached the conclusion that we can best avoid blind voting and best obtain the discrimination of the electorate by a short ballot. A very well known editor in our State, during a recent lecture at

Stanford University, challenged the faculty of that great institution to produce a single man who had cast an intelligent vote for the office of State Treasurer, and none was produced. Fortunately, our State Treasurer is the highest type of citizen and official. The reason the challenge could not be met was that, in the hurry of our existence and in the engrossing importance of the contests for one or two offices, we can not or do not inform ourselves sufficiently regarding the candidates for minor offices. Again, we elect some officials whose duties are merely clerical or ministerial, and whose qualifications naturally can not be well understood. Of course, it is undesirable and indeed detrimental, that we should elect officials of whom we know nothing and concerning whom the electorate can not learn and can not discriminate. It is equally undesirable that those occupying merely clerical positions should be voted for by the entire electorate of the State. The result of a long ballot is that often candidates for minor offices are elected who are unfit or unsatisfactory. This conclusion, I think, has been reached by students, and the farseeing in every state in the Union. If we can remedy this condition it is our duty to do so, and it is plain that the remedy is by limiting the elective list of offices to those that are naturally conspicuous. One familiar with the subject recently said: "The little offices must either go off the ballot and be appointed, no matter how awkwardly, or they must be increased in real public importance by added powers until they rise into such eminence as to be visible to all the people. That candidates should be conspicuous is vital. The people must be able to see what they are doing; they must know the candidates, otherwise they are not in control of the situation, but are only going through the motions of controlling."

The Supreme Court of the State has asked that the Clerk of the Supreme Court, now elective, shall be made appointive. It is eminently just that this should be so. It is quite absurd that the people of an entire state should be called upon to vote for a clerk of the Supreme Court. The office of State Printer is merely administrative. Presumably, an expert printer is selected to fill this position, and in the selection of an expert, no reason at all exists for the entire electorate selecting that particular expert. The Surveyor General, likewise, performs merely ministerial duties, presumably is only an expert, and his selection should be by appointment rather than election. The Superintendent of Public Instruction, an expert educator, is in the same category. The government of the United States is conducted with all of its departments with only two elective officers, the President and Vice-President. The President has surrounding him a Cabinet, the members of which perform all of the duties that are ministerial in character. The Treasurer of the State of California performs duties akin to those of the Secretary of the Treasury of the United States. He does nothing initiative in character, and his office could better be filled by appointment than election. The Secretary of State is in reality merely the head clerk of the State, and as a clerk of the Supreme Court may be better selected by the Supreme Court itself; so the Secretary of State, as the chief clerk of the State, may be better selected by the head of the State. The Attorney General could, in like fashion, be appointed, and if appointed his office could be made the general office of all legal departments of the State. Every attorneyship of the State that now exists, of commissions, and boards, and officials, could be put under his control, and a general scheme of State Legal Department could thus be successfully evolved—a department economical, efficient, and permanent, and even non-partisan in its character, if desired.

Were these various officials appointed by the Governor, the chief officer of the State could surround himself with a cabinet like the cabinet of the Chief Executive of the nation, and a more compact, perhaps more centralized and possibly a more efficient government, established. I would leave the Controller an elective officer because, theoretically at least, the Controller is a check upon the other officials of the State, and thus should be independent. Were these suggestions carried out, the State ballot would consist of a Governor, Lieutenant Governor, Controller, members of the Judiciary, and members of the Legislature. Of course, any change we might make as herein suggested could not operate upon officials now in office or during any of our terms.

I recognize that the reform here suggested is radical and advanced, but I commend it to your careful consideration.

OTHER BALLOT REFORM.

All of the parties in the State of California are committed to the policy of restoring the Australian ballot to its original form; and, therefore, I merely call to your attention that restoration as one of the duties that devolves upon us because of party pledges.

NON-PARTISAN JUDICIARY.

And the return of the Australian ballot to the form which first we adopted in this State provides an easy mode for the redemption of the promises that have been made in respect to non-partisan judiciary. With the party circle eliminated, and with the names of the candidates for office printed immediately under the designation of the office, when upon the ballot the title of the Judiciary is reached, the names of all the candidates may be printed without any party designation follow-

ing those names, and in this fashion all of the candidates for judicial position will be presented to the people with nothing to indicate the political parties with which they have been affiliated.

COUNTY HOME RULE.

One of the most vexatious subjects with which legislatures have to deal is respecting classification, salaries, etc., of the various counties. The astonishing amount of time occupied by our Legislature in county government bills can only be understood by those who have been familiar with legislative work. I quote from a report by Controller Nye upon the subject:

"The first Legislature after the adoption of the Constitution commenced by making ten classes of counties, which number soon increased to more than forty, and at the present time there are fifty-eight classes, exactly equaling the number of counties.

"If there were no other evidence of the folly of trying to legislate on county salaries by general laws, this would be conclusive. But the change of these general laws to meet the supposed needs of different counties has been incessant. In the legislative session of 1905 there were forty-five amendments to the salary schedules of as many counties; in 1907 there were fifty-seven such amendments, one for every county then existing, and in 1909 there were fifty.

"So great are the evils of this form of legislation that we deem the only permanent remedy for them to be the submission and adoption of an amendment which will permit each county, proceeding along the same general lines as those prescribed for cities, to draft its own county government act, subject to ratification by the Legislature. The amendment should enumerate the subjects which may be embraced in these county government acts, or county charters, so framed, and they should include the number and compensation of officers, the granting or withholding of fees, the determination whether the county board of supervisors shall be elected by districts or at large, also the determination whether other county officers shall be elected or appointed, and such other similar matters of local concern as will not interfere with the operation of the general plan of State Government."

I quite agree with the views expressed by our Controller, and adopt his recommendation. It is but just and proper that counties should rule themselves just as cities do, and if this be accomplished we will have succeeded in taking from the Legislature perhaps a most vexatious subject, and one with which of necessity it can not deal oftentimes with intelligence, and we will have saved to the Legislature and the State the immense amount of time that is now expended by the Legislature upon the subject. Of course, care must be exercised in any change that practical uniformity is preserved.

CIVIL SERVICE AND THE MERIT SYSTEM

In the first subject with which I have dealt, I defined clearly my attitude in regard to public service. Too often it has occurred that appointments to the public service have been made solely because of political affiliations or as a reward for political service. It is a design of the present administration to put in force the merit system, and it is our hope to continue that system by virtue of a civil service enactment. The committee recently appointed by the Republican State Central Committee presented an act, covering the subject, which I commend to you.

CONSERVATION.

In the abstract all agree upon the policy of conservation. It is only when we deal with conservation in the concrete that the enforcement of the doctrine enunciated originally by Gifford Pinchot and Theodore Roosevelt, that we find opposition. Conservation means development, but development and preservation; and it would seem that no argument should be required on the question of preserving, so far as we may, for all of the people, those things which naturally belong to all. The great natural wealth of water in this State has been permitted, under our existing laws and lack of system, to be misappropriated, and to be held to the great disadvantage of its economical development. The present laws in this respect should be amended. If it can be demonstrated that claims are wrongfully or illegally held, those claims should revert to the State. A rational and equitable code and method of procedure for water conservation and development should be adopted.

REFORMATORY FOR FIRST OFFENDERS

Humanity requires that we should provide a reformatory for first offenders. All of us are agreed upon this matter, and your wisdom will determine the best mode of its consummation.

EMPLOYERS' LIABILITY LAW.

Upon the righteousness of an Employers' Liability Law, no more apt expression can be found than that of ex-President Roosevelt on last Labor Day. He said.

"In what is called 'Employers' Liability' legislation, other industrial countries have accepted the principle that the industry must bear the monetary burden of its human sacrifices, and that the employee who is injured shall have a fixed and definite sum. The United States still proceeds on an outworn and curiously improper principle, in accordance with which it has too often been held by the courts that the frightful burden of the accident shall be borne in its entirety by the very person least able to bear it. Fortunately, in a number of states—in Wisconsin and in New York, for instance—these defects in our industrial life are either being remedied or else are being made a subject of intelligent study, with a view to their remedy."

In this State all parties stand committed to a just and adequate law whereby the risk of the employment shall be placed not upon the employee alone, but upon the employment itself. Some new legal questions will be required to be solved in this connection, and the fellow servant rule now in vogue in this State will probably be abrogated, and the doctrine of contributory negligence abridged. It is hoped that those in our State who have given most study to this subject will soon present to you a comprehensive bill, and when this shall have been done the matter will again be made a subject of communication by me.

I have purposely refrained to-day from indulging in panegyrics upon the beauty, grandeur, wealth and prosperity of our State; or from solemnly declaring that we will foster industries, and aid in all that is material. It goes without saying that, whatever political or other differences may exist among our citizens, all are proud of California, its unbounded resources, its unsurpassed scenic grandeur, its climatic conditions that compel the wondering admiration of the world; and all will devotedly lend their aid to the proper development of the State, to the protection and preservation of that which our citizens have acquired, and that which industrially is in our midst. Ours, of course, is a glorious destiny, to the promotion and consummation of which we look forward with pride and affection, and to which we pledge our highest endeavor. Hand in hand with that prosperity and material development that we foster, and that will be ours practically in any event, goes political development. The hope of governmental accomplishment for progress and purity politically is with us in this new era. This hope and wish for accomplishment for the supremacy of the right and its maintenance, I believe to be with every member of the Legislature. It is in no partisan spirit that I have addressed you; it is in no partisan spirit that I appeal to you for aid. Democrats and Republicans alike are citizens, and equal patriotism is in each, and your aid, your comfort, your highest resolve and endeavor, I bespeak, not as Republicans or Democrats, but as representatives of all the people of all classes and political affiliations, as patriots indeed, for the advancement and progress, and righteousness and uplift of California.

May God, in His mercy, give us strength and courage for the right.

16. Keller's "American Hymn," double quartet.
17. Administration of oath of office to incoming Lieutenant Governor
18. Introduction of Lieutenant Governor A. J. Wallace by Hon. A. E. Boynton.
President pro tem. of the Senate.
19. Remarks by the Lieutenant Governor.
20. Reading of minutes of the Joint Convention by the Secretary of the Senate, Walter N. Parrish.
21. Approval of the minutes
22. "Star Spangled Banner," double quartet.
23. Benediction, Rev. F. K. Baker, Chaplain of the Assembly.
24. Adjournment of Joint Assembly.
25. Selection, orchestra.
26. Escort of Governor Hiram W. Johnson to the office of Chief Executive by Joint Legislative Committee on Inaugural Ceremonies.
27. Governor's salute at Capitol grounds

PRAYER.

Prayer by the Chaplain of the Senate, Rev. Father Henry H. Wyman.

ADDRESS BY GOVERNOR J. N. GILLETT.

Upon invitation by the Speaker of the Assembly, Governor J. N. Gillett addressed the Joint Assembly.

ADMINISTRATION OF OATH OF OFFICE.

The Hon. E. C. Hart, Justice of the Third District Court of Appeal of the State of California, administered the oath of office to Governor-elect Hiram W. Johnson, as follows:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Governor according to the best of my ability.

READING AND APPROVAL OF MINUTES.

The minutes of the Joint Convention were read and, on motion approved.

BENEDICTION.

Benediction by Rev. F. K. Baker, Chaplain of the Assembly

ADJOURNMENT.

There being no further business, at nine o'clock and thirty minutes P. M. the President pro tem. of the Senate adjourned the Joint Convention without day.

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Wednesday, January 4, 1911. }

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bolnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—80.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Schmitt, its further reading was dispensed with.

REPORT OF TEMPORARY COMMITTEE.

The following report of temporary committee was received and read:

ON MILEAGE.

ASSEMBLY CHAMBER, January 4, 1911.

MR. SPEAKER. Your temporary Committee on Mileage beg leave to report that they have computed the mileage according to Part II, Title III, and section 237 of the Political Code and recommend the adoption of the resolution herewith.

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named officers and members of the Assembly for the amounts set opposite their names, and the State Treasurer is hereby ordered and directed to pay the same.

LYNCH, Chairman.

Names.	Address.	Miles	Amount
Beatty, H. N.	San Francisco	180	\$18 00
Beckett, J. F.	Arroyo Grande	716	71 60
Benedict, H. S.	Los Angeles	894	89 40
Bennink, C. G. H.	Ontario	972	97 20
Bishop, Clyde	Santa Ana	962	96 20
Bliss, C. A.	Sacramento	2	20
Bohnett, L. D.	San Jose	256	25 60
Brown, H. W.	Colma	198	19 80
Butler, E. M.	Los Angeles	894	89 40
Callaghan, R. J.	Oakland	168	16 80
Cattell, H. G.	Pasadena	912	91 20
Chandler, W. F.	Fresno	338	33 80
Clark, W. C.	Oakland	168	16 80
Coghlan, N. G.	San Francisco	180	18 00
Cogswell, P. F.	El Monte	924	92 40
Cronin, J. R.	Bemica	114	11 40
Crosby, S.	Alameda	178	17 80
Cunningham, A.	San Francisco	180	18 00
Denegri, D. M.	San Francisco	180	18 00
Farwell, Lyman	Los Angeles	894	89 40
Feeley, T. J.	San Francisco	180	18 00
Fitzgerald, George	Oakland	168	16 80
Flint, W. R.	Hollister	346	34 60
Freeman, G. R.	Corona	1004	100 40
Gaylord, E. C.	East Auburn	74	7 40
Gerdes, F. C.	San Francisco	180	18 00
Griffin, T. F.	Modesto	154	15 40
Griffiths, W. B.	Monticello	132	13 20
Guill, J. H. J.	Chico	182	18 20
Hall, F. H.	Bakersfield	556	55 60
Hamilton, J. W.	Petaluma	212	21 20
Harlan, G. H.	Sausalito	192	19 20
Hayes, D. R.	San Jose	256	25 60
Held, W. D. L.	Ukiah	300	30 00
Hinkle, E. C.	San Diego	1146	114 60
Hinshaw, W. E.	Long Beach	936	93 60
Jasper, G. A.	Fortuna	660	66 00
Jones, M. R.	Martinez	124	12 40
Joel, A.	San Francisco	180	18 00
Judson, F. E.	Escondido	1108	110 80
Kehoe, William	Eureka	624	62 40
Kennedy, W. P.	San Francisco	180	18 00
Lamb, W. A.	Los Angeles	894	89 40
Lynch, E. J.	Walsh Station	26	2 60
Lyon, H. H.	Los Angeles	894	89 40
Lyon, W. T.	San Francisco	180	18 00
Maher, J. B.	Santa Cruz	396	39 60
Malone, G. E.	Dunsmuir	470	47 00
March, J. C.	Sacramento	2	20
McDonald, W. A.	San Francisco	180	18 00
McGowen, E. H.	Stockton	96	9 60
Mendenhall, J. L.	Williams	120	12 00
Mott, D. W.	Santa Paula	1014	101 40
Mullally, J. E.	San Francisco	180	18 00
Nolan, E. J. D.	San Francisco	180	18 00

Names	Address.	Miles	Amount.
Polsley, H.	Red Bluff	304	\$30 40
Preisker, C. L.	Santa Maria	750	75 00
Randall, C. H.	Los Angeles	894	89 40
Rimlinger, D.	San Francisco	180	18 00
Rodgers, F. N.	San Francisco	180	18 00
Rogers, A. A.	San Leandro	184	18 40
Rosendale, C. B.	Salinas	416	41 60
Rutherford, F. M.	Truckee	242	24 20
Ryan, J. J.	San Francisco	180	18 00
Sbragia, V. A.	San Francisco	180	18 00
Schmitt, M. L.	San Francisco	180	18 00
Slater, H. W.	Santa Rosa	180	18 00
Smith, F. M.	Oakland	168	16 80
St. enot, F. G.	Carson Hill	274	27 40
Stuckenbruck, J. W.	Acampo	78	\$7 80
Sutherland, W. A.	Fresno	338	33 80
Telfer, R. L.	San Jose	256	25 60
Tibbits, J. H.	Redding	342	34 20
Walker, F. J.	Lemoore	448	44 80
Walsh, E. P.	San Francisco	180	18 00
Williams, D. E.	Chinese Camp	230	23 00
Wilson, L. H.	Winters	56	5 60
Wyllie, G. W.	Dinuba	398	39 80
Young, C. C.	Berkeley	168	16 80
Hewitt, A. H.	Yuba City	116	11 60
Walker, T. G.	San Francisco	180	18 00
Harper, H. A.	El Dorado	116	11 60
Stafford, J. T.	Sacramento	2	20

Mr. Lynch moved that the above report be printed in the Journal, and made a special order for Thursday, January 5, 1911, at eleven o'clock A. M.

Motion carried.

SPECIAL ORDER SET.

In accordance with the above motion, the consideration of the above report was made a special order for the time aforesaid.

RESOLUTION.

The following resolution was offered:

By Mr. Hinkle:

Resolved, That the statement transmitted to the Speaker of the Assembly by the Secretary of State, showing the vote cast for candidates for United States Senator in Congress, as per Section 23 of the direct primary law be printed in the Journal of this day

Resolution read and, on motion, adopted.

ADVISORY VOTE FOR UNITED STATES SENATOR.

SENATORIAL DISTRICTS.

<i>First District—</i>	Del Norte.	Humboldt.	Tehama	Trinity.	Totals.
Edwin A. Meserve (Rep.)	113	1,239	136	65	1,553
A. G. Spalding (Rep.)	150	1,345	205	77	1,777
John D. Works (Rep.)	98	1,187	270	73	1,628
James D. Phelan (Dem.)	—	1	—	4	5
Job Harriman (Soc.)	—	68	19	4	81
Scattering	—	—	4	—	4
<i>Second District—</i>	Modoc.	Lassen	Siskiyou.	Shasta.	Totals.
Edwin A. Meserve (Rep.)	121	129	429	295	974
A. G. Spalding (Rep.)	153	207	432	390	1,182
John D. Works (Rep.)	117	128	504	606	1,355
John D. Works (Dem.)	—	2	—	10	12
Job Harriman (Soc.)	—	—	3	23	27
Wm Henderson (Pro.)	—	—	3	—	3
Scattering	3	3	22	9	37
<i>Third District—</i>	Plumas.	Sierra.	Nevada.	Placer.	Totals.
Edwin A. Meserve (Rep.)	115	125	482	338	1,060
A. G. Spalding (Rep.)	154	104	361	437	1,056
John D. Works (Rep.)	199	108	503	527	1,337
John D. Works (Dem.)	—	—	—	19	19
Job Harriman (Soc.)	—	1	6	6	13
John D. Works (Pro.)	—	—	—	3	3
Scattering	9	20	13	11	53
<i>Fourth District—</i>	Lake.	Mendocino	Colusa.	Glenn.	Totals.
Edwin A. Meserve (Rep.)	126	629	79	91	925
A. G. Spalding (Rep.)	147	625	132	138	1,042
John D. Works (Rep.)	88	396	116	118	718
John D. Works (Dem.)	1	—	2	5	8
Job Harriman (Soc.)	19	17	—	1	37
John D. Works (Pro.)	—	—	—	1	1
H. P. Stupp (Pro.)	1	—	—	—	1
George McCowen (Pro.)	1	—	—	—	1
Scattering	11	12	1	14	38
<i>Fifth District—</i>		Napa.	Solano.		Totals.
Edwin A. Meserve (Rep.)	—	663	669	—	1,332
A. G. Spalding (Rep.)	—	732	1,163	—	1,895
John D. Works (Rep.)	—	493	703	—	1,196
John D. Works (Dem.)	—	3	18	—	21
A. G. Spalding (Dem.)	—	5	15	—	20
Job Harriman (Soc.)	—	22	34	—	56
Dr. H. P. Skiff (Pro.)	—	1	—	—	1
Scattering	—	34	—	—	34
<i>Sixth District—</i>	Butte.	Yuba.	Sutter.	Yolo.	Totals.
Edwin A. Meserve (Rep.)	486	208	198	271	1,163
A. G. Spalding (Rep.)	664	260	190	367	1,481
John D. Works (Rep.)	533	276	197	392	1,697
T. E. Gibbon (Dem.)	2	21	2	—	25
Job Harriman (Soc.)	20	—	—	3	23
M. D. Hurst (Pro.)	—	—	—	6	6
Scattering	27	7	20	30	77
<i>Seventh District—</i>					Sacramento.
Edwin A. Meserve (Rep.)	—	—	—	—	2,025
A. G. Spalding (Rep.)	—	—	—	—	2,860
John D. Works (Rep.)	—	—	—	—	2,145
Thomas Fox (Dem.)	—	—	—	—	4
Job Harriman (Soc.)	—	—	—	—	86
Scattering	—	—	—	—	—
<i>Eighth District—</i>					Sonoma.
Edwin A. Meserve (Rep.)	—	—	—	—	822
A. G. Spalding (Rep.)	—	—	—	—	1,277
John D. Works (Rep.)	—	—	—	—	1,169
A. G. Spalding (Dem.)	—	—	—	—	9
J. M. Phelan (Dem.)	—	—	—	—	9
Job Harriman (Soc.)	—	—	—	—	65
C. S. Pitt (Pro.)	—	—	—	—	4
Scattering	—	—	—	—	26
<i>Ninth District—</i>		Contra Costa.	Marin.		Totals.
Edwin A. Meserve (Rep.)	—	754	814	—	1,568
A. G. Spalding (Rep.)	—	1,133	1,003	—	2,136
John D. Works (Rep.)	—	620	619	—	1,239
R B Meyers (Dem.)	—	14	—	—	14
Job Harriman (Soc.)	—	46	—	—	46
John D. Works (Pro.)	—	1	—	—	1
Scattering	—	27	9	—	36

SENATORIAL DISTRICTS—Continued.

<i>Tenth District—</i>	Mono.	El Dorado.	Amador.	Calaveras.	Alpine.	Totals.
Edwin A. Meserve (Rep.)	67	199	267	207	17	857
A. G. Spalding (Rep.)	81	229	192	362	25	889
John D. Works (Rep.)	44	197	180	266	10	697
Thos. F. Gibbon (Dem.)	-----	33	-----	-----	-----	33
Job Harriman (Soc.)	-----	14	-----	8	-----	22
John D. Works (Pro.)	1	1	-----	-----	-----	2
Scattering	6	-----	17	22	-----	45

<i>Eleventh District—</i>	San Joaquin.
Edwin A. Meserve (Rep.)	1,046
A. G. Spalding (Rep.)	1,370
John D. Works (Rep.)	1,418
A. L. Cowell (Dem.)	233
Scattering	15

<i>Twelfth District—</i>	Tuolumne.	Mariposa.	Madera.	Stanislaus.	Merced.	Totals.
Edwin A. Meserve (Rep.)	146	50	69	273	133	678
A. G. Spalding (Rep.)	252	44	125	360	175	956
John D. Works (Rep.)	211	44	148	436	135	974
John D. Works (Dem.)	5	-----	4	3	8	20
Job Harriman (Soc.)	26	-----	14	24	19	83
John D. Works (Pro.)	-----	-----	-----	4	-----	4
Ira Surface (Pro.)	-----	-----	-----	4	-----	4
Scattering	14	5	5	46	8	78

<i>Thirteenth District—</i>	Alameda.
Edwin A. Meserve (Rep.)	641
A. G. Spalding (Rep.)	901
John D. Works (Rep.)	674
John D. Works (Dem.)	5
Job Harriman (Soc.)	9
Scattering	4

<i>Fourteenth District—</i>	Alameda.
Edwin A. Meserve (Rep.)	1,402
A. G. Spalding (Rep.)	2,505
John D. Works (Rep.)	1,908
John D. Works (Dem.)	17
Job Harriman (Soc.)	131
W. S. Kerr (Pro.)	2
Scattering	18

<i>Fifteenth District—</i>	Alameda.
Edwin A. Meserve (Rep.)	2,126
A. G. Spalding (Rep.)	4,004
John D. Works (Rep.)	4,319
John D. Works (Dem.)	21
Job Harriman (Soc.)	126
W. S. Kerr (Pro.)	5
Scattering	18

<i>Sixteenth District—</i>	Alameda.
Edwin A. Meserve (Rep.)	1,783
A. G. Spalding (Rep.)	2,908
John D. Works (Rep.)	1,989
John D. Works (Dem.)	14
Job Harriman (Soc.)	89
Scattering	13

<i>Seventeenth District—</i>	San Francisco.
Edwin A. Meserve (Rep.)	326
A. G. Spalding (Rep.)	404
John D. Works (Rep.)	241
E. A. Meserve (Dem.)	2
James D. Phelan (Dem.)	2
Job Harriman (Soc.)	21
J. H. Wortendyke (Pro.)	3
Scattering	2

<i>Eighteenth District—</i>	San Francisco.
Edwin A. Meserve (Rep.)	685
A. G. Spalding (Rep.)	1,113
John D. Works (Rep.)	546
H. P. Flannery (Dem.)	12
Job Harriman (Soc.)	88
J. H. Wortendyke (Pro.)	3
Scattering	18

<i>Nineteenth District—</i>	San Francisco.
A. G. Spalding (Rep.)	1,221
John D. Works (Rep.)	1,997
Edwin A. Meserve (Rep.)	1,101
A. G. Spalding (Dem.)	11
Job Harriman (Soc.)	53
J. H. Wortendyke (Pro.)	4
Scattering	22

SENATORIAL DISTRICTS—Continued.

Twentieth District—		San Francisco.		
Edwin A. Meserve (Rep.)	1,630			
A. G. Spalding (Rep.)	2,568			
John D. Works (Rep.)	1,526			
H. P. Flannery (Dem.)	26			
Job Harriman (Soc.)	104			
J. H. Wortendyke (Pro.)	7			
Scattering	46			
Twenty-first District—		San Francisco		
Edwin A. Meserve (Rep.)	1,900			
A. G. Spalding (Rep.)	2,407			
John D. Works (Rep.)	1,585			
H. P. Flannery (Dem.)	30			
Job Harriman (Soc.)	47			
J. H. Wortendyke (Pro.)	1			
Scattering	97			
Twenty-second District—		San Francisco		
Edwin A. Meserve (Rep.)	2,031			
A. G. Spalding (Rep.)	2,772			
John D. Works (Rep.)	2,082			
H. P. Flannery (Dem.)	18			
Job Harriman (Soc.)	37			
J. H. Wortendyke (Pro.)	1			
Scattering	67			
Twenty-third District—		San Francisco		
Edwin A. Meserve (Rep.)	451			
A. G. Spalding (Rep.)	680			
John D. Works (Rep.)	420			
H. P. Flannery (Dem.)	14			
Job Harriman (Soc.)	10			
Scattering	16			
Twenty-fourth District—		San Francisco		
Edwin A. Meserve (Rep.)	578			
A. G. Spalding (Rep.)	852			
John D. Works (Rep.)	510			
H. P. Flannery (Dem.)	7			
Job Harriman (Soc.)	9			
J. H. Wortendyke (Pro.)	1			
Scattering	42			
Twenty-fifth District—		San Francisco		
Edwin A. Meserve (Rep.)	927			
A. G. Spalding (Rep.)	1,309			
John D. Works (Rep.)	737			
H. P. Flannery (Dem.)	10			
Job Harriman (Soc.)	16			
Scattering	39			
Twenty-sixth District—		Fresno		
Edwin A. Meserve (Rep.)	737			
A. G. Spalding (Rep.)	757			
John D. Works (Rep.)	2,050			
John D. Works (Dem.)	68			
Job Harriman (Soc.)	53			
P. R. Jackson (Pro.)	17			
Scattering	105			
Twenty-seventh District—		Santa Clara		
Edwin A. Meserve (Rep.)	772			
A. G. Spalding (Rep.)	1,253			
John D. Works (Rep.)	1,238			
T. E. Gibbons (Dem.)	64			
Job Harriman (Soc.)	23			
John D. Works (Pro.)	9			
Scattering	42			
Twenty-eighth District—		Santa Clara		
Edwin A. Meserve (Rep.)	1,016			
A. G. Spalding (Rep.)	1,448			
John D. Works (Rep.)	1,222			
T. E. Gibbon (Dem.)	67			
Job Harriman (Soc.)	47			
John D. Works (Pro.)	10			
Scattering	71			
Twenty-ninth District—		Santa Cruz	San Mateo	Totals
Edwin A. Meserve (Rep.)	561	742		1,303
A. G. Spalding (Rep.)	550	1,210		1,760
John D. Works (Rep.)	549	514		1,063
John D. Works (Dem.)	13	13		26
James D. Phelan (Dem.)	4	21		25
Job Harriman (Soc.)	33	10		43
John D. Works (Pro.)	2			2
R. E. Surface (Pro.)	2			2
Scattering		55		55

SENATORIAL DISTRICTS—Continued.

Thirtieth District—	San Bernardino.	Inyo.	Totals.
Edwin A. Meserve (Rep.)	1,512	77	1,589
A. G. Spalding (Rep.)	1,516	97	1,613
John D. Works (Rep.)	1,089	114	1,203
John D. Works (Dem.)	10	7	17
Job Harriman (Soc.)	56	-----	56
J. S. Armstrong (Pro.)	15	-----	15
Scattering	28	8	36

Thirty-first District—	Monterey.	San Benito.	San Luis Obispo.	Totals
Edwin A. Meserve (Rep.)	326	139	341	806
A. G. Spalding (Rep.)	682	194	379	1,255
John D. Works (Rep.)	549	145	475	1,169
Thomas E. Gibbon (Dem.)	-----	-----	61	61
Job Harriman (Soc.)	2	9	45	56
Ira E. Surface (Pro.)	4	-----	-----	4
Scattering	37	23	23	83

Thirty-second District—	Kern.	Kings.	Tulare.	Totals
Edwin A. Meserve (Rep.)	340	257	225	822
A. G. Spalding (Rep.)	358	273	350	981
John D. Works (Rep.)	501	481	778	1,760
John D. Works (Dem.)	-----	2	18	20
Job Harriman (Soc.)	-----	10	47	57
John D. Works (Pro.)	-----	-----	3	3
Scattering	6	2	25	33

Thirty-third District—	Santa Barbara	Ventura	Totals
Edwin A. Meserve (Rep.)	627	419	1,046
A. G. Spalding (Rep.)	438	280	718
John D. Works (Rep.)	436	419	855
O. A. Tippet (Dem.)	-----	14	14
Job Harriman (Soc.)	15	7	22
Edwin Meserve (Pro.)	-----	1	1
Scattering	30	21	51

Thirty-fourth District—	Los Angeles
Edwin A. Meserve (Rep.)	4,486
A. G. Spalding (Rep.)	1,424
John D. Works (Rep.)	6,224
John D. Works (Dem.)	87
Job Harriman (Soc.)	158
John D. Works (Pro.)	36
Scattering	124

Thirty-fifth District—	Los Angeles
Edwin A. Meserve (Rep.)	2,507
A. G. Spalding (Rep.)	617
John D. Works (Rep.)	3,136
John D. Works (Dem.)	17
Job Harriman (Soc.)	59
John D. Works (Pro.)	49
Scattering	146

Thirty-sixth District—	Los Angeles
Edwin A. Meserve (Rep.)	1,826
A. G. Spalding (Rep.)	782
John D. Works (Rep.)	3,255
John D. Works (Dem.)	21
Job Harriman (Soc.)	132
John D. Works (Pro.)	36
Scattering	96

Thirty-seventh District—	Los Angeles
Edwin A. Meserve (Rep.)	2,014
A. G. Spalding (Rep.)	706
John D. Works (Rep.)	2,341
John D. Works (Dem.)	27
Job Harriman (Soc.)	73
John D. Works (Pro.)	17
Scattering	187

Thirty-eighth District—	Los Angeles.
Edwin A. Meserve (Rep.)	2,082
A. G. Spalding (Rep.)	787
John D. Works (Rep.)	2,497
John D. Works (Dem.)	36
Job Harriman (Soc.)	110
John D. Works (Pro.)	3
Scattering	132

SENATORIAL DISTRICTS—Continued.

<i>Thirty-ninth District—</i>		Orange.	Riverside.	Totals.
Edwin A. Meserve (Rep.)	-----	1,115	694	1,809
A. G. Spalding (Rep.)	-----	511	1,350	1,861
John D. Works (Rep.)	-----	1,498	1,040	2,538
O. C. Tippetts (Dem.)	-----	-----	30	30
Job Harriman (Soc.)	-----	65	47	112
John D. Works (Pro.)	-----	5	-----	5
O. C. Tippetts (Pro.)	-----	-----	3	3
Scattering	-----	29	12	41
<i>Fortieth District—</i>		San Diego.	Imperial.	Totals.
Edwin A. Meserve (Rep.)	-----	206	193	399
A. G. Spalding (Rep.)	-----	4,573	231	4,804
John D. Works (Rep.)	-----	816	283	1,079
A. G. Spalding (Dem.)	-----	84	-----	84
Job Harriman (Soc.)	-----	199	-----	199
Scattering	-----	40	-----	40

ASSEMBLY DISTRICTS.

First District—		Del Norte	Siskiyou.	Trinity.	Totals.
Edwin A. Meserve (Rep.)	-----	118	429	65	607
A. G. Spalding (Rep.)	-----	150	482	77	669
John D. Works (Rep.)	-----	98	504	73	675
James D. Phelan (Dem.)	-----	-----	-----	4	4
J. D. Phelan (Dem.)	-----	-----	4	-----	4
Job Harriman (Soc.)	-----	-----	-----	4	4
Wm. Henderson (Pro.)	-----	-----	3	-----	3
Scattering	-----	-----	21	-----	22
Second District—					Humboldt.
Edwin A. Meserve (Rep.)	-----				687
A. G. Spalding (Rep.)	-----				876
John D. Works (Rep.)	-----				813
J. O. Davis (Dem.)	-----				1
Job Harriman (Soc.)	-----				44
Third District—					Humboldt.
Edwin A. Meserve (Rep.)	-----				552
A. G. Spalding (Rep.)	-----				469
John D. Works (Rep.)	-----				374
James D. Phelan (Dem.)	-----				1
James J. Smith (Dem.)	-----				1
E. W. Wilson (Dem.)	-----				1
T. J. Geary (Dem.)	-----				1
Job Harriman (Soc.)	-----				24
Fourth District—		Modoc.	Lassen.	Shasta.	Totals.
Edwin A. Meserve (Rep.)	-----	121	129	295	545
A. G. Spalding (Rep.)	-----	153	207	390	750
John D. Works (Rep.)	-----	117	128	606	851
John D. Works (Dem.)	-----	-----	10	10	20
Job Harriman (Soc.)	-----	-----	23	-----	23
J. D. Works (Pro.)	-----	-----	2	2	4
Scattering	-----	3	3	9	15
Fifth District—		Tehama.	Plumas.	Sierra.	Totals.
Edwin A. Meserve (Rep.)	-----	138	115	125	378
A. G. Spalding (Rep.)	-----	205	154	104	463
John D. Works (Rep.)	-----	270	199	108	577
C. M. Belshaw (Dem.)	-----	-----	-----	12	12
Job Harriman (Soc.)	-----	19	-----	1	20
Scattering	-----	4	0	20	33
Sixth District—					Mendocino.
Edwin A. Meserve (Rep.)	-----				629
A. G. Spalding (Rep.)	-----				625
John D. Works (Rep.)	-----				396
Wm. Kent (Dem.)	-----				9
Job Harriman (Soc.)	-----				17
Scattering	-----				12
Seventh District—					Butte.
Edwin A. Meserve (Rep.)	-----				486
A. G. Spalding (Rep.)	-----				664
John D. Works (Rep.)	-----				833
A. E. Boynton (Dem.)	-----				15
Job Harriman (Soc.)	-----				20
W. D. Hurst (Pro.)	-----				4
Scattering	-----				27
Eighth District—		Sutter.	Yuba.	Totals.	
Edwin A. Meserve (Rep.)	-----	163	208	376	
A. G. Spalding (Rep.)	-----	190	260	450	
John D. Works (Rep.)	-----	197	276	473	
T. E. Gibbons (Dem.)	-----	2	21	23	
Scattering	-----	20	7	27	

ASSEMBLY DISTRICTS—Continued.

Ninth District—					Nevada.
Edwin A. Meserve (Rep.)	-----	-----	-----	-----	482
A. G. Spalding (Rep.)	-----	-----	-----	-----	361
John D. Works (Rep.)	-----	-----	-----	-----	503
Job Harriman (Soc.)	-----	-----	-----	-----	6
Scattering	-----	-----	-----	-----	13
Tenth District—					
		El Dorado	Placer	Totals.	
Edwin A. Meserve (Rep.)	-----	199	368	567	
A. G. Spalding (Rep.)	-----	229	437	666	
John D. Works (Rep.)	-----	167	527	724	
Thos. E. Gibbons (Dem.)	-----	33	-----	83	
Job Harriman (Soc.)	-----	14	6	20	
John D. Works (Pro.)	-----	1	3	4	
Scattering	-----	-----	11	11	
Eleventh District—					
	Amador	Calaveras.	Alpine	Mono	Totals
Edwin A. Meserve (Rep.)	267	307	17	67	658
A. G. Spalding (Rep.)	192	362	25	81	660
John D. Works (Rep.)	180	296	10	44	500
James D. Phelan (Dem.)	30	14	-----	-----	44
Job Harriman (Soc.)	-----	8	-----	-----	8
John D. Works (Pro.)	-----	-----	-----	1	1
Scattering	17	22	-----	6	45
Twelfth District—					
		Glenn.	Colusa.	Lake	Totals
Edwin A. Meserve (Rep.)	-----	91	79	126	296
A. G. Spalding (Rep.)	-----	138	132	147	417
John D. Works (Rep.)	-----	118	116	88	322
John D. Works (Dem.)	-----	6	2	1	8
T. F. Gibbons (Dem.)	-----	-----	-----	7	7
Job Harriman (Soc.)	-----	1	-----	19	20
John D. Works (Pro.)	-----	1	-----	-----	1
George McCowen (Pro.)	-----	-----	-----	1	1
H. P. Stipp (Pro.)	-----	-----	-----	1	1
Scattering	-----	14	1	11	26
Thirteenth District—					Sonoma.
Edwin A. Meserve (Rep.)	-----	-----	-----	-----	482
A. G. Spalding (Rep.)	-----	-----	-----	-----	750
John D. Works (Rep.)	-----	-----	-----	-----	685
A. G. Spalding (Dem.)	-----	-----	-----	-----	5
Job Harriman (Soc.)	-----	-----	-----	-----	34
C. S. Pitt (Pro.)	-----	-----	-----	-----	2
Fourteenth District—					Sonoma.
Edwin A. Meserve (Rep.)	-----	-----	-----	-----	400
A. G. Spalding (Rep.)	-----	-----	-----	-----	527
John D. Works (Rep.)	-----	-----	-----	-----	504
James D. Phelan (Dem.)	-----	-----	-----	-----	14
Job Harriman (Soc.)	-----	-----	-----	-----	31
C. S. Pitt (Pro.)	-----	-----	-----	-----	1
Fifteenth District—					Napa.
Edwin A. Meserve (Rep.)	-----	-----	-----	-----	663
A. G. Spalding (Rep.)	-----	-----	-----	-----	732
John D. Works (Rep.)	-----	-----	-----	-----	493
A. G. Spalding (Dem.)	-----	-----	-----	-----	5
Job Harriman (Soc.)	-----	-----	-----	-----	22
Dr. H. P. Skiff (Pro.)	-----	-----	-----	-----	1
Scattering	-----	-----	-----	-----	31
Sixteenth District—					Yolo.
Edwin A. Meserve (Rep.)	-----	-----	-----	-----	271
A. G. Spalding (Rep.)	-----	-----	-----	-----	337
John D. Works (Rep.)	-----	-----	-----	-----	392
E. F. Leake (Dem.)	-----	-----	-----	-----	3
Job Harriman (Soc.)	-----	-----	-----	-----	3
M. D. Hurst (Pro.)	-----	-----	-----	-----	6
Scattering	-----	-----	-----	-----	30
Seventeenth District—					Sacramento
Edwin A. Meserve (Rep.)	-----	-----	-----	-----	678
A. G. Spalding (Rep.)	-----	-----	-----	-----	931
John D. Works (Rep.)	-----	-----	-----	-----	686
Job Harriman (Soc.)	-----	-----	-----	-----	1
Eighteenth District—					Sacramento
Edwin A. Meserve (Rep.)	-----	-----	-----	-----	504
A. G. Spalding (Rep.)	-----	-----	-----	-----	1,080
John D. Works (Rep.)	-----	-----	-----	-----	861
Thomas Fox (Dem.)	-----	-----	-----	-----	4
Job Harriman (Soc.)	-----	-----	-----	-----	12
Nineteenth District—					Sacramento.
Edwin A. Meserve (Rep.)	-----	-----	-----	-----	543
A. G. Spalding (Rep.)	-----	-----	-----	-----	840
John D. Works (Rep.)	-----	-----	-----	-----	698
Job Harriman (Soc.)	-----	-----	-----	-----	23

ASSEMBLY DISTRICTS—Continued.

Twenty District—		Solano			
Edwin A. Meserve (Rep.)	-----		669		
A. G. Spalding (Rep.)	-----		1,163		
John D. Works (Rep.)	-----		703		
A. G. Spalding (Dem.)	-----		15		
John D. Works (Dem.)	-----		18		
Job Harriman (Soc.)	-----		34		
Twenty-first District—		Marin.			
Edwin A. Meserve (Rep.)	-----		814		
A. G. Spalding (Rep.)	-----		1,003		
John D. Works (Rep.)	-----		619		
P. H. Flannery (Dem.)	-----		9		
Twenty-second District—		Contra Costa.			
Edwin A. Meserve (Rep.)	-----		754		
A. G. Spalding (Rep.)	-----		1,133		
John D. Works (Rep.)	-----		620		
R. B. Meyers (Dem.)	-----		14		
Job Harriman (Soc.)	-----		46		
John D. Works (Pro.)	-----		1		
Scattering	-----		27		
Twenty-third District—		San Joaquin.			
Edwin A. Meserve (Rep.)	-----		602		
A. G. Spalding (Rep.)	-----		711		
John D. Works (Rep.)	-----		677		
A. L. Cowell (Dem.)	-----		161		
Scattering	-----		7		
Twenty-fourth District—		San Joaquin.			
Edwin A. Meserve (Rep.)	-----		444		
A. G. Spalding (Rep.)	-----		659		
John D. Works (Rep.)	-----		741		
A. L. Cowell (Dem.)	-----		72		
Scattering	-----		8		
Twenty-fifth District—		Stanislaus.	Merced.	Madera.	Totals.
Edwin A. Meserve (Rep.)	-----	278	133	69	480
A. G. Spalding (Rep.)	-----	380	175	125	680
John D. Works (Rep.)	-----	436	135	148	719
John D. Works (Dem.)	-----	3	8	4	15
Job Harriman (Soc.)	-----	-----	19	14	33
John D. Works (Pro.)	-----	4	-----	-----	4
Ira Surface (Pro.)	-----	4	-----	-----	4
Scattering	-----	86	8	5	99
Twenty-sixth District—		Tuolumne	Mariposa.	Totals.	
Edwin A. Meserve (Rep.)	-----	146	50	196	
A. G. Spalding (Rep.)	-----	252	44	296	
John D. Works (Rep.)	-----	211	44	255	
A. G. Spalding (Dem.)	-----	6	-----	6	
Job Harriman (Soc.)	-----	26	-----	26	
Scattering	-----	13	3	16	
Twenty-seventh District—		Inyo.	Tulare.	Totals.	
Edwin A. Meserve (Rep.)	-----	77	225	302	
A. G. Spalding (Rep.)	-----	97	350	447	
John D. Works (Rep.)	-----	114	778	892	
John D. Works (Dem.)	-----	7	18	25	
Job Harriman (Soc.)	-----	-----	47	47	
John D. Works (Pro.)	-----	-----	3	3	
Scattering	-----	8	26	38	
Twenty-eighth District—		San Francisco.			
Edwin A. Meserve (Rep.)	-----	200			
A. G. Spalding (Rep.)	-----	201			
John D. Works (Rep.)	-----	126			
E. A. Meserve (Dem.)	-----	2			
J. D. Phelan (Dem.)	-----	2			
Job Harriman (Soc.)	-----	17			
J. N. Wortendyke (Pro.)	-----	2			
Scattering	-----	3			
Twenty-ninth District—		San Francisco.			
Edwin A. Meserve (Rep.)	-----	126			
A. G. Spalding (Rep.)	-----	203			
John D. Works (Rep.)	-----	115			
H. P. Flannery (Dem.)	-----	1			
Job Harriman (Soc.)	-----	4			
J. N. Wortendyke (Pro.)	-----	1			
Scattering	-----	1			
Thirtieth District—		San Francisco.			
Edwin A. Meserve (Rep.)	-----	157			
A. G. Spalding (Rep.)	-----	265			
John D. Works (Rep.)	-----	156			
H. P. Flannery (Dem.)	-----	12			
Job Harriman (Soc.)	-----	6			
Scattering	-----	18			

ASSEMBLY DISTRICTS—Continued.

<i>Thirty-first District—</i>		San Francisco.
Edwin A. Meserve (Rep.)	291	
A. G. Spalding (Rep.)	540	
John D. Works (Rep.)	267	
E. A. Meserve (Dem.)	3	
Job Harriman (Soc.)	17	
Scattering	6	
<i>Thirty-second District—</i>		San Francisco.
Edwin A. Meserve (Rep.)	611	
A. G. Spalding (Rep.)	1,108	
John D. Works (Rep.)	502	
H. P. Flannery (Dem.)	4	
A. G. Spalding (Dem.)	4	
Job Harriman (Soc.)	38	
J. N. Wortendyke (Rep.)	2	
Scattering	9	
<i>Thirty-third District—</i>		San Francisco.
Edwin A. Meserve (Rep.)	824	
A. G. Spalding (Rep.)	1,205	
John D. Works (Rep.)	648	
H. P. Flannery (Dem.)	11	
Job Harriman (Soc.)	54	
Scattering	20	
<i>Thirty-fourth District—</i>		San Francisco.
Edwin A. Meserve (Rep.)	806	
A. G. Spalding (Rep.)	1,363	
John D. Works (Rep.)	883	
H. P. Flannery (Dem.)	15	
Job Harriman (Soc.)	50	
J. N. Wortendyke (Pro.)	7	
Scattering	26	
<i>Thirty-fifth District—</i>		San Francisco.
Edwin A. Meserve (Rep.)	610	
A. G. Spalding (Rep.)	888	
John D. Works (Rep.)	599	
A. G. Spalding (Dem.)	7	
Job Harriman (Soc.)	20	
J. H. Wortendyke (Pro.)	2	
Scattering	9	
<i>Thirty-sixth District—</i>		San Francisco.
Edwin A. Meserve (Rep.)	394	
A. G. Spalding (Rep.)	573	
John D. Works (Rep.)	279	
H. P. Flannery (Dem.)	11	
Job Harriman (Soc.)	21	
J. H. Wortendyke (Pro.)		
Scattering	14	
<i>Thirty-seventh District—</i>		San Francisco.
Edwin A. Meserve (Rep.)	1,114	
A. G. Spalding (Rep.)	1,420	
John D. Works (Rep.)	981	
H. P. Flannery (Dem.)	22	
Job Harriman (Soc.)	15	
J. H. Wortendyke (Pro.)	1	
Scattering	62	
<i>Thirty-eighth District—</i>		San Francisco.
Edwin A. Meserve (Rep.)	786	
A. G. Spalding (Rep.)	987	
John D. Works (Rep.)	601	
H. P. Flannery (Dem.)	8	
Job Harriman (Soc.)	32	
Scattering	35	
<i>Thirty-ninth District—</i>		San Francisco.
Edwin A. Meserve (Rep.)	1,392	
A. G. Spalding (Rep.)	2,010	
John D. Works (Rep.)	1,460	
H. P. Flannery (Dem.)	11	
Job Harriman (Soc.)	30	
Scattering	51	
<i>Fortieth District—</i>		San Francisco.
Edwin A. Meserve (Rep.)	639	
A. G. Spalding (Rep.)	762	
John D. Works (Rep.)	563	
H. P. Flannery (Dem.)	7	
Job Harriman (Soc.)	7	
J. H. Wortendyke (Pro.)	1	
Scattering	12	

ASSEMBLY DISTRICTS—Continued.

<i>Forty-first District—</i>	San Francisco.
Edwin A. Meserve (Rep.)	630
A. G. Spalding (Rep.)	876
John D. Works (Rep.)	606
H. P. Flannery (Dem.)	7
Job Harriman (Soc.)	14
Scattering	28
<i>Forty-second District—</i>	San Francisco.
Edwin A. Meserve (Rep.)	294
A. G. Spalding (Rep.)	365
John D. Works (Rep.)	264
J. D. Phelan (Dem.)	3
Job Harriman (Soc.)	2
Scattering	2
<i>Forty-third District—</i>	San Francisco.
Edwin A. Meserve (Rep.)	255
A. G. Spalding (Rep.)	419
John D. Works (Rep.)	278
H. P. Flannery (Dem.)	3
A. G. Spalding (Dem.)	3
Job Harriman (Soc.)	5
Scattering	20
<i>Forty-fourth District—</i>	San Francisco.
Edwin A. Meserve (Rep.)	323
A. G. Spalding (Rep.)	433
John D. Works (Rep.)	232
H. P. Flannery (Dem.)	4
Job Harriman (Soc.)	4
J. N. Wortendyke (Pro.)	1
Scattering	19
<i>Forty-fifth District—</i>	San Francisco.
Edwin A. Meserve (Rep.)	297
A. G. Spalding (Rep.)	433
John D. Works (Rep.)	151
H. P. Flannery (Dem.)	3
Job Harriman (Soc.)	2
Scattering	11
<i>Forty-sixth District—</i>	Alameda.
Edwin A. Meserve (Rep.)	641
A. G. Spalding (Rep.)	901
John D. Works (Rep.)	674
John D. Works (Dem.)	5
Job Harriman (Soc.)	9
Scattering	4
<i>Forty-seventh District—</i>	Alameda.
Edwin A. Meserve (Rep.)	642
A. G. Spalding (Rep.)	1,171
John D. Works (Rep.)	834
John D. Works (Dem.)	5
Job Harriman (Soc.)	27
W. S. Kerr (Pro.)	1
Scattering	4
<i>Forty-eighth District—</i>	Alameda.
Edwin A. Meserve (Rep.)	737
A. G. Spalding (Rep.)	1,068
John D. Works (Rep.)	575
John D. Works (Dem.)	4
Job Harriman (Soc.)	18
Scattering	4
<i>Forty-ninth District—</i>	Alameda.
Edwin A. Meserve (Rep.)	721
A. G. Spalding (Rep.)	1,247
John D. Works (Rep.)	686
A. G. Spalding (Dem.)	6
Job Harriman (Soc.)	24
Scattering	4
<i>Fiftieth District—</i>	Alameda.
Edwin A. Meserve (Rep.)	1,020
A. G. Spalding (Rep.)	1,951
John D. Works (Rep.)	1,458
A. G. Spalding (Dem.)	8
Job Harriman (Soc.)	53
Scattering	5

ASSEMBLY DISTRICTS—Continued.

Fifty-first District—		Alameda.
Edwin A. Meserve (Rep.)	1,162	
A. G. Spaulding (Rep.)	2,011	
John D. Works (Rep.)	1,730	
A. G. Spaulding (Dem.)	16	
Job Harriman (Soc.)	128	
W. S. Kerr (Pro.)	6	
Scattering	17	
Fifty-second District—		Alameda.
Edwin A. Meserve (Rep.)	1,029	
A. G. Spaulding (Rep.)	1,999	
John D. Works (Rep.)	2,871	
John D. Works (Dem.)	21	
Job Harriman (Soc.)	101	
Scattering	14	
Fifty-third District—		San Mateo.
Edwin A. Meserve (Rep.)	742	
A. G. Spaulding (Rep.)	1,240	
John D. Works (Rep.)	514	
John D. Works (Dem.)	21	
James D. Phelan (Dem.)	21	
Job Harriman (Soc.)	10	
Scattering	47	
Fifty-fourth District—		Santa Cruz.
Edwin A. Meserve (Rep.)	561	
A. G. Spaulding (Rep.)	550	
John D. Works (Rep.)	549	
John D. Works (Dem.)	13	
Job Harriman (Soc.)	33	
John D. Works (Pro.)	2	
R. E. Surface (Pro.)	2	
Scattering	4	
Fifty-fifth District—		Santa Clara.
Edwin A. Meserve (Rep.)	519	
A. G. Spaulding (Rep.)	762	
John D. Works (Rep.)	815	
L. F. Gibbons (Dem.)	45	
Job Harriman (Soc.)	20	
John D. Works (Pro.)	9	
Scattering	36	
Fifty-sixth District—		Santa Clara.
Edwin A. Meserve (Rep.)	588	
A. G. Spaulding (Rep.)	945	
John D. Works (Rep.)	832	
L. F. Gibbons (Dem.)	50	
Job Harriman (Soc.)	34	
John D. Works (Pro.)	7	
Scattering	45	
Fifty-seventh District—		Santa Clara.
Edwin A. Meserve (Rep.)	681	
A. G. Spaulding (Rep.)	994	
John D. Works (Rep.)	812	
L. F. Gibbons (Dem.)	36	
Job Harriman (Soc.)	16	
John D. Works (Pro.)	3	
Scattering	32	
Fifty-eighth District—		San Benito.
Edwin A. Meserve (Rep.)	139	
A. G. Spaulding (Rep.)	194	
John D. Works (Rep.)	145	
Henry Hawson (Dem.)	6	
Job Harriman (Soc.)	9	
Scattering	17	
Fifty-ninth District—		Monterey.
Edwin A. Meserve (Rep.)	323	
A. G. Spaulding (Rep.)	662	
John D. Works (Rep.)	549	
A. G. Spaulding (Dem.)	7	
Job Harriman (Soc.)	2	
Ira E. Surface (Rep.)	4	
Scattering	20	
Sixtieth District—		Fresno.
Edwin A. Meserve (Rep.)	414	
A. G. Spaulding (Rep.)	418	
John D. Works (Rep.)	1,064	
John D. Works (Dem.)	23	
Job Harriman (Soc.)	50	
J. R. Jackson (Pro.)	10	
Scattering	45	

ASSEMBLY DISTRICTS—Continued

<i>Sixty-first District—</i>	Fresno.
Edwin A. Meserve (Rep.)	323
A. G. Spalding (Rep.)	339
John D. Works (Rep.)	988
John D. Works (Dem.)	40
Job Harriman (Soc.)	33
J. R. Jackson (Pro.)	9
Scattering	60
<i>Sixty-second District—</i>	Kings.
Edwin A. Meserve (Rep.)	257
A. G. Spalding (Rep.)	273
John D. Works (Rep.)	481
Henry Hawson (Dem.)	6
Job Harriman (Soc.)	10
John D. Works (Pro.)	4
Scattering	6
<i>Sixty-third District—</i>	San Luis Obispo.
Edwin A. Meserve (Rep.)	341
A. G. Spalding (Rep.)	379
John D. Works (Rep.)	475
Thomas E. Gibbons (Dem.)	61
Job Harriman (Soc.)	45
John D. Works (Pro.)	2
Scattering	25
<i>Sixty-fourth District—</i>	Santa Barbara.
Edwin A. Meserve (Rep.)	627
A. G. Spalding (Rep.)	438
John D. Works (Rep.)	436
F. K. Lane (Dem.)	5
John D. Works (Pro.)	5
Job Harriman (Soc.)	15
Scattering	15
<i>Sixty-fifth District—</i>	Ventura.
Edwin A. Meserve (Rep.)	419
A. G. Spalding (Rep.)	280
John D. Works (Rep.)	419
O. A. Tippet (Dem.)	14
Job Harriman (Soc.)	7
Edwin Meserve (Pro.)	1
Scattering	21
<i>Sixty-sixth District—</i>	Kern.
Edwin A. Meserve (Rep.)	340
A. G. Spalding (Rep.)	358
John D. Works (Rep.)	591
A. G. Spalding (Dem.)	4
Scattering	2
<i>Sixty-seventh District—</i>	Los Angeles.
Edwin A. Meserve (Rep.)	1,080
A. G. Spalding (Rep.)	290
John D. Works (Rep.)	1,756
John D. Works (Dem.)	14
Job Harriman (Soc.)	37
John D. Works (Pro.)	19
Scattering	60
<i>Sixty-eighth District—</i>	Los Angeles.
Edwin A. Meserve (Rep.)	1,139
A. G. Spalding (Rep.)	243
John D. Works (Rep.)	914
John D. Works (Dem.)	5
Job Harriman (Soc.)	20
John D. Works (Pro.)	18
Scattering	76
<i>Sixty-ninth District—</i>	Los Angeles.
Edwin A. Meserve (Rep.)	1,712
A. G. Spalding (Rep.)	568
John D. Works (Rep.)	3,198
John D. Works (Dem.)	19
Job Harriman (Soc.)	83
John D. Works (Pro.)	44
Scattering	64
<i>Seventieth District—</i>	Los Angeles.
Edwin A. Meserve (Rep.)	2,727
A. G. Spalding (Rep.)	887
John D. Works (Rep.)	4,019
John D. Works (Dem.)	59
Job Harriman (Soc.)	103
John D. Works (Pro.)	24
Scattering	84

ASSEMBLY DISTRICTS—Continued.

Seventy-first District—		Los Angeles.	
Edwin A. Meserve (Rep.)	-----	1,023	
A. G. Spalding (Rep.)	-----	349	
John D. Works (Rep.)	-----	1,178	
John D. Works (Dem.)	-----	9	
Job Harriman (Soc.)	-----	39	
John D. Works (Pro.)	-----	2	
Scattering	-----	98	
Seventy-second District—		Los Angeles	
Edwin A. Meserve (Rep.)	-----	1,218	
A. G. Spalding (Rep.)	-----	250	
John D. Works (Rep.)	-----	1,534	
John D. Works (Dem.)	-----	30	
Job Harriman (Soc.)	-----	42	
J. D. Works (Pro.)	-----	4	
Scattering	-----	50	
Seventy-third District—		Los Angeles.	
Edwin A. Meserve (Rep.)	-----	672	
A. G. Spalding (Rep.)	-----	448	
John D. Works (Rep.)	-----	919	
John D. Works (Dem.)	-----	14	
Job Harriman (Soc.)	-----	50	
John D. Works (Pro.)	-----	1	
Scattering	-----	72	
Seventy-fourth District—		Los Angeles.	
Edwin A. Meserve (Rep.)	-----	1,692	
A. G. Spalding (Rep.)	-----	866	
John D. Works (Rep.)	-----	2,476	
John D. Works (Dem.)	-----	22	
Job Harriman (Soc.)	-----	108	
John D. Works (Pro.)	-----	18	
Scattering	-----	80	
Seventy-fifth District—		Los Angeles.	
Edwin A. Meserve (Rep.)	-----	1,402	
A. G. Spalding (Rep.)	-----	878	
John D. Works (Rep.)	-----	1,490	
John D. Works (Dem.)	-----	16	
Job Harriman (Soc.)	-----	50	
John D. Works (Pro.)	-----	15	
Scattering	-----	78	
Seventy-sixth District—		San Bernardino.	
Edwin A. Meserve (Rep.)	-----	1,512	
A. G. Spalding (Rep.)	-----	1,516	
John D. Works (Rep.)	-----	1,089	
John D. Works (Dem.)	-----	10	
Job Harriman (Soc.)	-----	86	
J. S. Armstrong (Pro.)	-----	4	
Scattering	-----	28	
Seventy-seventh District—		Orange.	
Edwin A. Meserve (Rep.)	-----	1,115	
A. G. Spalding (Rep.)	-----	511	
John D. Works (Rep.)	-----	1,498	
John D. Works (Dem.)	-----	5	
Job Harriman (Soc.)	-----	65	
John D. Works (Pro.)	-----	5	
Scattering	-----	1	
Seventy-eighth District—		Riverside.	
Edwin A. Meserve (Rep.)	-----	694	
A. G. Spalding (Rep.)	-----	1,850	
John D. Works (Rep.)	-----	1,040	
O. C. Trippett (Dem.)	-----	30	
Job Harriman (Soc.)	-----	47	
James S. Edwards (Pro.)	-----	5	
Scattering	-----	10	
Seventy-ninth District—		San Diego.	
Edwin A. Meserve (Rep.)	-----	92	
A. G. Spalding (Rep.)	-----	3,577	
John D. Works (Rep.)	-----	397	
A. G. Spalding (Dem.)	-----	89	
Job Harriman (Soc.)	-----	97	
Oscar Trippett (Pro.)	-----	36	
Eightieth District—		Imperial.	San Diego.
Edwin A. Meserve (Rep.)	-----	193	114
A. G. Spalding (Rep.)	-----	231	1,096
John D. Works (Rep.)	-----	263	419
A. G. Spalding (Dem.)	-----	-----	4
Job Harriman (Soc.)	-----	-----	102
Oscar Trippett (Pro.)	-----	-----	4
			Totals.
			307
			1,327
			682
			4
			102
			4

TABULATED ADVISORY VOTE FOR

Counties.	Edwin A. Meserve, Republican.	A. G. Spaulding, Republican.	John D. Works, Republican.	Edwin A. Meserve, Democratic.	A. G. Spaulding, Democratic.	John D. Works, Democratic.
Alameda	5,952	10,373	8,835		62	57
Alpine	17	25	10			
Amador	267	192	180	1	5	11
Butte	486	664	833	2		
Calaveras	307	362	266			
Colusa	79	132	116			2
Contra Costa	754	1,133	620		11	8
Del Norte	113	150	98			
El Dorado	199	229	197			
Fresno	737	757	2,050			68
Glenn	91	138	118			5
Humboldt	1,239	1,345	1,187			
Imperial	193	231	263			
Inyo	77	97	114		2	7
Kern	340	358	501	2	4	
Kings	267	273	491			2
Lake	126	147	88	1		1
Lassen	129	207	128			2
Los Angeles	12,615	4,376	17,453	17	20	188
Madera	69	125	148			4
Marin	814	1,003	619			
Mariposa	50	44	44			
Mendocino	629	625	396			
Merced	133	175	135		3	8
Modoc	121	153	117		1	
Mono	67	81	44			2
Monterey	326	662	549			
Napa	663	732	493		5	3
Nevada	482	361	503			
Orange	1,115	511	1,498			5
Placer	368	437	527	5	4	19
Plumas	115	154	199		3	
Riverside	694	1,350	1,040		7	
Sacramento	2,025	2,860	2,145			
San Benito	139	194	145	1	5	4
San Bernardino	1,512	1,516	1,089		3	10
San Diego	206	4,573	816		84	
San Francisco	9,749	14,052	8,718	28	54	44
San Joaquin	1,046	1,370	1,413			
San Luis Obispo	341	379	475	1	2	5
San Mateo	742	1,240	514	4	21	13
Santa Barbara	627	438	436	2		5
Santa Clara	1,788	2,701	2,460	9	22	
Santa Cruz	561	550	549		4	13
Shasta	205	390	606			10
Sierra	125	104	108		3	
Siskiyou	429	432	504	5		
Solanq	669	1,163	703		15	18
Sonoma	882	1,277	1,169	1	9	6
Stanislaus	278	360	436			3
Sutter	168	190	197			
Tehama	136	205	270		1	
Trinity	65	77	73			
Tulare	225	350	778		2	18
Tuolumne	146	252	211	3	6	5
Ventura	419	280	419		1	4
Yolo	271	367	392			
Yuba	208	260	276	3	1	1
Total	52,676	63,182	64,757	80	350	551

UNITED STATES SENATOR BY COUNTIES.

Seattering.....	Thomas Fox, Democratic..	L. E. Gibbons Prohibition and Democratic	O. C. Tippet, Prohibition..	O. C. Tippet, Democratic	W. P. Flannery, Prohibition and Democratic	A. L. Covell, Democratic	C. S. Pitt, Prohibition	John D. Works, Prohibition..	Job Harman, Socialist ..	James D. Fuchan, Democratic..
54									355	
17									20	80
27		2							8	
22										
1								1	46	
27								1	1	
		33					2	10	14	
105								1	83	
14								1	1	1
								68	1	1
8										
2										
6									10	1
11		7						19	1	1
4								4		
588								582		
5								14		
9										
3										
12								17		
8								19		
3		1								
6		2			9			1		
29									2	
34									22	3
18									0	
1		6		21			5		65	
11								3	6	
9								1	1	
10			3	30				47	30	
	4							9	1	1
17										
28		3		40				86	199	
341					124	233		335		52
15							2			1
25		61							45	
47		1						10		21
15		3						15		
112		131					19	70		1
4							2	33		4
9							2	23		
20									1	1
22									4	4
								34		
86				1			4	65		9
								24		11
20		2							19	
4								4		4
25		14					8			
13								47		
17								26		
30							2	7		
7		21					1	8		2
1,895	4	285	3	92	133	233	3	200	2,439	148

I, C. F. CURRY, Secretary of State of the State of California, do hereby certify the foregoing to be a true and correct statement of the vote cast for candidates for United States Senator at the direct primary election held in the State of California on Tuesday, August 16, 1910, said statement of the vote having been compiled by me from the election returns made to the Secretary of State's office by the county clerks and registrars of voters of California.

In witness whereof, I have hereunto set my hand and affixed the Great Seal of the State of California, this 31st day of December, A. D. 1910.

[SEAL.]

C. F. CURRY, Secretary of State

GOVERNOR'S MESSAGE.

The following message from the Governor was received and read:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, January 4, 1911.

To the Assembly of the State of California:

I have the honor to inform you that I have appointed Alexander McCabe of San Francisco, State of California, my Private Secretary, and Thomas Harrison Reed of Berkeley, State of California, my Executive Secretary, through whom all communications from this office will be transmitted to your honorable body.

HIRAM W. JOHNSON,
Governor of the State of California.

RECESS.

At eleven o'clock and ten minutes P. M., on motion of Mr. Schmitt, the Assembly was declared at recess until two o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At two o'clock and thirty minutes P. M. the Assembly reconvened Speaker A. H. Hewitt in the chair.

REPORT OF TEMPORARY COMMITTEE.

The following report of temporary committee was received and read:

ON RULES.

ASSEMBLY CHAMBER, SACRAMENTO, January 4, 1911.

MR. SPEAKER: Your temporary Committee on Rules recommends the adoption of the following Rules of the Assembly for the thirty-ninth session.

PREISKER, Chairman.

STANDING RULES OF ASSEMBLY.

1 *Hour of Meeting.*

The sessions of the House shall be daily (Sundays excepted), beginning at nine o'clock and thirty minutes A. M. Until February 6, 1911, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and on and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by a vote of the House.

2. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills.

3. *Reports of Committee on Engrossed and Enrolled Bills.*

It shall be in order for the Committee on Engrossed and Enrolled Bills to report at any time.

4. *Messages from the Governor and Senate.*

Messages from the Governor and from the Senate may be considered at any time by a vote of the House.

5. *Petitions to be Presented With a Brief Statement of Contents.*

Whenever petitions, memorials, or other papers addressed to the House are presented by a member, a brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine.

6. *Introduction and Reading of Bills.*

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and upon being recognized shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two-thirds of the House shall, by vote of ayes and noes, dispense with this provision. The Speaker shall give notice at each reading whether it be the first, second, or third reading. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means. The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

7. *Introduction of Bills by Committee.*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file. When such a bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, ordered printed, and placed upon the Assembly file for further action.

8. *Disposition of Senate Bills.*

When a Senate bill has been received by the House, with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee, *provided, however*, that when a Senate bill is received, the provisions of which are stated by a member to be identical with those of an Assembly bill which has already been considered and reported by a committee of the Assembly, such Senate bill shall be referred to the Committee on Engrossed and Enrolled Bills for comparison, which committee shall report within two days whether or not said bill is identical with the Assembly bill, and if reported identical, such Senate bill shall be substituted for the Assembly bill (the latter being considered withdrawn), shall take the same place upon the Assembly file, and be considered as having received the same recommendation of the Assembly committee, *provided*, that the fact that the bills are identical shall be entered in the Journal.

9. *Joint Resolutions and Constitutional Amendments.*

Joint resolutions shall be treated the same as bills; *provided*, that they shall be read but once, and that after they have been reported by a committee; and *provided further*, that the ayes and noes shall not be called upon their adoption, unless regularly demanded. Proposed amendments to the Constitution shall be treated the same as bills; *provided*, they shall be read but once, and only after they shall have been reported by a committee.

10. *Proceedings Touching Appropriations of Money to be Considered in Committee of the Whole.*

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole.

11. *Reference of Bills.*

No debate shall be allowed on any motion to refer a bill or resolution to a committee. The Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee.

12. *Referring With Special Instructions.*

A bill or resolution may be committed with special instructions at any time after the third reading has been ordered.

13. *Order of Making File.*

Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 6. When reported back they shall be placed upon the General File, to be kept by the Clerk, as follows: All bills when reported to

the House by the committees shall be placed at the foot of the Second-Reading File, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills in the following order: Third-Reading File and Second-Reading File, unless otherwise ordered by a two-thirds vote of the House. The Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

14. *Order of Making Special File.*

The Clerk shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the state government and state institutions, revenue, election laws and constitutional amendments, in the order named, and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the General File be substituted for any bill thereon.

15. *Taking Up Bills Out of Order.*

When a member shall ask leave to have a bill taken up out of its regular order, he shall in making the motion give the number and title of the bill and its position on the file.

16. *Engrossing and Enrolling Bills.*

The Engrossing and Enrolling Clerk shall engross and enroll the bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. Said clerk shall be responsible for every violation of this rule by his assistants or deputies; no clerk of this House, or his deputy or assistant, shall demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House.

17. *Bills to be Reported Back Within Ten Days.*

All bills referred to any committee shall be, by such committee, reported back to the House with its action thereon within ten days after such reference, unless the House, by request of such committee, shall otherwise order.

18. *Speaker to Call House to Order.*

The Speaker, or, in his absence, the Speaker pro tem., shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order. In the absence of both the Speaker and the Speaker pro tem., the Chief Clerk, or an assistant, shall call the House to order, whereupon a Chairman shall be elected from among the members to preside.

19. *Speaker to Preserve Order; to Decide Points of Order; and May Speak to Same.*

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

20. *Speaker to Have Direction of the Hall; May Call Any Member to the Chair.*

He shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

21. *Speaker to Sign Resolutions, Etc., Attested by the Clerk.*

All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpoenas issued by order of the House shall be under his hand, attested by the Clerk.

22. *Speaker May Order the Galleries and Lobby Cleared.*

In case of any disturbance or disorderly conduct in the galleries or lobby, or whenever he shall deem it necessary, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

23. *Duties of the Sergeant-at-Arms.*

The Sergeant-at-Arms shall attend the House during its sittings, execute the commands of the Speaker of the House, and serve all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision of all the attachés of the House (except the clerks at the desk, the stenographers, the committee attachés, and the page to the Speaker, which page shall be under the exclusive supervision of the Speaker), and shall be responsible for the performance of and regular attendance upon their duties, and shall have power to suspend any attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof; said attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché of his suspension, and shall have the power to remove any attaché for incompetency or for wilful neglect of duty.

24. Expenses of Sergeant-at-Arms.

The Sergeant-at-Arms shall receive his actual traveling expenses for himself or a special messenger when executing any process issued by the House or by any officer or committee thereof.

25. Assistant Sergeant-at-Arms to be Doorkeeper.

The Assistant Sergeant-at-Arms designated by the Speaker shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

26. Standing Committees.

The Standing Committees of the House shall be as follows.

1. A Committee on Agriculture, to consist of seven members.
2. A Committee on Attachés and Employés, to consist of seven members.
3. A Committee on Banks and Banking, to consist of seven members.
4. A Committee on Building and Loan Associations, to consist of seven members.
5. A Committee on Claims, to consist of seven members.
6. A Committee on Commerce and Navigation, to consist of nine members.
7. A Committee on Commissions and Public Expenditures, to consist of seven members.
8. A Committee on Common Carriers, to consist of eleven members.
9. A Committee on Conservation, to consist of seven members.
10. A Committee on Constitutional Amendments, to consist of nine members.
11. A Committee on Contingent Expenses and Accounts, to consist of five members.
12. A Committee on Contested Elections, to consist of seven members.
13. A Committee on Corporations, to consist of nine members.
14. A Committee on Counties and County Boundaries, to consist of nine members.
15. A Committee on County and Township Governments, to consist of thirteen members.
16. A Committee on Direct Legislation, to consist of seven members.
17. A Committee on Election Laws, to consist of fifteen members.
18. A Committee on Education, to consist of nine members.
19. A Committee on Engrossed and Enrolled Bills, to consist of seven members.
20. A Committee on Fruit and Vine Interests, to consist of seven members.
21. A Committee on Fish and Game, to consist of thirteen members.
22. A Committee on Federal Relations, to consist of seven members.
23. A Committee on Governor's Messages, to consist of five members.
24. A Committee on Immigration, to consist of nine members.
25. A Committee on Insurance and Insurance Laws, to consist of thirteen members.
26. A Committee on Irrigation and Drainage, to consist of eleven members.
27. A Committee on Judiciary, to consist of twenty-one members.
28. A Committee on Labor and Capital, to consist of nine members.
29. A Committee on Live Stock, Dairies and Dairy Products, to consist of nine members.
30. A Committee on Manufactures and Internal Improvements, to consist of seven members.
31. A Committee on Mileage, to consist of five members.
32. A Committee on Medical and Dental Laws, to consist of nine members.
33. A Committee on Military Affairs, to consist of eleven members.
34. A Committee on Mines and Mining Interests, to consist of nine members.
35. A Committee on Municipal Corporations, to consist of eleven members.
36. A Committee on Oil Industries and Oil Mining Interests, to consist of nine members.
37. A Committee on Public Buildings and Grounds, to consist of eleven members.
38. A Committee on Public Health and Quarantine, to consist of nine members.
39. A Committee on Public Lands and Forestry, to consist of nine members.
40. A Committee on Public Morals, to consist of nine members.
41. A Committee on Public Printing, to consist of seven members.
42. A Committee on Public Works, State Capitol, and Parks, to consist of seven members.
43. A Committee on Public Charities and Corrections, to consist of seven members.
44. A Committee on Reapportionment, to consist of seventeen members.
45. A Committee on Reform of the Civil Service, to consist of seven members.
46. A Committee on Retrenchment and Reform, to consist of seven members.
47. A Committee on Revenue and Taxation, to consist of fifteen members.
48. A Committee on Revision of Criminal Procedure, to consist of eleven members.
49. A Committee on Revision and Reform of Laws, to consist of nine members.
50. A Committee on Roads and Highways, to consist of thirteen members.
51. A Committee on Rules and Regulations, to consist of five members, one of whom shall be the Speaker.
52. A Committee on State Hospitals and Asylums, to consist of eleven members.
53. A Committee on State Library, to consist of seven members.

54. A Committee on States Prisons and Reformatory Institutions, to consist of nine members.
55. A Committee on Swamp and Overflowed Lands, Levees and River Improvements, to consist of eleven members.
56. A Committee on Ways and Means, to consist of twenty-one members.
57. A Committee on Universities, to consist of nine members.
58. The San Francisco Delegation, to whom may be referred matters of interest to the city and county of San Francisco, but not to the exclusion of the jurisdiction of other committees.
59. The Los Angeles Delegation, to whom may be referred matters of interest in particular to the city and county of Los Angeles, but not to the exclusion of the jurisdiction of the other committees.
60. The Alameda Delegation, to whom may be referred matters of interest in particular to the county of Alameda, but not to the exclusion of the jurisdiction of the other committees.
61. The Northern California Delegation, to whom may be referred matters of interest in particular to the counties north of San Francisco Bay, but not to the exclusion of the jurisdiction of the other committees.

27. Committees to be Appointed by Speaker.

All committees shall be appointed by the Speaker, unless otherwise ordered by the House.

28. Committee on Contested Elections.

It shall be the duty of the Committee on Contested Elections to examine and report upon the certificates of election or other credentials of such members returned to serve in this House as may have their seats contested, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House, or the Speaker thereof.

29. Committee on Ways and Means.

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the state officers and state boards or state commissions, and all propositions relative to the revenue of the State, as may be referred to them by the Assembly, to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means; and said committee shall consider and report thereon the amount of appropriation required, but such bill shall retain its place on file pending its consideration by said Committee on Ways and Means. The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending.

30. Committee on Commissions and Public Expenditures.

It shall be the duty of the Committee on Commissions and Public Expenditures to ascertain what state commissions, institutions, or boards, if any, can be abolished or consolidated with advantage to the public, in view of a more economical administration of State affairs; to ascertain what expenditures and salaries of the various public offices and institutions can be advantageously reduced or discontinued; and to make a report thereon within thirty days after their appointment; also prepare and report to the Assembly such bills or resolutions as may be required to carry out the recommendations of the committee.

31. Committee on Engrossed and Enrolled Bills.

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House with the engrossed copies thereof; and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed.

32. Committee on Revision and Reform of Laws.

It shall be the duty of the Committee on Revision and Reform of the Law to take into consideration all petitions, bills, and resolutions touching the revision and reform of the existing laws of the State of California as shall or may be presented or come into question and be referred to it by the Assembly.

33. Committee Expenditures

No committee shall be permitted to incur any expense by visiting any part of the State on official or other business, without first obtaining leave of the House by a two-thirds vote of the members thereof.

34. Committee of the Whole House

In forming a Committee of the Whole House, the Speaker as Chairman or a chairman, to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the Assembly by the chairman. After being reported to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

35. Rules in Committee of the Whole.

The rules of the Assembly shall be observed in Committees of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes shall not be taken.

36. Motion to Rise Decided Without Debate.

A motion that the committee rise shall always be in order, and shall be decided without debate.

37. Reference of Bills.

When a motion is made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order.

The Committee of the Whole House.

A Standing Committee.

A Select Committee.

38 Calling Members to Order When Transgressing Rules

If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed, but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair.

39 Speaker to Decide Who is Entitled to the Floor.

When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

40. Order in Speaking to Questions.

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution, or mover of a question, who shall have the right to close the debate. No member shall be allowed to speak more than thirty (30) minutes upon any question, except by leave of the House.

41. Called to Order for Offensive Words in Debate.

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to censure of the House, for language used in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

42 Personal Explanation.

Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

43 Motions to be Stated by Speaker and if Desired Shall be Reduced to Writing, or May be Withdrawn

No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker, or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn, by leave of the House, at any time before amendment or decision.

44. Motion to Adjourn.

A motion to adjourn shall always be in order, except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made and adjournment taken.

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the House relating to the condition of the business of the House which would seem to render it improper to adjourn at that time. Such statement, however, shall not be

debatable, and such statement or statements shall not, in any case, occupy more than two minutes.

Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means. That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and tax levy.

45. Precedence of Motions During Debate.

When a question is under debate, or before the House, no motion shall be received but: To adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and, if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

46. Previous Question.

The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it.

47. Questions of Order After Previous Question is Ordered.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate; *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

48. Previous Question Demanded.

The previous question shall only be put when demanded by three members.

49. Question Indefinitely Postponed.

When a question is postponed indefinitely, the same shall not again be introduced during the session.

50. Division of Questions.

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert.

51. Substitute.

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

52. Subjects Different from the One Under Consideration.

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

53. Printing of Bills.

Five hundred copies of all bills and as many additional copies as the House shall order shall be printed. The Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity thereof.

54. Printing Extra Number of Bills, Etc.

A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by consent of the House.

55. Printing of Maps.

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

56. Filling Blanks.

In filling up blanks the least sum and shortest time shall be first put.

57. Priority of Business.

All questions relating to the priority of business shall be decided without debate.

58. Reading of Papers.

When the reading of a paper is called for, except petitions, and the same is objected to by a member, such reading shall be determined by a vote of the House, without debate.

59. Notice of Reconsideration.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session. No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

60. Elections by House.

In all cases of election by the House the vote shall be taken *viva voce*.

61. Calling Ayes and Noes.

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes.

62. Members at Clerk's Desk.

No member or other person shall remain by the Clerk's table while the ayes and noes are being called, or while the votes are being counted.

63. Voting on Question When Interested.

No person shall vote on any question in the result of which he is personally interested or involved.

64. Division and Count of House.

Upon a division and count of the House on any question, no person without the bar shall be counted.

65. Explaining or Changing Vote.

No member shall be allowed to explain his vote or discuss the question while the ayes and noes are being called, and no member shall be allowed to change his vote after the vote is announced from the chair.

66. Call of the House.

Upon a call of the House the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms wherever to be found, or by special messenger, to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a call of the House and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House.

67. Suspending and Changing Rules.

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds of the members of the Assembly, and one day's notice being given of the motion therefor; *provided*, that the Committee on Rules and Regulations may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the state government, its revenue, its various departments or commissions, or appropriations therefor.
2. Bills affecting county and township governments, or roads and highways.
3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.
4. Bills amending election or primary election laws.
5. Constitutional amendments.
6. Bills amending or repealing the codes or sections thereof.

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendment by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two thirds of the members present, except that portion of Rule 6 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations.

The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation for the consideration of the business on the file, having regard to the condition of the business of the House. When such temporary rule or regulation shall have been adopted by the House, it shall have the effect, for the time being, of a standing rule, and shall be enforced by the Speaker.

68. *Members Absenting Themselves.*

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness; and if any member or officer of the House absent himself without leave, his per diem shall not be allowed him; but no member shall obtain leave of absence, or be excused, without a vote of two thirds of the House.

69. *Persons Admitted to Floor.*

No person except Senators, State officers, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme, Appellate and Superior Courts, ex-Senators and ex-Assemblymen, members of the press when accredited by their respective journals, ladies when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House; but a majority may have the floor of the House within the bar cleared of any or all such persons. The Speaker is charged with the enforcement of this rule. *Provided, however,* any other guest of any member may be admitted to the floor of the House by written permission of the Speaker, such permission being good for the sessions of the day on which it is given, the names of such members and guests to be entered in the Journal.

70. *Smoking in Hall.*

No smoking shall be allowed within the Assembly Chamber during the session of the House.

71. *Parliamentary Rules.*

The rules of parliamentary practice contained in Roberts' Rules of Order shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and House of Assembly.

72. *Use of Hall.*

The Assembly Room shall not be used for any public or private business other than legislative, except by consent of a majority of the House.

73. *Fees for Witnesses.*

Witnesses summoned to appear before the House or any of its committees shall be paid as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

74. *Protests of Members.*

It shall be in order for any member or members to protest against the action of the House, and have such protest entered upon the minutes.

75. *Fees Allowed in Cases of Contest.*

Whenever, in the Assembly, a contest is made for the seat of any Assemblyman, no more than two hundred dollars shall be allowed as counsel fees to either side.

76. *Assignment of Attachés.*

The Committee on Attachés and Employés shall assign the committee clerks and the official stenographers of the House to the various committees; *provided*, that the Speaker, the Committee on Judiciary and the Committee on Ways and Means shall each be entitled to one clerk and one stenographer, to be selected by the Speaker and chairman of those committees, respectively; *and provided further*, that the Committee on Attachés and Employés, on recommendation of the Chief Clerk, shall have authority to re-assign any clerk or attachés under him to special duties or other committees when the necessity arises.

All assignments of committee clerks and stenographers made by the Committee on Attachés and Employés under this rule shall be reported to the House and entered in the Journal.

77. Introduction of Bills After Fortieth Day.

On or prior to the fortieth day of the session the Speaker shall appoint a standing committee on introduction of bills, to consist of three members.

All motions for leave to introduce bills after the fortieth day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution without debate and no resolution to introduce any such bill shall be adopted without the consent of three fourths of the members of the Assembly.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill.

78. Form for Printed Amended Bills.

All bills amended, either in committee or on the floor of the House, shall be immediately reprinted; the new matter added by any amendments to be printed in black faced type and any matter proposed to be omitted by such amendments to be included in brackets.

79. Leaves of Absence of Members of the Assembly Visiting Public Institutions.

No leave of absence shall be granted any committee, special or standing, to visit any public institutions of the State or for any other purpose. Whenever any committee shall report to the Assembly that it is desirable that such committee receive information concerning any public institution, the Assembly may, by a two-thirds vote of all its members, grant a leave of absence to not more than three members of such committee, to be designated by the Chairman thereof. Application for a leave of absence of such members of a committee shall be made to the Assembly in writing by the chairman thereof and such application shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the names of the committeemen designated for that purpose and the name of the stenographer to accompany said committeemen, if one be necessary. Such application shall immediately, and without debate, be referred to the Committee on Rules and Regulations, with instructions to report upon the same on the next legislative day. Said members and their stenographer, if any, shall be allowed their actual expenses.

80. Duties of Chief Clerk.

It shall be the duty of the Chief Clerk to have charge and supervision of all the clerical business of the Assembly. He shall perform the duties imposed on him by law and the rules of the Assembly. He shall have the supervision of all the clerks and assistants at the desk, of the journal clerk and his assistants, of all bill clerks, bill filers, stenographers, and of all committee attachés except the attachés to the Speaker and to the committees on Judiciary and Ways and Means, and shall be responsible for the performance of and regular attendance upon their duties, and shall have power to suspend any such clerk, or attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof. Said clerk or attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché or clerk of his suspension, and shall have the power to remove any clerk or attaché for incompetency or for willful neglect of duty.

81. Lobbying.

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business during the sessions of the Assembly, or be permitted on the floor of the Assembly at any time, and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule.

This rule can not be suspended except by a two-thirds vote of the entire Assembly

SPECIAL ORDER SET.

On motion of Mr. Preisker, the consideration of the above report was made a special order for Thursday, immediately after the reading of the Journal.

LEAVES OF ABSENCE.

On motion leaves of absence were granted to Mr. Hall until Tuesday, January 10, and to Mr. Hamilton for Thursday, January 5, 1911.

ADJOURNMENT.

At two o'clock and forty minutes P. M., on motion of Mr. Young, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, January 5, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Thursday, January 5, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Joel, its further reading was dispensed with.

SPECIAL ORDERS TAKEN UP.

In accordance with previous action of the Assembly, the following special orders were taken up for consideration:

REPORT OF TEMPORARY COMMITTEE ON RULES.

On motion of Mr. Schmitt, the report was taken up by sections.

During the consideration of the report the following amendments were submitted:

By Mr. Chandler:

Amend Rule 1 by striking out "February 6," and inserting in lieu thereof the following: "January 16."

Amendment adopted.

By Mr. Coghlan:

Strike out proposed Rule No. 4, and insert in lieu thereof the following: "Messages from the Governor and from the Senate may be considered at any time except while any matter is under consideration by the House, unless otherwise ordered by the House. No such message shall be received during the consideration of any matter before the House."

AMENDMENT WITHDRAWN.

By unanimous consent Mr. Coghlan was permitted to withdraw the amendment

By Mr. Schmitt:

Amend proposed Rule No. 7 by striking out in lines 4 and 5 the following words: After the word "shall" the words "by a majority vote of the House," and inserting in lieu thereof the words "with the consent of the author or authors of such bill or bills."

Amendment lost.

Also:

In proposed Rule No. 8 strike out the word "shall," in line 9, and insert in lieu thereof the word "may."

Amendment adopted.

By Mr. Cattell:

Amend Rule 26 by striking out "committees numbered 58, 59, 60, and 61, respectively."

Amendment adopted.

By Mr. March:

Amend Rule 26 by striking out "subdivision 48."

Roll call was regularly demanded.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Beatty, Bliss, Brown, Cronin, Harlan, Hayes, Jasper, Kehoe, Lynch, Maher, March, McDonald, Mendenhall, Mott, Polsley, Rosendale, Smith, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—23

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, and Williams—54.

By Mr. Cogswell:

Amend Rule 26 by striking out "subdivision 20," and adding Fruit and Vine Interests" to the Committee on Agriculture.

Amendment adopted

By Mr. Coghlan:

In proposed Rule No. 35, line 3, after the word "noes" strike out the word "shall," and insert in lieu thereof the word "need"; also, after the word "taken," at the end of said proposed rule, insert the words "unless demanded."

Amendment adopted.

By Mr. Preisker:

Strike out the words "within the bar," after the word "House," in line 6, of Rule 69.

Amendment adopted.

By Mr. Preisker:

Amend Rule 33 by adding words "members of any" after word "no." in line 1 thereof.

Amendment adopted.

By Mr. Cronin:

Amend Rule 81 by striking out the comma where it appears after the word "time," on line 3, and inserting the words "while the Assembly is in session,"

Amendment adopted.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Benedict, the Assembly was declared at recess until two o'clock and fifteen minutes, P. M. of this day.

REASSEMBLED.

At two o'clock and fifteen minutes P. M. the Assembly reconvened.
Speaker A. H. Hewitt in the chair.

CONSIDERATION OF RULES—(RESUMED).

The following amendments were submitted:

By Mr. Preisker:

Amend Rule 78 by striking out the words "black-faced type," in line 3 thereof, and inserting in lieu thereof "italics."

Amendment adopted.

By Mr. Coghlan:

Amend by adding another rule to the proposed standing rules of the Assembly, to be numbered 5, and to read as follows:

"Messengers may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a member is addressing the House."

Amendment adopted.

Also:

Amend by numbering rules consecutively thereafter.

Amendment adopted.

By Mr. Jones:

Strike out in line 21 subdivision No. 34, the comma after the word "chairman."

Amendment adopted.

By Mr. Coghlan:

Amend Rule No. 8 by striking out the words "within two days," after the word "report," in line 7, of printed report of committee, and inserting in line thereof the word "forthwith."

Amendment adopted.

ADOPTION OF RULES.

Mr. Preisker moved that the report of the Committee on Rules, as amended, be adopted.

Motion carried.

STANDING RULES OF ASSEMBLY.

1. *Hour of Meeting*

The sessions of the House shall be daily (Sundays excepted), beginning at nine o'clock and thirty minutes A. M. Until January 16, 1911, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and on and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by a vote of the House.

2. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.

8. Messages from the Senate
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills.

3. *Reports of Committee on Engrossed and Enrolled Bills*

It shall be in order for the Committee on Engrossed and Enrolled Bills to report at any time.

4. *Messages from the Governor and Senate.*

Messages from the Governor and from the Senate may be considered at any time by a vote of the House.

5. *Messengers May be Introduced.*

Messengers may be introduced at any stage of business, except while a question is being put, while the ayes and noes are being called, while the ballots are being counted, or while a member is addressing the House.

6. *Petitions to be Presented With a Brief Statement of Contents.*

Whenever petitions, memorials, or other papers addressed to the House are presented by a member, a brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine.

7. *Introduction and Reading of Bills.*

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and upon being recognized shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two thirds of the House shall, by vote or ayes and noes, dispense with this provision. The Speaker shall give notice at each reading whether it be the first, second, or third reading. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means. The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

8. *Introduction of Bills by Committee.*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file. When such a bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, ordered printed, and placed upon the Assembly file for further action.

9. *Disposition of Senate Bills.*

When a Senate bill has been received by the House, with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee; *provided, however*, that when a Senate bill is received, the provisions of which are stated by a member to be identical with those of an Assembly bill which has already been considered and reported by a committee of the Assembly, such Senate bill shall be referred to the Committee on Engrossed and Enrolled Bills for comparison, which committee may report forthwith whether or not said bill is identical with the Assembly bill, and if reported identical, such Senate bill shall be substituted for the Assembly bill (the latter being considered withdrawn), shall take the same place upon the Assembly file, and be considered as having received the same recommendation of the Assembly committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

10. *Joint Resolutions and Constitutional Amendments*

Joint resolutions shall be treated the same as bills; *provided*, that they shall be read but once, and that after they have been reported by a committee; and *provided further*, that the ayes and noes shall not be called upon their adoption, unless regularly demanded. Proposed amendments to the Constitution shall be treated the same as bills; *provided*, they shall be read but once, and only after they shall have been reported by a committee.

11. *Proceedings Touching Appropriations of Money to be Considered in Committee of the Whole.*

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole.

12. *Reference of Bills.*

No debate shall be allowed on any motion to refer a bill or resolution to a committee. The Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee.

13. *Referring With Special Instructions*

A bill or resolution may be committed with special instructions at any time after the third reading has been ordered.

14. *Order of Making File.*

Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 6. When reported back they shall be placed upon the General File, to be kept by the Clerk, as follows: All bills when reported to the House by the committees shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading, and precedence shall be given in the consideration of bills in the following order: Third-Reading File and Second-Reading File, unless otherwise ordered by a two-thirds vote of the House. The Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

15. *Order of Making Special File.*

The Clerk shall, from time to time, make up a file, to be known as the Special File, on which he shall place bills relating to appropriations for the support of the state government and state institutions, revenue, election laws and constitutional amendments, in the order named, and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the General File be substituted for any bill thereon.

16. *Taking Up Bills Out of Order.*

When a member shall ask leave to have a bill taken up out of its regular order, he shall in making the motion give the number and title of the bill and its position on the file.

17. *Engrossing and Enrolling Bills.*

The Engrossing and Enrolling Clerk shall engross and enroll the bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. Said clerk shall be responsible for every violation of this rule by his assistants or deputies; no clerk of this House, or his deputy or assistant, shall demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House.

18. *Bills to be Reported Back Within Ten Days.*

All bills referred to any committee shall be, by such committee, reported back to the House with its action thereon, within ten days after such reference, unless the House, by request of such committee, shall otherwise order.

19. *Speaker to Call House to Order.*

The Speaker, or, in his absence, the Speaker pro tem., shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order. In the absence of both the Speaker and the Speaker pro tem., the Chief Clerk, or an assistant, shall call the House to order, whereupon a Chairman shall be elected from among the members to preside.

20. *Speaker to Preserve Order; to Decide Points of Order; and may Speak to Same.*

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

21. *Speaker to Have Direction of the Hall; May Call any Member to the Chair*

He shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

22. *Speaker to Sign Resolutions, Etc., Attested by the Clerk.*

All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpoenas issued by order of the House shall be under his hand, attested by the Clerk.

23. *Speaker may Order the Galleries and Lobby Cleared.*

In case of any disturbance or disorderly conduct in the galleries or lobby, or whenever he shall deem it necessary, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

24. Duties of the Sergeant-at-Arms.

The Sergeant-at-Arms shall attend the House during its sittings, execute the commands of the Speaker of the House, and serve all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision of all the attachés of the House (except the clerks at the desk, the stenographers, the committee attachés, and the page to the Speaker, which page shall be under the exclusive supervision of the Speaker), and shall be responsible for the performance of and regular attendance upon their duties, and shall have power to suspend any attaché under him for dereliction of duty and shall report to the Speaker such suspension and the causes thereof; said attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché of his suspension, and shall have the power to remove any attaché for incompetency or for wilful neglect of duty.

25. Expenses of Sergeant-at-Arms.

The Sergeant-at-Arms shall receive his actual traveling expenses for himself or a special messenger when executing any process issued by the House or by any officer or committee thereof.

26. Assistant Sergeant-at-Arms to be Doorkeeper.

The Assistant Sergeant-at-Arms designated by the Speaker shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

27. Standing Committees.

The Standing Committees of the House shall be as follows:

1. A Committee on Agriculture, Fruit and Vine Interests, to consist of seven members.
2. A Committee on Attachés and Employés, to consist of seven members.
3. A Committee on Banks and Banking, to consist of seven members.
4. A Committee on Building and Loan Associations, to consist of seven members.
5. A Committee on Claims, to consist of seven members.
6. A Committee on Commerce and Navigation, to consist of nine members.
7. A Committee on Commissions and Public Expenditures, to consist of seven members.
8. A Committee on Common Carriers, to consist of eleven members.
9. A Committee on Conservation, to consist of seven members.
10. A Committee on Constitutional Amendments, to consist of nine members.
11. A Committee on Contingent Expenses and Accounts, to consist of five members.
12. A Committee on Contested Elections, to consist of seven members.
13. A Committee on Corporations, to consist of nine members.
14. A Committee on Counties and County Boundaries, to consist of nine members.
15. A Committee on County and Township Governments, to consist of thirteen members.
16. A Committee on Direct Legislation, to consist of seven members.
17. A Committee on Election Laws, to consist of fifteen members.
18. A Committee on Education, to consist of nine members.
19. A Committee on Engrossed and Enrolled Bills, to consist of seven members.
20. A Committee on Fish and Game, to consist of thirteen members.
21. A Committee on Federal Relations, to consist of seven members.
22. A Committee on Governor's Messages, to consist of five members.
23. A Committee on Immigration, to consist of nine members.
24. A Committee on Insurance and Insurance Laws, to consist of thirteen members.
25. A Committee on Irrigation and Drainage, to consist of eleven members.
26. A Committee on Judiciary, to consist of twenty-one members.
27. A Committee on Labor and Capital, to consist of nine members.
28. A Committee on Live Stock, Dairies and Dairy Products, to consist of nine members.
29. A Committee on Manufactures and Internal Improvements, to consist of seven members.
30. A Committee on Mileage, to consist of five members.
31. A Committee on Medical and Dental Laws, to consist of nine members.
32. A Committee on Military Affairs, to consist of eleven members.
33. A Committee on Mines and Mining Interests, to consist of nine members.
34. A Committee on Municipal Corporations, to consist of eleven members.
35. A Committee on Oil Industries and Oil Mining Interests, to consist of nine members.
36. A Committee on Public Buildings and Grounds, to consist of eleven members.
37. A Committee on Public Health and Quarantine, to consist of nine members.
38. A Committee on Public Lands and Forestry, to consist of nine members.
39. A Committee on Public Morals, to consist of nine members.
40. A Committee on Public Printing, to consist of seven members.
41. A Committee on Public Works, State Capitol, and Parks, to consist of seven members.

42. A Committee on Public Charities and Corrections, to consist of seven members.
 43. A Committee on Reapportionment, to consist of seventeen members.
 44. A Committee on Reform of the Civil Service, to consist of seven members.
 45. A Committee on Retrenchment and Reform, to consist of seven members.
 46. A Committee on Revenue and Taxation, to consist of fifteen members.
 47. A Committee on Revision of Criminal Procedure, to consist of eleven members.
 48. A Committee on Revision and Reform of Laws, to consist of nine members.
 49. A Committee on Roads and Highways, to consist of thirteen members.
 50. A Committee on Rules and Regulations, to consist of five members, one of whom shall be the Speaker.
 51. A Committee on State Hospitals and Asylums, to consist of eleven members.
 52. A Committee on State Library, to consist of seven members.
 53. A Committee on State Prisons and Reformatory Institutions, to consist of nine members.
 54. A Committee on Swamp and Overflowed Lands, Levees and River Improvements, to consist of eleven members.
 55. A Committee on Ways and Means, to consist of twenty-one members.
 56. A Committee on Universities, to consist of nine members.
28. *Committees to be Appointed by Speaker.*

All committees shall be appointed by the Speaker, unless otherwise ordered by the House.

29. *Committee on Contested Elections.*

It shall be the duty of the Committee on Contested Elections to examine and report upon the certificates of election or other credentials of such members returned to serve in this House as may have their seats contested, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House, or the Speaker thereof.

30. *Committee on Ways and Means.*

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the State Officers and State Boards or State Commissions, and all propositions relative to the revenue of the State, as may be referred to them by the Assembly: to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means; and said committee shall consider and report thereon the amount of appropriation required, but such bill shall retain its place on file pending its consideration by said Committee on Ways and Means. The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending.

31. *Committee on Commissions and Public Expenditures.*

It shall be the duty of the Committee on Commissions and Public Expenditures to ascertain what State commissions, institutions, or boards, if any, can be abolished or consolidated with advantage to the public, in view of a more economical administration of State affairs; to ascertain what expenditures and salaries of the various public offices and institutions can be advantageously reduced or discontinued, and to make a report thereon within thirty days after their appointment, also prepare and report to the Assembly such bills or resolutions as may be required to carry out the recommendations of the committee.

32. *Committee on Engrossed and Enrolled Bills.*

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House with the engrossed copies thereof; and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed.

33. *Committee on Revision and Reform of Laws.*

It shall be the duty of the Committee on Revision and Reform of the Law to take into consideration all petitions, bills, and resolutions touching the revision and reform of the existing laws of the State of California as shall or may be presented or come into question and be referred to it by the Assembly.

34. *Committee on Expenditures.*

No member of any committee shall be permitted to incur any expense by visiting any part of the State on official or other business, without first obtaining leave of the House by a two-third vote of the members thereof.

35. Committee of the Whole House.

In forming a Committee of the Whole House, the Speaker as Chairman or a chairman to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the Assembly by the chairman. After being reported to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

36. Rules in Committee of the Whole.

The rules of the Assembly shall be observed in Committees of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes need not be taken unless demanded.

37. Motion to Rise Decided Without Debate.

A motion that the committee rise shall always be in order, and shall be decided without debate.

38. Reference of Bills.

When a motion is made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House.

A Standing Committee.

A Select Committee.

39. Calling Members to Order When Transgressing Rules.

If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed, but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair.

40. Speaker to Decide Who is Entitled to the Floor.

When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

41. Order in Speaking to Questions.

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution, or mover of a question, who shall have the right to close the debate. No member shall be allowed to speak more than thirty (30) minutes upon any question, except by leave of the House.

42. Called to Order for Offensive Words in Debate

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to censure of the House, for language used in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

43. Personal Explanation.

Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

44. Motions to be Stated by Speaker, and if Desired Shall be Reduced to Writing, or May be Withdrawn.

No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker, or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn, by leave of the House, at any time before amendment or decision.

45. Motion to Adjourn.

A motion to adjourn shall always be in order, except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made and adjournment taken.

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the House relating to the condition of the business of the House which would seem to render it improper to adjourn at that time. Such statement, however, shall not be debatable, and such statement or statements shall not, in any case, occupy more than two minutes.

Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means. That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and tax levy.

46. Precedence of Motions During Debate.

When a question is under debate, or before the House, no motion shall be received but: To adjourn; to lay on the table; for the previous question; to postpone to a day certain, to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and, if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

47. Previous Question.

The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it.

48. Questions of Order After Previous Question is Ordered.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate; *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

49. Previous Question Demanded.

The previous question shall only be put when demanded by three members.

50. Question Indefinitely Postponed.

When a question is postponed indefinitely, the same shall not again be introduced during the session.

51. Division of Questions.

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert.

52. Substitute.

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

53. Subjects Different from the One Under Consideration.

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

54. Printing of Bills.

Five hundred copies of all bills and as many additional copies as the House shall order, shall be printed. The Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity thereof.

55. Printing Extra Number of Bills, Etc.

A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by consent of the House.

56. Printing of Maps.

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

57. Filling Blanks.

In filling up blanks the least sum and shortest time shall be first put.

58. Priority of Business.

All questions relating to the priority of business shall be decided without debate.

59. Reading of Papers.

When the reading of a paper is called for, except petitions, and the same is objected to by a member, such reading shall be determined by a vote of the House, without debate.

60. Notice of Reconsideration.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session. No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

61. Elections by House.

In all cases of election by the House, the vote shall be taken *viva voce*.

62. Calling Ayes and Noes.

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes.

63. Members at Clerk's Desk.

No member or other person shall remain by the Clerk's table while the ayes and noes are being called, or while the votes are being counted.

64. Voting on Question When Interested.

No person shall vote on any question in the result of which he is personally interested or involved.

65. Division and Count of House.

Upon a division and count of the House on any question, no person without the bar shall be counted.

66. Explaining or Changing Vote.

No member shall be allowed to explain his vote or discuss the question while the ayes and noes are being called, and no member shall be allowed to change his vote after the vote is announced from the chair.

67. Call of the House.

Upon a call of the House the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms wherever to be found, or by special messenger, to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a call of the House and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House.

68. Suspending and Changing Rules

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds of the members of the Assembly, and one day's notice being given of the motion therefor; *provided*, that the Committee on Rules and Regulations may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the State government, its revenue, its various departments or commissions, or appropriations therefor
2. Bills affecting county and township governments, or roads and highways.
3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.
4. Bills amending election or primary election laws.
5. Constitutional amendments.
6. Bills amending or repealing the Codes, or sections thereof.

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendments by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two thirds of the members present, except that portion of Rule 6 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations.

The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation for the consideration of the business on the file, having regard to the condition of the business of the House. When such temporary rule or regulation shall have been adopted by the House, it shall have the effect, for the time being, of a standing rule, and shall be enforced by the Speaker.

69. *Members Absenting Themselves.*

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness, and if any member or officer of the House absent himself without leave, his *per diem* shall not be allowed him; but no member shall obtain leave of absence, or be excused, without a vote of two thirds of the House.

70. *Persons Admitted to Floor.*

No person except Senators, State officers, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme, Appellate and Superior courts, ex-Senators and ex-Assemblymen, members of the press when accredited by their respective journals, ladies when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House; but a majority may have the floor of the House cleared of any or all such persons. The Speaker is charged with the enforcement of this rule. *Provided, however,* any other guest of any member may be admitted to the floor of the House by written permission of the Speaker, such permission being good for the sessions of the day on which it is given, the names of such members and guests to be entered in the Journal.

71. *Smoking in Hall.*

No smoking shall be allowed within the Assembly Chamber during the session of the House.

72. *Parliamentary Rules.*

The rules of parliamentary practice contained in Roberts' Rules of Order shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and House of Assembly.

73. *Use of Hall.*

The Assembly Room shall not be used for any public or private business other than legislative, except by consent of a majority of the House.

74. *Fees for Witnesses.*

Witnesses summoned to appear before the House or any of its committees shall be paid as follows. For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

75. *Protests of Members.*

It shall be in order for any member or members to protest against the action of the House, and have such protest entered upon the minutes.

76. *Fees Allowed in Cases of Contest.*

Whenever, in the Assembly, a contest is made for the seat of any Assemblyman, no more than two hundred dollars shall be allowed as counsel fees to either side.

77. *Assignment of Attachés.*

The Committee on Attachés and Employés shall assign the committee clerks and the official stenographers of the House to the various committees; *provided*, that the Speaker, the Committee on Judiciary and the Committee on Ways and Means shall each be entitled to one clerk and one stenographer, to be selected by the Speaker and chairman of those committees, respectively; *and provided further*, that the Committee on Attachés and Employés, on recommendation of the Chief Clerk, shall have authority to re-assign any clerk or attachés under him to special duties or other committees when the necessity arises.

All assignments of committee clerks and stenographers made by the Committee on Attachés and Employés under this rule shall be reported to the House and entered in the Journal.

78. *Introduction of Bills After Fortieth Day.*

On or prior to the fortieth day of the session the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members.

All motions for leave to introduce bills after the fortieth day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution without debate and no resolution to introduce any such bill shall be adopted without the consent of three fourths of the members of the Assembly.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill.

79. *Form for Printed Amended Bills*

All bills amended, either in committee or on the floor of the House, shall be immediately reprinted; the new matter added by any amendments to be printed in italics and any matter proposed to be omitted by such amendments to be included in brackets.

80. *Leaves of Absence of Members of the Assembly Visiting Public Institutions*

No leave of absence shall be granted any committee, special or standing, to visit any public institutions of the state or for any other purpose. Whenever any committee shall report to the Assembly that it is desirable that such committee receive information concerning any public institution, the Assembly may, by a two-thirds vote of all its members, grant a leave of absence to not more than three members of such committee, to be designated by the Chairman thereof. Application for a leave of absence of such members of a committee shall be made to the Assembly in writing by the chairman thereof, and such application shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the names of the committeemen designated for that purpose and the name of the stenographer to accompany said committeemen, if one be necessary. Such application shall immediately, and without debate, be referred to the Committee on Rules and Regulations, with instructions to report upon the same on the next legislative day. Said members and their stenographer, if any, shall be allowed their actual expenses.

81. *Duties of Chief Clerk*

It shall be the duty of the Chief Clerk to have charge and supervision of all the clerical business of the Assembly. He shall perform the duties imposed on him by law and the rules of the Assembly. He shall have the supervision of all the clerks and assistants at the desk, of the Journal Clerk and his assistants, of all bill clerks, bill filers, stenographers, and of all committee attachés except the attachés to the Speaker and to the committees on Judiciary and Ways and Means, and shall be responsible for the performance of and regular attendance upon their duties, and shall have power to suspend any such clerk, or attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof. Said clerk or attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché or clerk of his suspension, and shall have the power to remove any clerk or attaché for incompetency or for willful neglect of duty.

82. *Lobbying.*

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business during the sessions of the Assembly, or be permitted on the floor of the Assembly at any time while the Assembly is in session, and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule.

This rule can not be suspended except by a two-thirds vote of the entire Assembly.

REPORT OF COMMITTEE ON MILEAGE.

The report of the Committee on Mileage was taken up for consideration.

Mr Lynch moved the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—69.

NOES—Messrs. Farwell and March—2

RESOLUTIONS.

The following resolutions were offered:

By Mr. Young:

Resolved, That until and including January 10, 1911, the following shall be the rule of procedure of the Assembly in the introduction of bills: That the roll of Assemblymen shall be called from B to Y, and then back again from Y to B, and that as each member's name is called he shall have the privilege of introducing one bill.

During the consideration of the resolution the following substitute was offered:

By Mr. Cattell:

Resolved, That at the beginning of introduction of bills the roll be called from A to Z and Z to A, and that each member be allowed to introduce one bill. After two roll calls bills shall be introduced by members on recognition of Speaker.

Substitute adopted.

By Mr. Randall:

WHEREAS, After investigation by the Sergeant-at-Arms it develops that files or binders apparently as good as the Keystone binder can be purchased for less than one half the price, therefore, be it

Resolved, That the Sergeant-at-Arms be and he is hereby directed to disregard the instruction heretofore given to purchase Keystone files, and instead is directed to procure for each member of the Assembly, the Chief Clerk, and Minute Clerk, and accredited newspaper representatives, four suitable binders, and the Controller is authorized to draw his warrant on the Contingent Fund of the Assembly in payment for the same, and the Treasurer is hereby authorized to pay the same

During the consideration of the resolution the following amendment was submitted by Mr. Cogswell:

Amend by striking out the word "four." and inserting in lieu thereof the word "six."

Amendment adopted.

The question being upon the adoption of the resolution, as amended.

The roll was called, and the resolution, as amended, adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75.

NOES—None.

By Mr. Held:

Resolved, That the Secretary of State is hereby directed to close the contingent expense accounts of the members of the Assembly, and to forthwith transmit a state-

ment of the same to the State Controller, and the State Controller is hereby directed to draw his warrant in favor of each member of the Assembly for the amount remaining to his credit in his account, and the State Treasurer is hereby directed to pay such warrants.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—73.

NOES—None.

By Mr. Randall:

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to rent not to exceed twenty typewriting machines for the use of stenographers of the Assembly, and the State Controller is hereby authorized to draw his warrant for the amount of the rental, and the State Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

The question being upon the adoption of the resolution

The roll was called and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Griffiths, Guill, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—70.

NOES—Mr. Held—1.

NOTICE OF MOTION TO RECONSIDER.

Mr. Polsley gave notice that he would move to reconsider the vote whereby the above resolution was adopted.

RESOLUTIONS—(RESUMED).

By Mr. Held:

Resolved, That the State Printer be and he is hereby instructed to print one thousand (1,000) copies of all Assembly bills, files, histories, journals, constitutional amendments, joint resolutions, and concurrent resolutions, beginning January 5, 1911, for the use of the Assembly.

Resolution read.

CONSIDERATION POSTPONED.

On motion of Mr. Held, the consideration of the above resolution was postponed until Friday, January 6, 1911.

Also:

Resolved, That bills be introduced under the rules of the Assembly beginning Friday, January 6, 1911, the reference to committees to take effect when the committees shall be appointed.

Resolution read and, on motion, adopted.

By Mr. Rogers of Alameda:

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and directed to purchase for the use of such members of the Assembly as shall

express to the said Clerk a desire for them, and for the Committee on Revision and Reform of the Laws, and the Committee on Judiciary a set of Deering's or Kerr's Codes (pocket edition), as preferred, General Laws, and Treadwell's Constitution of California, latest edition of each.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

ANNOUNCEMENT.

The Speaker announced the appointment of the following standing committee:

Attachés—Messrs. Bliss (Chairman), Clark, Coghlan, Butler, Griffiths, Cronin, and Guill.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Friday, January 6, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Friday, January 6, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—75.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Smith, its further reading was dispensed with.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered (unanimous consent having been obtained for its reception):

By Mr. Gerdes:

WHEREAS, We have learned of the sudden and unfortunate death of Mr. Ferdinand Zahl, father-in-law of Hon. Nathan C. Coghlan, a member of this Assembly; therefore, be it

Resolved, That this Assembly extends to Hon. Nathan C. Coghlan its heartfelt sympathies in this the hour of his bereavement; and be it further

Resolved, That when we adjourn this day, we do so out of sympathy and regard for our fellow member; and be it further

Resolved, That the Chief Clerk of the Assembly be and is hereby instructed to forward a copy of this resolution to the Hon. Nathan C. Coghlan.

Resolution read and, on motion, adopted.

LEAVE OF ABSENCE.

On motion of Mr. Schmitt, leave of absence for the day was granted to Mr. Coghlan.

REPORT OF STANDING COMMITTEE.

ON ATTACHÉS.

MR. SPEAKER: Your Committee on Attachés and Employés respectfully beg leave to submit the following partial report:

Your committee has had under consideration the matter of the appointment of employes and attachés of this House, and has found it impossible up to this time to meet with the requests of all of the members of the House. We recommend, however, that in order that the business of the Assembly may be conducted until your committee may be able to present its final report, the following resolution be adopted:

Resolved, That the following named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly, said appointments to date from and include the 6th day of January, 1911, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund, in favor of the said following named persons, for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz.:

Addie Peaslee	Postmistress	\$4 00
Ada Ford	Assistant Postmistress	4 00
Arthur H. Drew	Assistant Minute Clerk	6 00
J. T. McBean	Assistant Chief Clerk	6 00
H. D. Hopkins	Assistant Chief Clerk	6 00
A. S. Moore	Journal Clerk	6 00
W. R. Mackrille	Stenographer	5 00
F. L. Gafney	Stenographer	5 00
Miss M. O. Smalley	Stenographer	5 00
Lyman Harford	Stenographer	5 00
Miss Louise Nolan	Stenographer	5 00
Miss A. M. Squire	Stenographer	5 00
Miss Helen Talbot	Stenographer	5 00
Miss Marian Brown	Speaker's Stenographer	5 00
J. D. Price	Stenographer	5 00
Frank Sullivan	Assistant Sergeant-at-Arms	5 00
Charles Ross	Assistant Sergeant-at-Arms	5 00
C. F. Clark	Assistant Sergeant-at-Arms	5 00
C. A. Gowell	Assistant Sergeant-at-Arms	5 00
Geo. C. Sandersfeld	Assistant Sergeant-at-Arms	5 00
A. A. Leonard	Committee Clerk	4 00
Geo. H. Throop	Committee Clerk	4 00
S. D. Bromley	Bill Filer	4 00
Joseph Costello	Bill Filer	4 00
T. McKiernan	Bill Filer	4 00
Morris Doady	Bill Filer	4 00
Tom Farwell	Page	2 50
F. W. Smith	Page	2 50
H. W. Zagoren	Page	2 50
Edwin Fratis	Page	2 50

BLISS, Chairman.

Mr Bliss moved the adoption of the report and resolution.

Motion duly seconded.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri,

Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—69.

NOES—None

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 5, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Senate Bill No. 20—An Act to make an appropriation for the contingent expenses of the senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

WALTER N. PARRISH, Secretary
By FRANK MATTISON, Assistant Secretary.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Schmitt:

Resolved, That Senate Bill No. 20 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—71.

NOES—None.

FIRST READING OF SENATE BILL.

Senate Bill No. 20 read first time, and ordered to second reading.

SECOND READING OF SENATE BILL

During the second reading of the bill, Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 20 considered.

Mr. Cogswell moved that the committee do now rise and report the bill back, with recommendation that it do pass.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 20, and do now report the same back and recommend that it do pass.

HEWITT, Chairman.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILL.

Bill read third time.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 20 finally passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—68.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF NOTICE OF MOTION TO RECONSIDER.

By unanimous consent, Mr. Polsley was granted permission to withdraw his notice of motion to reconsider the vote whereby the resolution providing for the rental of typewriters was adopted.

RESOLUTION.

The following resolution was offered:

By Mr. Chandler:

Resolved, That when we adjourn this day we adjourn until eleven o'clock of Monday, January 9, 1911.

Resolution read and, on motion, adopted.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Beatty: Assembly Bill No. 1—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beckett: Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Bill read first time, and referred to Committee on Education.

By Mr. Benedict: Assembly Bill No. 3—An Act to regulate the civil service of the State of California and civil divisions thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Brown: Assembly Bill No. 4—An Act to amend the Political Code of the State of California by adding eight new sections thereto, to be numbered 338, 338a, 338b, 339, 339a, 339b, 340, and 340a, under a new article to be numbered thirteen (13), to be added to chapter two (2), title one (1), part three (3), of said Code, relating to the employment of legislative counsel and agents, prescribing and authorizing certain regulations governing said employment, and requiring statements of expenses incurred in connection with said employment to be filed with the Secretary of State.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Chandler: Assembly Bill No. 5—An Act to amend Section 4014 of the Political Code, relating to township officers.

Bill read first time, and referred to Committee on County and Township Government.

By Mr. Clark: Assembly Bill No. 6—An Act to amend section six hundred and sixteen of the Civil Code, relating to the holding of property of cemetery associations, and how the same and the proceeds and the income thereof may be invested.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Flint: Assembly Bill No. 7—An Act entitled "An Act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order, and jurisdiction over the same"

Bill read first time, and referred to Committee on Judiciary.

By Mr. Freeman: Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies; to provide for their compensation, and to define their powers and duties relating to the inspection of bakeshops and bakeries, and for the issuance of licenses for such business, and for the sanitary conditions of bakeshops and bakeries.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Gaylord: Assembly Bill No. 9—An Act to provide a state highway from Meyer's Station, in El Dorado County, California, to McKinney's, in Placer County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Gerdes: Assembly Bill No. 10—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records"; approved June 16, 1906.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Guill: Assembly Bill No. 11—An Act to amend section three hundred and thirty of the Penal Code of the State of California, relating to gambling.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hayes: Assembly Bill No. 12—Authorizing and directing the Board of Managers of the Agnews State Hospital to complete the work of replacing and reconstructing and reëquipping for the accommodation and treating of patients buildings destroyed April 18, 1906, to appropriate the sum of three hundred and fifty thousand dollars therefor, to direct the manner of expenditure thereof, to remove restriction upon

the per capita cost, and authorizing and directing the State Controller to draw his warrant for said sum, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Held: Assembly Bill No. 13—An Act to amend section two of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Jasper: Assembly Bill No. 14—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a steelhead hatchery, and providing ways and means therefor.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Joel: Assembly Bill No. 15—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Kehoe: Assembly Bill No. 16—An Act providing compensation for employees for injuries received in the course of their employment; providing for limiting the employers' liability hereunder for such injuries; providing means and methods for ascertaining the amount of said compensation, and how and when the same shall be paid; and providing for the procedure for enforcing and carrying out the terms of said Act.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Lamb: Assembly Bill No. 17—An Act to amend section one of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, providing for their compensation, and repealing the Act entitled "An Act to authorize the board of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties and for the further protection of bee culture," approved March 13, 1883, approved February 20, 1901, relating to the appointment and dismissal of inspectors of apiaries, and adding to the said Act one new section to be numbered and designated as section twelve, relating to the appointment and to the term of office of the board of examiners of the California State Bee Keepers' Association

Bill read first time, and referred to Committee on Agriculture.

By Mr. Lynch: Assembly Bill No. 18—An Act to repeal an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties, and compensation of such officers, and providing for the creation, division, and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, and as amended March 20, 1907, and March 23, 1907.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

By Mr. Lyon of Los Angeles: Assembly Bill No. 19—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at foreign and domestic fairs and expositions, and to provide for a commissioner thereof, and prescribing his powers and duties.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Lyon of San Francisco: Assembly Bill No. 20—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Maher: Assembly Bill No. 21—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Bill read first time, and referred to Committee on State Lands and Forestry.

By Mr. Mendenhall: Assembly Bill No. 22—An Act to amend the Penal Code by amending Section 626*n* thereof, relating to the use of animals as blinds.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Polsley: Assembly Bill No. 23—An Act to amend Section 631*b* of the Penal Code, relating to the creation of the game preservation fund and the disposition to be made thereof.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Preisker: Assembly Bill No. 24—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Rimlinger: Assembly Bill No. 25—An Act to add a new section to the Penal Code, to be known as section three hundred and ninety-seven *a* thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors, or any admixture thereof, in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Rogers of Alameda: Assembly Bill No. 26—An Act to amend section four hundred and twelve of the Penal Code, with reference to sparring exhibitions and prizefights.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Rosendale: Assembly Bill No. 27—An Act making an appropriation for the care and custody of the custom house at Monterey, California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Rutherford: Assembly Bill No. 28—An Act to add a new section to the Political Code, to be numbered 4085*1*, authorizing the board of supervisors of the several counties of this State to declare innaviga-

ble streams highways for the purpose of fishing, and providing for the use of the same.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Schmitt: Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior court judges, and providing for the appointment of four additional superior court judges in and for the city and county of San Francisco, and providing for their compensation.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Slater: Assembly Bill No. 30—An Act to regulate the ownership and possession of real property in the State of California by certain classes of aliens.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Smith: Assembly Bill No. 31—An Act to add a new section to the Penal Code of the State of California, requiring persons driving or controlling vehicles to stop and give information in case of collision

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stevenot: Assembly Bill No. 32—An Act appropriating money for the erection and equipment of a school building at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Stuckenbruck: Assembly Bill No. 33—An Act to provide for the procuring and distribution of blood serum or vaccine, for the prevention of hog cholera in the State of California, for experiment and research work, directing publication of the results, experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

By Mr. Sutherland: Assembly Bill No. 34—An Act defining and limiting the right of aliens to acquire title to and own real property in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Telfer: Assembly Bill No. 35—An Act to appropriate money to erect, construct and equip an assembly hall at the San Jose State Normal School.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Williams: Assembly Bill No. 36—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek, to the Yosemite Valley Railroad, at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Wyllie: Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license; providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted;

forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Young: Assembly Bill No. 38—An Act to amend section three hundred and thirty-seven *a* of the Penal Code, relating to gaming and gambling by pool selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Young: Assembly Bill No. 39—An Act to amend Sections 10 and 14 of "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Mr. Wylhe: Assembly Bill No. 40—An Act to amend Section 8 of an Act entitled "An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Telfer: Assembly Bill No. 41—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Sutherland: Assembly Bill No. 42—An Act to provide for the continuation of the construction of the highway known as Kings River highway, and to make an appropriation therefor.

Bill read first time, and referred to the Committee on Roads and Highways.

By Mr. Stuckenbruck: Assembly Bill No. 43—An Act to protect the lives and property of the patrons of all public hotels, lodging and rooming houses in the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Stevenot: Assembly Bill No. 44—An Act providing for an appropriation of \$20,000 for the purpose of purchasing additional land for the Preston School of Industry.

Bill read first time, and referred to Committee on Public Buildings.

By Mr. Smith: Assembly Bill No. 45—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, to provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Schmitt: Assembly Bill No. 46—An Act to amend Section 629 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Rutherford: Assembly Bill No. 47—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Rogers of Alameda: Assembly Bill No. 48—An Act to amend section one thousand and seventy of the Penal Code of the State of California, relating to peremptory challenges.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

By Mr. Preisker: Assembly Bill No. 49—An Act to provide an appropriation for the erection and equipment of an assembly hall and administration building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Public Buildings.

By Mr. Lyon of San Francisco: Assembly Bill No. 50—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

Bill read first time, and referred to Committee on Corporations.

By Mr. Kehoe: Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Joel: Assembly Bill No. 52—An Act to add a new section to the Political Code, to be numbered Section 3367, relating to a license tax upon automobiles.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Held: Assembly Bill No. 53—An Act to amend the Political Code by adding thereto a new section to be designated Section 4328, relating to the recall of elective officials in municipal corporations organized, incorporated, and governed under the provisions of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and amendments thereto, and in counties in the State of California.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Hamilton: Assembly Bill No. 54—An Act to regulate weights and measures and the marking and labeling of packages and containers; to provide penalties for the violation thereof; for officers to inspect, regulate, adjust, and seal weights and measures; for a rule of evidence and construction of contracts thereunder; for certain fees and compensations; and for an appropriation to carry out the purposes of this Act; and to repeal Section 351 of the Political Code, Article 14, of Chapter 3, Title 1, of Part 3, of the Political Code, being Sections 561 to 567, both inclusive, thereof; Chapter 8, of Title 7, of Part 3, of the Political Code, being Section 3209 to Section 3223, both inclusive thereof; an Act to establish a standard of weights and measures, approved April 4, 1861, and all Acts of which said Act is amendatory or supplemental, or which said Act repeals, viz.: An Act to establish a standard of weights and measures, passed March 30, 1850; and the Act amendatory of the last named Act, approved April 30, 1853; and the Act amendatory of the

last two mentioned Acts, approved April 12, 1856; An Act amendatory of and supplemental to an Act entitled an Act to establish a standard of weights and measures, approved May 11, 1861; an Act to establish a standard of weights and measures, approved April 6, 1891; an Act entitled an Act to prevent the sale of short weight rolls of butter, approved March 11, 1893; an Act requiring the marking of packages of butter containing less than six pounds and more than one-half pound, so as to advise the purchaser or others as to the weight of butter contained in such package, approved March 20, 1905; and to amend an Act entitled an Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith, approved March 24, 1903.

Bill read first time, and referred to Committee on Ways and Means

By Mr. Gerdes: Assembly Bill No. 55—An Act to repeal Sections 940 and 941 of the Code of Civil Procedure, relating to the method of taking an appeal in civil cases.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Freeman: Assembly Bill No. 56—An Act appropriating money for the erection of buildings on and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Clark: Assembly Bill No. 57—An Act to amend the Civil Code by adding a new section thereto, to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association or becoming indorsers or sureties or obligors for moneys borrowed or loaned by such associations, and prescribing a penalty therefor.

Bill read first time, and referred to Committee on Corporations.

By Mr. Chandler: Assembly Bill No. 58—An Act establishing a State Normal School at Fresno, County of Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school.

Bill read first time, and referred to Committee on Education.

By Mr. Brown: Assembly Bill No. 59—An Act to amend Section 3780 of the Political Code of the State of California as amended by Act approved March 28, 1895, relating to the redemption of property sold for delinquent taxes.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bennink: Assembly Bill No. 60—An Act to amend Sections 3672, 3682, 3692 subdivision 8 thereof, 3696, 3714, 3728, 3731, 3732, 3737, 3746, 3748, 3754, 3756, 3758, 3759, 3764, 3797, 3831, and 3866 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Benedict: Assembly Bill No. 61—An Act to repeal Title XV, of Part IV, of division third, of the Civil Code of the State of California, and to add a new Title XV, of Part IV, of division third, of said Code, in place thereof, relating to negotiable instruments and to make the law of negotiable instruments in the State of California uniform with the law of other states.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beatty: Assembly Bill No. 62—An Act to amend Section

1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beckett: Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Preisker: Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to committee on Ways and Means.

Also: Assembly Bill No. 65—To provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 66—An Act to provide appropriation for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Rogers of Alameda: Assembly Bill No. 67—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section six hundred and eighty-six of said Penal Code, relating to rights of defendants in criminal actions and proceedings.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

Also: Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand one hundred and eight-nine, relating to the duties of Constables.

Bill read first time, and referred to Committee on County and Township Government.

By Mr. Schmitt: Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein: providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor, approved March 11, 1907.

Bill read first time, and referred to Committee on Public Health.

By Mr. Beatty: Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 71—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 72—An Act to amend Section 650 of the

Civil Code, relating to the powers of boards of trustees of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Education.

By Mr. Telfer: Assembly Bill No. 73—An Act appropriating the sum of \$10,000, for the purpose of constructing and repairing the grounds, walks, lawns, and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 74—An Act to add a new section to the Code of Civil Procedure, to be known as Section 730 relating to the publication of notices of sales by trustees under deeds of trust.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Joel: Assembly Bill No. 75—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Griffiths: Assembly Bill No. 76—An Act authorizing and directing the board of managers of the Napa State Hospital to construct and restore the principal tower of the buildings of the Napa State Hospital damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Griffiths: Assembly Bill No. 77—An Act providing for the admission and support at the Veterans' Home of California, in Napa County, of dependent wives and widows of honorably discharged Union veteran soldiers, sailors, and marines.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 78—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals

Also: Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 80—An Act to provide for the building, equipping, and furnishing of a nurses' home at the Napa State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 81—An Act to provide for the building, equipping, and purchasing of machinery for an ice and cold-storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 82—An Act to provide for the building, equipping, and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 84—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 87—An Act providing for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 90—An Act to provide for the construction of dams for water supply at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 91—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 92—An Act to provide for the painting inside and outside of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company C, at the Veterans' Home of California, located at Yountville, Napa County, California.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 95—An Act appropriating the sum of one hundred thousand dollars for the construction and equipment of a building or buildings at the Veterans' Home of California, for the use of wives and widows of dependent honorably discharged Union soldiers, sailors, and marines, and providing for the plans of construction and equipment of such building or buildings.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 96—An Act to provide for the building, equipping, and furnishing of a building to be known as an amusement hall, at the Napa State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals.

Also: Assembly Bill No. 97—An Act providing for the appointment of a committee of five persons, whose duty it shall be to investigate the advisability of dividing the State into fish and game districts, and to make a report of the result of their investigations, and providing for the expenses of the members of such committee, and making an appropriation therefor.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Held: Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by repealing Section 626g thereof, relating to tree squirrels.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 99—An Act to amend Section 6 of an Act entitled "An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 100—An Act to provide for direct legislation by electors in counties, and in incorporated cities and towns, of this State other than those having a charter adopted in accordance with Section 8, of article XI, of the Constitution of California.

Bill read first time, and referred to Committee on Direct Legislation.

Also: Assembly Bill No. 101—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to make repairs and improvements to the plumbing system of the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 102—An Act to amend Section 1724 of the Code of Civil Procedure, relating to establishing who are or were the heirs at law of persons to whom patent for lands has been or shall be issued in cases where the person entering such lands has died or shall die before the issuance of such patent.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 103—An Act to amend the Code of Civil Procedure by adding a new section thereto to be known as Section 1928, relating to deeds purporting to have been executed in pursuance of legal

process of the courts of the State, making such deeds, their record and certified copies of such record *prima facie* evidence of title.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 104—An Act to amend the Penal Code of the State of California by repealing Section 626*i* thereof, relating to the number of deer that may be killed during any season, and by amending Section 626*f* thereof, relating to deer.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 105—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to construct a dam and reservoir for additional water supply for the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 106—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to construct and furnish a one-story cottage for the use of the second assistant physician at the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 107—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to erect, equip, and furnish a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Chandler: Assembly Bill No. 108—An Act to add a new section to the Political Code, to be numbered 1566, providing for the holding of school trustees' meetings.

Bill read first time, and referred to Committee on Education.

By Mr. Freeman: Assembly Bill No. 109—An Act to amend Section 737 of the Political Code of the State of California, relating to salaries of superior judges.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 110—An Act to provide for an annual convention of county road commissioners and street superintendents, and to provide for the compensation and expenses thereof.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 111—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Lamb: Assembly Bill No. 112—An Act to amend an Act entitled "An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furni-

ture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved March 4, 1907, and making an appropriation of \$150,000 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

Bill read first time, and referred to Committee on Education.

By Mr. Smith: Assembly Bill No. 113—An Act to amend Section 1874 of the Political Code of the State of California, by amending Subdivision 10 thereof, providing for a free distribution of text-books in common schools.

Bill read first time, and referred to Committee on Education.

By Mr. Stevenot: Assembly Bill No. 114—An Act appropriating money for the purchase of books and library improvements at the Preston School of Industry.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 115—An Act appropriating money for the erection and equipment of a hospital at the Preston School of Industry.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 116—An Act appropriating money to purchase cement and the necessary material for laying a concrete floor in the basement of the refectory building under officers and boys' dining room.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 117—An Act appropriating money to purchase tools to be given to the paroled boys who have learned various trades at the school when they are released from the school.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 118—An Act providing an appropriation for \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 119—An Act providing for an appropriation for \$3,000 for the purpose of installing a filtration plant and to complete a clear water system at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 120—An Act providing for an appropriation of \$750, for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting, and repairing the administration building and the east and west cottages at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 122—An Act appropriating money to pay the salary and expenses of a parole officer at the Preston School of Industry for the sixty-third and sixty-fourth fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 124—An Act appropriating money for the equipment of a barber shop at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 127—An Act appropriating money for the equipment of the trades buildings at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 128—An Act appropriating money for the purchase of additional brickmaking machinery for the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Stuckenbruck: Assembly Bill No. 131—An Act to amend an Act entitled "An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, by amending Section 3 thereof.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 132—An Act to regulate the operation of elevators in the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine

By Mr. Randall: Assembly Bill No. 133—An Act to promote education in literature, music, and the fine arts, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Mr. Harlan: Assembly Bill No. 134—An Act to amend section three hundred and ninety-one of the Penal Code of the State of California, relating to intoxication by locomotive engineers and others in charge of vehicles propelled by steam or other power.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Cattell: Assembly Bill No. 135—An Act to amend Section 190 of the Penal Code, relating to the punishment of murder.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 137—An Act to amend Section 1418 of the Penal Code, relating to reprieves, commutations, and pardons.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 138—An Act to amend Section 1417 of the Penal Code, relating to reprieves, commutations, and pardons

Bill read first time, and referred to Committee on Judiciary.

By Mr. Sutherland: Assembly Bill No. 139—An Act to amend Section 1 of an Act entitled "An Act authorizing the investment and re-investment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 140—An Act to amend Section 1 of an Act entitled "An Act to provide for the investment of the moneys in the estates of deceased persons fund, and also to provide for payment of interest received into the state school fund," approved February 22, 1909.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 141—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 143—An Act to amend Section 1 of an Act entitled "An Act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof," approved March 23, 1907.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 144—An Act to add to the Civil Code of the State of California a new section, to be numbered 224a, providing for the adoption of dependent or delinquent children upon proceedings in the juvenile court wherein a child is found to be dependent or delinquent.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Young: Assembly Bill No. 145—An Act to add a new section to the Political Code of the State of California, relating to the entry of amendments and propositions on ballots.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 146—An Act to amend Section 1195 of the Political Code, relating to constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Benedict: Assembly Bill No. 147—An Act to add a new section to the Code of Civil Procedure, the said section to be designated

eleven hundred and sixty-six *a.*, relating to actions for obtaining possession of real property, to the manner in which tenants may be ejected, and providing the form of complaint, the form and the amount of the undertaking and the form of the writ of ejectment and the manner of executing and serving the writ

Bill read first time, and referred to Committee on Judiciary.

By Mr Rutherford: Assembly Bill No. 148—An Act amending an Act to authorize the establishment of the California state trade and training school for dependent orphans half orphans, abandoned children and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds

By Mr Beckett: Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 150—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 153—An act to appropriate money for the construction of a heating system for the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 154—An Act to appropriate money for the erection of three cottages for officers and employees at the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 155—An Act to appropriate money for the construction and equipment of a foundry and pattern shop at the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 156—An Act to appropriate money for the construction and furnishing of dormitories for the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 157—An Act to appropriate money for the erection and equipment of an additional school building at the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 158—An Act appropriating money for the

purchase of equipment for shops and laboratories at the California Polytechnic School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 159—An Act to appropriate money for making repairs and improvements on buildings, structures and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Cattell: Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to section one, of article two, of the Constitution, in relation to the rights of suffrage.

Read first time, and referred to Committee on Constitutional Amendments.

By Mr. Held: Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7, Article IX, of the Constitution of the State of California in relation to the minimum period for the use of text-books in the common schools throughout the State.

Read, and referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1, of Article IV thereof, relating to the legislative power and to certain reservations thereof by the people.

Read, and referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section thereto, relating to recall of elective officials by electors, to be known as Section 21 of Article XX of the Constitution of the State of California.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Kehoe: Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article I thereof, and relating to the rights of private property and to the law of eminent domain.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Beckett: Assembly Concurrent Resolution No. 2—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

Read, and referred to Committee on Municipal Corporations.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Held:

WHEREAS, There exists a doubt as to the legal effect of that portion of Subdivision 2, of Section 2, of the primary election law of 1909, which reads as follows: "*provided further*, that members of the Legislature shall be at liberty to vote either for the choice of their respective districts expressed at said primary election, or for the candidate for United States Senator who shall have received the endorsement of their

party at such primary election in the greatest number of districts electing members of such party to the Legislature"; and

WHEREAS, It is desirable that the members of this Assembly be advised herein on the questions of law involved; and

WHEREAS, Under Subdivision 6, of Section 470, of the Political Code, it is made the duty of the Attorney General to give his opinion in writing to this Assembly upon any question of law relating to its business, now, therefore, it is now

Resolved, That the Attorney General transmit in writing to this Assembly on the next legislative day his opinion upon the questions raised by the above language, and in particular upon the following:

1. Regardless of the Federal Constitution and the Revised Statutes of the United States, is a member of this Assembly at liberty to cast his vote for United States Senator for a person other than the one who was the choice of his district, or the one who received the endorsement of his party at the primary election in the greatest number of districts electing members of his party to the Legislature?

2. What is the legal effect of the provisions of the Federal Constitution and of the Revised Statutes upon the foregoing language in the direct primary law?

3. If the above provision in the direct primary law is not binding upon the members of the Legislature by reason of the provisions of the Federal Constitution and statutes, may the Legislature enact any law at all that would be so binding?

4. If a member of the Legislature is restricted to voting only for one of the two classes of persons designated in the foregoing language, in what manner is that requirement satisfied, and when, if at all, is such member legally at liberty to vote for some other person?

Resolution read.

LAI'D UPON THE TABLE.

Mr. Brown moved that the resolution be laid upon the table
Motion carried.

RESOLUTIONS—(RESUMED).

By Mr. Lynch:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Assembly for the sum of twenty-five dollars, payable out of the Contingent Fund of the Assembly, ten dollars to be used for postage due and fifteen dollars as a revolving fund for the purchase of stamps and wrappers for sale at the Assembly post office.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—71.

NOES—None.

SENATE MESSAGE.

The following Senate message was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 6, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Concurrent Resolution No. 2—Approving a certain amendment to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco at a general municipal election held therein on the fifteenth day of November, 1910.

W. N. PARRISH, Secretary.

By H. P. TRAVERS, Assistant Secretary.

CONSIDERATION OF CONCURRENT RESOLUTION.

On motion of Mr. Schmitt, Senate Concurrent Resolution No. 2 was taken up for consideration.

Senate Concurrent Resolution No. 2—Approving a certain amendment to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general municipal election held therein on the fifteenth day of November, 1910.

Concurrent resolution read.

Mr. Schmitt moved that the Assembly resolve itself into the Committee of the Whole, for the purpose of considering the concurrent resolution.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

Senate Concurrent Resolution No. 2 considered.

Mr. Schmitt moved that the committee rise and report back in favor of the adoption of the concurrent resolution.

Motion carried.

IN ASSEMBLY.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of the Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Concurrent Resolution No. 2, and do now report the same back, and recommend that it be adopted.

HEWITT, Chairman

Mr. Schmitt moved that the report and resolution be adopted.

The roll was called, and Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—72.

NOES—None.

Senate Concurrent Resolution No. 2 ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION NO. 2.

Approving a certain amendment to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a general municipal election held therein on the fifteenth day of November, 1910.

WHEREAS, The city and county of San Francisco, State of California, contains a population of over four hundred and sixteen thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine

(statutes of 1899, page 241), and which charter was not amended within an interval of two years immediately prior to the fifteenth day of November, one thousand nine hundred and ten; and

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco thirty-eight certain amendments to the charter of said city and county of San Francisco by the submission of thirty-eight proposals entitled, as follows, to wit:

Charter Amendment No. 1, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 9 of article XII, section 1 of article XIV, subdivision 6 of section 1 of chapter III of article VII, adding a new section to article XVI to be designated section 29a, and adding a new section to chapter III of article VI, to be designated section 20, of said charter, relating to the issuance of bonds in aid of the Panama-Pacific Exposition, consenting to the use of a portion of Golden Gate Park and certain vacant school lots, and temporarily closing certain streets for exposition purposes."

Charter Amendment No. 2, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article VII thereof, relating to the board of trustees of the public library and reading rooms."

Charter Amendment No. 3, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending sections 11 and 13 of chapter 1 of article III thereof, relating to the rate of taxation."

Charter Amendment No. 4, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending the preamble, sections 1, 2, 3, 4, 5, 6, 7 and 10, renumbering section 11 as section 8, and adding four new sections, to be numbered sections 11, 17, 18 and 19, to article XII, relating to the acquisition of public utilities and the issuance and sale of bonds therefor."

Charter Amendment No. 5, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter III of article II and sections 13 and 19 of chapter I of article II thereof, relating to official advertising."

Charter Amendment No. 6, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding three new chapters to article XI thereof, and repealing sections 20, 21 and 23 of chapter I of article II, relating to the initiative, referendum and recall."

Charter Amendment No. 7, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of chapter I of article XI and chapter II of article XI, relating to elections, the direct nomination of candidates and the Australian ballot."

Charter Amendment No. 8, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending paragraph (i) of section 6 of chapter II of article XI thereof, which, if approved, will take the place of said paragraph as set forth in charter amendment No. 7, and provides that no political designation shall be printed in connection with the name of a candidate for office."

Charter Amendment No. 9, entitled: "Describing and setting forth an amendment to the charter of the city and county of San Francisco, State of California, by adding a new section to article XVI thereof, to be numbered section 38a, relating to the terms of officers."

Charter Amendment No. 10, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of article XVI thereof, relating to the absence of officers from the State."

Charter Amendment No. 11, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article VI, to be designated chapter VIII, relating to the construction of tunnels, subways and viaducts under accepted or unaccepted streets."

Charter Amendment No. 12, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article VI thereof, to be designated chapter VIII, relating to the construction of tunnels, subways and viaducts."

Charter Amendment No. 13, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 8, 27 and 30 of chapter II of article VI, relating to improvements of streets when of more than local

benefit, the change or correction of alignment of streets or substitution of a street, and the construction of sewers in streets."

Charter Amendment No. 14, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of article I and section 16 of chapter II of article VI thereof, relating to the method of repairing unaccepted streets and the liability of the city and county and its officers for damages resulting from defects in public streets."

Charter Amendment No. 15, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter II of article VI to be designated section 33 thereof, relating to the method of improvement of streets, the construction of tunnels, etc., and that assessments may be made payable in installments."

Charter Amendment No. 16, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new paragraph to section 1 of chapter II of article II thereof, relating to the establishment of a free employment bureau."

Charter Amendment No. 17, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section thereto, to be known as section 12 of article XIV, granting permission to the Academy of Sciences to erect and maintain a museum in Golden Gate park."

Charter Amendment No. 18, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter I of article IX thereof, relating to the age limit of certain employees of the fire department."

Charter Amendment No. 19, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding three new sections to chapter II of article III thereof to be numbered sections 7a, 7b and 7c, relating to the conditions upon which franchises for street railways may be granted, to wit: The right of the city to purchase same, fixing the hours and wages of employees and providing for the forfeiture of franchise for a violation of conditions."

Charter Amendment No. 20, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter II of article II thereof, and adding a new section thereto, to be numbered section 6a, relating to the manner of granting franchises."

Charter Amendment No. 21, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2, repealing section 10 of article XIVa, and adding three new sections thereto, to be numbered sections 10, 11, and 12, relating to the maintenance of playgrounds."

Charter Amendment No. 22, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 11 of article XIV thereof, relating to the expenditure of taxes levied for the maintenance of parks."

Charter Amendment No. 23, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 14 of chapter I of article VI relating to public work by contract and day labor"

Charter Amendment No. 24, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of article XIII thereof relating to the appointment of civil service commissioners."

Charter Amendment No. 25, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 14 and 33 of article XVI and adding two new sections thereto, to be numbered sections 39 and 40, relating to vacations, holidays and office hours."

Charter Amendment No. 27, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by adding a new section to article XVI to be designated section 41, relating to the time of taking effect of other amendments that may be adopted increasing salaries or creating new positions."

Charter Amendment No. 28, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter VII of article IX, to be designated section 10 relating to the pensions of firemen retired prior to January 1, 1900"

Charter Amendment No. 29, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco State of California, to

amend the charter of said city and county by amending section 2 of chapter I of article II thereof, relating to the salaries of the supervisors."

Charter Amendment No. 30, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 3 and 4 of chapter I of article XI, relating to the grading of positions in the department of elections and fixing the salaries therein."

Charter Amendment No. 31, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter V of article IV relating to the grading of positions in the tax collector's office and fixing the salaries therein."

Charter Amendment No. 32, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter I of article VI thereof, relating to positions in the department of public works, and fixing salaries therein."

Charter Amendment No. 33, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of article X thereof, relating to positions in the department of public health, and fixing salaries therein."

Charter Amendment No. 34, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter IX of article IX thereof, relating to positions in the department of electricity, and fixing salaries therein."

Charter Amendment No. 35, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article IV thereof, relating to positions in the recorder's office, and fixing salaries therein."

Charter Amendment No. 36, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter IV of article IV, relating to positions and salaries in the Assessor's Office."

Charter Amendment No. 37, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending subdivision 9 of section 1 of chapter III, sections 1 and 2 of chapter V, and adding a new section to chapter V, to be numbered section 4 of article VII, relating to the creation of a teachers' salary fund; the levy of a tax for current expenses of the Department of Education, and for acquiring lands, school buildings and improvements."

Charter Amendment No. 38, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending paragraph 24 of section 1 of chapter II of article II, and section 1 of chapter III of article II, relating to the wages of laborers, and requiring contracts to provide for payment of minimum wages of \$3.00 a day."

Charter Amendment No. 39, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VI of article VIII thereof, relating to salaries of the police patrol drivers," and

WHEREAS, Said thirty-eight proposals aforementioned containing said proposed amendments to said charter were, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published for twenty days after their passage, in "The Evening Post", a daily newspaper of general circulation in the city and county of San Francisco, and the official newspaper of said city and county; and

WHEREAS, The said legislative authority of said city and county did by ordinance No. 1301 (new series), of the board of supervisors, approved September 20, 1910, instruct the Board of Election Commissioners of said city and county to place upon the ballot at a special municipal election to be held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, the said thirty-eight several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said special municipal election was held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, which day was more than forty days after said proposed amendments had been published for twenty days in "The Evening Post" newspaper, and

WHEREAS, On the twenty-first day of November, one thousand nine hundred and ten and thereafter, at meetings duly convened in accordance with law, and the charter of the city and county of San Francisco, the Board of Election Commissioners of the said city and county duly and regularly canvassed the returns of said special municipal election, and duly declared the results thereof, said board being by law and the charter

authorized to conduct, manage and control the holding of elections, and all matters pertaining to elections in said city and county; and

WHEREAS, At said special election so held on the fifteenth day of November, one thousand nine hundred and ten, eighteen of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered one, six, seven, eight, nine, ten, eleven, twelve, fourteen, fifteen, seventeen, eighteen, nineteen, twenty-seven, twenty-eight, twenty-nine, thirty-five, and thirty-eight, and that all other amendments received less than a majority of the votes of the electors voting thereon and were not ratified.

WHEREAS, Thereafter, to wit, on the seventh day of December, one thousand nine hundred and ten, the said Board of Election Commissioners duly filed with the board of supervisors the "Official statement of votes polled at the special municipal election held in the city and county of San Francisco, State of California, on Tuesday, the fifteenth day of November, A. D. 1910, for charter amendments;" and

WHEREAS, One of said eighteen amendments so ratified by the electors of the city and county of San Francisco at said special municipal election is now submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California, and is in words and figures as follows

CHARTER AMENDMENT No. 10.

That Section 3 of Article XVI of said charter be amended to read as follows:

Section 3. No officer of the city and county, except members of the police department acting under orders of the chief thereof, shall absent himself from the State, except by permission of the Mayor and the Board of Supervisors. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

STATE OF CALIFORNIA)
CITY AND COUNTY OF SAN FRANCISCO { ss.

This is to certify that we, P. H. McCarthy, mayor of the city and county of San Francisco, and W. R. Hagerty, clerk of the board of supervisors of said city and county, have compared the foregoing proposed and ratified amendment to the charter of the said city and county of San Francisco with the original proposals submitting the same to the electors of said city and county at a special municipal election held on Tuesday, the fifteenth day of November, one thousand nine hundred and ten, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said city and county of San Francisco, this fourth day of January, one thousand nine hundred and eleven.

[Seal]

P. H. MCCARTHY
Mayor of the City and County of San Francisco.

W. R. HAGERTY
Clerk of the Board of Supervisors of the City and County of San Francisco.

Now, therefore be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all of the members elected to each house voting for and concurring therein), That said amendment to the charter of the city and county of San Francisco as proposed to and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and is hereby approved as a whole without amendment or alteration, for and as amendment to, and as part of the charter of the city and county of San Francisco.

LEAVE OF ABSENCE.

On motion, leave of absence was granted to Messrs. Walker and Rosendale until Tuesday, January 10, 1911.

ADJOURNMENT.

At twelve o'clock M. on motion of Mr. Cattell, the Assembly was declared adjourned until eleven o'clock A. M. of Monday, January 9, 1911.

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CAL.)
Monday, January 9, 1911.)

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs Bentty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Geides, Griffin, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Schmitt, its further reading was dispensed with.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. March: Assembly Bill No. 160—An Act to amend Sections 1918 and 1920 of the Civil Code, and add new sections thereto to be numbered Sections 1918½, 1921, and 1922, relating to "loan of money," and providing for rate of interest thereon.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 161—An Act providing for the purchase of a site for a State Printing Office, at the city of Sacramento, California, providing for the appointment of a commission to select and purchase said site, and providing for the erection of a building on said site, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 162—An Act to amend an Act entitled "An Act to create a fireman's relief health life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 163—An Act to amend Section 628 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Lyon of Los Angeles: Assembly Bill No. 164—An Act making an appropriation of one hundred and fifty thousand dollars (\$150,000.00), to be paid to, and expended by the Adjutant General of the State of California, ex officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor." approved March 25, 1909.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Lamb: Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 166—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the State Normal School at Los Angeles.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Judson: Assembly Bill No. 167—An Act making an appropriation for the equipment, support, and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Bill read first time, and referred to Committee on Agriculture.

By Mr. Butler: Assembly Bill No. 168—An Act declaring it to be a felony to make false statements regarding the financial condition or liabilities of any person seeking credit, for the purpose of obtaining the same.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hinshaw: Assembly Bill No. 169—An Act to amend section four hundred and twelve of the Penal Code, with reference to sparring exhibitions and prize fights.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Schmitt: Assembly Bill No. 170—An Act to amend Section 1338 of the Code of Civil Procedure of the State of California, relating to lost or destroyed wills.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 171—An Act to amend Section 1322 of the Code of Civil Procedure of the State of California, relating to wills.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Slater: Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano at the city of Sonoma, California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Jasper: Assembly Bill No. 173—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 174—An Act to pay the claim of A. G. Lafferty against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Claims.

By Mr. Hamilton: Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 176—An Act to amend Section 626½ of the Penal Code of California, relating to the preservation of game.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Lyon of Los Angeles: Assembly Bill No. 177—An Act to amend Section 4187 of the Political Code, relating to the powers and duties of constables.

Bill read first time, and referred to Committee on County and Township Governments

By Mr. McGowen: Assembly Bill No. 178—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 179—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for the protection in case of fire, and to make appropriation for the same.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 180—An Act to provide for the installation of a power plant at the Stockton State Hospital, including engine, generators, piping, pumps, switchboard, arc regulators, and for the expense incurred in the removal of old boilers, and to make appropriation for the same

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 181—An Act to provide for the construction and furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital and connecting passageway, and to make appropriation for the same.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 182—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make appropriation for the same.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 183—An Act to provide for the erection and furnishing of a female convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 184—An Act to provide for the purchase of four hundred eighty-six (486) acres of farming land adjoining the present state farm of the Stockton State Hospital, on the Lower Sacramento road, and to make appropriation for the same.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 185—An Act to amend an Act entitled, "An Act concerning dependent and delinquent minor children, providing for

their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10j, relating to probation officers, in counties of the eighth, tenth, sixteenth, and seventeenth classes, and providing for an assistant probation officer in counties of the eighth class.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No. 186—An Act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one, and sixteen hundred and sixty-five of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No. 187—An Act to amend Section 2141 of the Political Code, relating to the general powers and duties of the State Commission in Lunacy, to the government and management of State hospitals for the insane, and to the care and custody, apprehension and commitment of insane persons.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 188—An Act to amend an Act to establish a uniform system of county and township government by adding a new section thereto.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Stuckenbruck: Assembly Bill No. 189—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make appropriation for the same.

Bill read first time, and referred to the Committee on Ways and Means.

Also: Assembly Bill No. 190—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 191—An Act to amend Section 637a of an Act entitled "An Act to amend section six hundred and thirty-seven a of the Penal Code of California, and to add thereto three new sections to be numbered 637f, 637d, and 637e, all relating to protection of wild birds other than game birds and their nests and eggs, approved April 16, 1909.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 192—An Act to amend Section 4237 of the

Political Code of the State of California, relating to the compensation of county and township officers of counties of the eighth class, and to the number, appointment, and salaries of their assistants and deputies.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 193—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 194—An Act to compel common carriers by railroad to equip passenger cars and cabooses with public conveniences.

Bill read first time, and referred to Committee on Common Carriers.

By Mr. Wilson: Assembly Bill No. 195—An Act to provide for the registration of farm, ranch, and villa names in the several counties of California.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

Also: Assembly Bill No. 196—An Act to confer power upon municipalities to protect the health, morals, and peace of their inhabitants by restricting undesirable, improper, and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 197—An Act to amend Section 850 of the Code of Civil Procedure of the State of California, relating to notice of trial or hearing thereof in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beatty: Assembly Bill No. 198—An Act concerning baggage and excess baggage carried by common carriers, prescribing the duties of such common carriers in reference thereto while so engaged, defining certain offences and fixing the punishment therefor, and repealing all conflicting laws.

Bill read first time, and referred to Committee on Common Carriers.

By Mr. Young: Assembly Bill No. 199—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No. 200—An Act to establish the California State Reformatory; to provide for the purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 201—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and numbered Section 1893, providing for the payment of interest on unpaid school warrants.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 202—An Act to add a new section to Title II, Part III, of the Penal Code of California, to be numbered Section 1616, and relating to the care of female prisoners in county jails.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Bennink: Assembly Bill No. 203—An Act to provide for the erection, equipping, and furnishing of one large cottage for male pay patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 204—An Act to provide for the erection, equipping, and furnishing of one cottage for male night watches at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 205—An Act to provide for the erection, equipping, and furnishing of one cottage for female night watches at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 206—An Act to provide for the construction of roads, curbs, gutters, and walks at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 207—An Act to provide for the erection, equipping, and furnishing of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Bliss: Assembly Bill No. 208—An Act to authorize James Touhey to bring suit against the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cogswell: Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Polsley: Assembly Bill No. 211—An Act to provide for the purchase or building of a dredger, and to provide funds to make a four-foot channel for purposes of navigation to Red Bluff, and to appropriate eighty thousand dollars therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Guill: Assembly Bill No. 212—An Act to provide for equipment and furnishings for the new training school building on the premises of the California State Normal School at Chico, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 213—An Act to provide for the construction of cement walks on the premises of the California State Normal School at Chico, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 214—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the California State Normal School at Chico, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 215—An Act to provide for the construction and installation of a heating plant on the premises of the California State Normal School at Chico, California, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Gaylord: Assembly Bill No. 216—An Act to appropriate the sum of five thousand dollars for the purpose of erecting and constructing a bridge on Lake Tahoe wagon road, a state highway.

Bill read first time, and referred to Committee on Public Roads and Highways.

By Mr. Joel: Assembly Bill No. 217—An Act to amend Section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Tibbits: Assembly Bill No. 218—An Act amending Section 1634 of the Political Code, relating to duty of Census Marshal.

Bill read first time, and referred to Committee on Education.

By Mr. Sutherland: Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission, to have power to regulate and control the business of furnishing certain commodities, and performing certain services to or for the public, and to that end amending section twenty-two of article twelve, and repealing section twenty-three of article twelve of the Constitution of the State of California.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Beatty: Assembly Constitutional Amendment No. 7—Recall for Judiciary; to amend Section 3 of Article VI. of the Constitution, relating to the election, terms and recall of judicial officers.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Griffin: Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to article four, section one, of the Constitution, relating to legislative powers.

Read, and referred to Committee on Constitutional Amendments

Also: Assembly Concurrent Resolution No. 3—A resolution approving the charter of the city of Modesto, State of California, voted for and ratified by the qualified voters of the said city at a special municipal

election held therein for that purpose on the 14th day of September, 1910.

Read, and referred to Committee on Municipal Corporations.

By Mr. Bliss: Assembly Concurrent Resolution No. 4—A resolution approving an amendment to the charter of the city of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the 2d day of November, 1909.

Read, and referred to Committee on Municipal Corporations.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Bohnett:

WHEREAS, The term of Honorable Frank P. Flint, United States Senator in Congress from the State of California, elected January 11, 1905, will expire on the 4th day of March, 1911; and

WHEREAS, His successor, whose term shall commence on the 4th day of March, A. D. 1911, must be chosen, in the manner required by law; therefore be it

Resolved, That the Assembly do on Tuesday, January 10, 1911, at twelve o'clock M., proceed to nominate, by *viva voce* vote, a person for Senator in Congress from the State of California, for the term of six years, commencing March 4th, 1911, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for senators in Congress," approved July 5, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the 1st day of December, 1873," approved January 22, 1874.

Mr. Bohnett moved the adoption of the resolution.

Motion duly seconded.

Mr. Coghlan moved that the resolution be referred to the Committee on Rules.

Motion duly seconded.

Question under debate.

POINT OF ORDER.

Mr. Held rose to the following point:

That a motion to refer to committee is not debatable.

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

The question being on the motion of Mr. Coghlan to refer.

A vote was taken, and the motion lost.

The question being on the adoption of the resolution.

A vote was taken, and the resolution adopted.

By Mr. Bishop:

Resolved, That the State Controller be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Assembly in the sum of \$25 00 to be used as a post office revolving fund, and the State Treasurer is directed to pay the same.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mul-

lally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—73.
NOES—None.

PRESS CREDENTIALS.

The Speaker filed the following credentials of members of the press, with instructions that they be printed in the Journal:

SACRAMENTO, January 9, 1911.

HON. A. H. HEWITT, *Speaker of the Assembly, Capitol, Sacramento.*

DEAR SIR: In addition to The Bee's news staff covering the Legislature as follows, Franklin Hichborn, W. B. De Wolf, H. M. Standerwick, and, as occasion may require, myself, please add the name of A. V. Buell, The Bee's cartoonist. He may desire the privilege of the floor more or less frequently.

Very truly yours,

JOHN S. CHAMBERS, News Editor.

SAN FRANCISCO, January 2, 1911.

To whom it may concern:

This will introduce Mr. Frank B. Anderson, an accredited representative of the United Press Association, who will report the 1911 session of the California Legislature.

Very truly yours,

RAY L. HALL, Manager Pacific Coast Division.

HON. A. H. HEWITT, *Speaker Assembly, Thirty-ninth Session.*

DEAR SIR: I herewith submit the names of the members of the Legislative Bureau of the San Francisco Chronicle. They are L. S. Whitcomb, James P. Donahue, and Karl M. Anderson. Mr. Donahue is assigned to the Senate, and Mr. Anderson to the Assembly.

Respectfully,

SAN FRANCISCO CHRONICLE
LEGISLATIVE BUREAU.

By K. M. ANDERSON.

LOS ANGELES, CAL., January 1, 1911.

To whom it may concern:

This certifies that the bearer, Mr. Frank E. Wolfe, is the duly accredited correspondent of the Los Angeles Herald, and is entitled to any and all privileges accorded the press. Any courtesies shown Mr. Wolfe will be appreciated by the undersigned.

Very truly,

LOS ANGELES HERALD.
By W. M. BARR, Managing Editor.

SACRAMENTO, CAL., January 5, 1911.

L. B. MALLORY, Clerk, *Assembly, Sacramento, Cal.*

DEAR SIR: Garrett J. Lloyd in the Senate, and Carl E. Brazier in the Assembly, will be accredited representatives of the Sacramento Union, in the thirty-ninth session. Other accredited representatives from the Union will be Edward Insley, J. J. Scott, and M. E. Shrout.

Our artist, Charles Donnelly, will want admission to the Assembly and Senate chambers also.

Yours truly,

EDWARD INSLEY, Managing Editor.

BERKELEY, CAL., January 9, 1911.

Committee on Credentials, Assembly, Sacramento, Cal.

MESSRS. This is to certify that Friend William Richardson is the authorized representative of the Berkeley Daily Gazette.

F. W. RICHARDSON,
Editor and Manager Berkeley Daily Gazette.

MOUNTAIN VIEW, CAL., December 26, 1910.

This is to certify that Mr. J. F. Blunt is authorized to represent the Pacific Press Publishing Association, as reporter, during this term of the Legislature.

C. H. JONES,
General Manager.

MOUNTAIN VIEW, CAL., December 26, 1910.

This is to certify that Mr. J. R. Ferren is authorized to represent the Pacific Press Publishing Association, as reporter, during this term of the Legislature.

C. H. JONES,
General Manager

LOS ANGELES, January 7, 1911.

Speaker of the House of Representatives, State of California

DEAR SIR: The bearer, George B. Anderson, is the duly authorized representative of the Pacific Outlook during the present session of the Legislature at Sacramento.

Respectfully,

PACIFIC OUTLOOK.

A. M. DUNN, President and Manager.

SAN FRANCISCO, CAL., January 7, 1911.

To whom it may concern:

Mr. Clifton E. Brooks is the regularly appointed correspondent for The Recorder accredited to the Legislature during the thirty-ninth session. Any courtesies extended to him will be appreciated by the management.

Yours very truly,

THE RECORDER PRINTING
AND PUBLISHING CO.
ANDREW G. WOOD, Manager.

RECESS.

At eleven o'clock and forty minutes A. M., on motion of Mr. Bliss, the Assembly was declared at recess until two o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At two o'clock and thirty minutes P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ATTACHÉS.

MR. SPEAKER: Your Committee on Attachés and Employés respectfully beg leave to present the following supplemental report: We have had under consideration the assignment of attachés and employés of the Assembly to their respective positions, and we very respectfully recommend the adoption of the following report supplemental to the report of your committee presented heretofore:

Resolved, That the following named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names, said per diem to be paid out of the appropriation for the contingent expenses of the Assembly, said apportionment to date from and include the 9th day of January, 1911; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz.:

A. H. Harlin	Assistant Chief Clerk	\$6 00
Frank Waters	Engrossing and Enrolling Clerk	6 00
C. E. Bowlen	Assistant Engrossing and Enrolling Clerk	5 00
Dan Daniels	Assistant Engrossing and Enrolling Clerk	5 00
Grace March	Assistant Engrossing and Enrolling Clerk	5 00
Miss R. Smith	Assistant Engrossing and Enrolling Clerk	5 00
Lloyd Wright	Assistant Journal Clerk	5 00
W. C. Guirey	File Clerk	6 00
C. W. Thomas	Assistant File Clerk	5 00
Gerald Giacomini	Assistant File Clerk	5 00
Wm. B. Coombs	Assistant History Clerk	5 00
M. Fortna	Clerk to Speaker	4 00
Ed Perry	Assistant Bill Clerk	4 00
J. N. Judson	Assistant Bill Clerk	4 00
Chas. V. Lynch	Assistant Bill Clerk	4 00
Jas. Sullivan	Assistant Bill Clerk	4 00
Craig Arthur	Bill Filer	4 00

R. J. Walker	Bill Filer	\$4 00
Samuel Barclay	Bill Filer	4 00
M. T. Dyer	Bill Filer	4 00
F. T. Bartlett	Bill Filer	4 00
H. J. Gerdes	Bill Filer	4 00
W. B. McKnight	Bill Filer	4 00
Wm. H. Nolau	Bill Filer	4 00
C. C. Smith	Gate Keeper	3 00
Wm. Connell	Gate Keeper	3 00
Clarence Jenkins	Doorkeeper	3 00
J. Falkenstein	Gallery Doorkeeper	3 00
John Kofod	Porter	3 00
F. Y. Madeley	Porter	3 00
B. J. Chambers	Porter	3 00
James Hayes	Porter	3 00
Win. Sitton	Porter	3 00
Chas. Behrens	Bill Clerk	4 00
W. Greer, Jr.	Page	2 50
Evelyn Hommell	Clerk to Committee on Ways and Means	6 00
Jas. H. Anderson	Bookkeeper to Committee on Ways and Means	6 00
Ralph A. Sollars	Stenographer to Com. on Ways and Means	5 00
P. E. Lamb	Stenographer	5 00
David Catelli	Assistant Sergeant-at-Arms	5 00
Geo. S. Miller	Assistant Sergeant-at-Arms	5 00
Victor Almon	Assistant Sergeant-at-Arms	5 00
J. A. Lippe	Committee Clerk	4 00
Geo. Elder	Committee Clerk	4 00
W. C. Bohnett	Committee Clerk	4 00
C. E. Brooks	Committee Clerk	4 00
F. S. Brush, Jr.	Committee Clerk	4 00
Nick Lennon	Committee Clerk	4 00
R. P. Strathearn	Committee Clerk	4 00
Mark Jacobs	Committee Clerk	4 00
E. J. Cronin	Committee Clerk	4 00
J. H. Stineman	Committee Clerk	4 00
Ed Lyune	Committee Clerk	4 00
M. P. Lynch	Committee Clerk	4 00
C. P. Foster	Committee Clerk	4 00
J. F. Melvin	Committee Clerk	4 00
Miss V. V. Randall	Committee Clerk	\$4 00
Frank Barry	Committee Clerk	4 00
James A. Miller	Committee Clerk	4 00
Helen Hirsch	Committee Clerk	4 00
E. J. Hoerst	Committee Clerk	4 00
Lee Sherril	Committee Clerk	4 00
J. J. O'Brien	Committee Clerk	4 00
J. Forsythe	Committee Clerk	4 00
A. Dunbar	Committee Clerk	4 00
Olive Stuckenbruck	Committee Clerk	4 00
Frank Hepp	Committee Clerk	4 00
Lydia C. Williams	Committee Clerk	4 00
Mabel Wyllie	Committee Clerk	4 00
Helen Dobbins	Committee Clerk	4 00
Grace E. Loomis	Committee Clerk	4 00

BLISS, Chairman.

Mr. Bliss moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polslev, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Shragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69.

NOES—None.

ATTACHÉS SWORN IN.

The Speaker directed that the attachés appear before the bar of the Assembly and take and subscribe to the oath of office.

Whereupon the above named attachés of the Assembly appeared before the bar of the Assembly, and took and subscribed to the following oath of office:

OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and will discharge the duties of the office to which I am elected according to the best of my ability.

RESOLUTIONS

The following resolutions were offered:

By Mr. Bohnett:

Resolved, That two copies of all printed bills and documents be distributed to each accredited representative of the newspapers

Resolution read and adopted.

Also:

Resolved, That each member be allowed to file with the Chief Clerk a list of not more than ten names of persons as a mailing list, to whom shall be sent bills and other matter as may be designated from time to time by such member, and the controller is hereby directed to draw his warrant in favor of L. B. Mallory, Chief Clerk, from the Contingent Fund of the Assembly for such amount as may be necessary to pay the postage, expressage, and incidental expenses in mailing such printed matter, but not to exceed four hundred (\$400.00) dollars, and the treasurer is hereby directed to pay the same and be it further

Resolved, That the Chief Clerk be empowered to assign the necessary employes of the Assembly to perform their duties in the mailing department.

Resolution read.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattrell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polslev, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—69

NOES—None.

RESOLUTIONS—(RESUMED).

By Mr. Chandler:

ASSEMBLY CONCURRENT RESOLUTION No. 5

Resolved by the Assembly, the Senate concurring, That a committee of seven be appointed, four by the Speaker of the Assembly, and three by the President of the Senate, for the purpose of determining as to the advisability of erecting a new mansion for the Governor.

Resolution read and, on motion, adopted.

Assembly Concurrent Resolution No. 5 ordered transmitted to the Senate.

ADJOURNMENT.

At three o'clock and twenty minutes P. M., on motion of Mr. Coghlan, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, January 10, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
 Tuesday, January 10, 1911. }

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Williams, Wilson, Wyllie, Young, and Mr. Speaker.—74.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Smith, its further reading was dispensed with.

APPOINTMENT OF STANDING COMMITTEES.

The Speaker announced the appointment of the following standing committees:

Agriculture, Fruit and Vine Interests—Messrs. Judson (chairman), Lynch, Mendenhall, Wyllie, Guill, Hamilton, and Cogswell.

Attaches and Employes—Messrs. Bliss (chairman), Coghlan, Cronin, Griffiths, Clark, Butler, and Guill.

Banks and Banking—Messrs. Jones (chairman), Rimlinger, Beatty, Freeman, Beckett, Griffin, and March.

Building and Loan Association—Messrs. Mott (chairman), Benedict, Callaghan, Denegri, Schmitt, Bennink, and Hayes.

Claims—Messrs. Walker (chairman), Hinkle, Butler, Jasper, Walsh, Stevenot, and Coghlan.

Commerce and Navigation—Messrs. Schmitt (chairman), Beatty, Callaghan, Hinkle, Rosendale, Kennedy, Lyon of San Francisco, Wilson, and Rimlinger.

Commissions and Public Expenditures—Messrs. Denegri (chairman), Cattell, Hinshaw, Feeley, Nolan, Maher, and Ryan.

Common Carriers—Messrs. Preisker (chairman), Flint, Hinshaw, Joel, Telfer, Crosby, Bliss, Gerdes, Denegri, Smith, and Mendenhall.

Conservation—Messrs. Clark (chairman), Bohnett, Lyon of Los Angeles, Sutherland, Cattell, Harlan, and Kennedy.

Constitutional Amendments—Messrs. Sutherland (chairman), Bishop, Rosendale, Flint, Clark, Coghlan, Joel, Hinshaw, and Freeman.

Contingent Expenses and Accounts—Messrs. Stevenot (chairman), Kennedy, Randall, Telfer, and Crosby.

Contested Elections—Messrs. Gaylord (chairman), Lyon of San Francisco, Walsh, Brown, Cronin, McDonald, and Slater.

Corporations—Messrs. Joel (chairman), Butler, Mendenhall, Nolan, Sutherland, Telfer, Polsley, Judson, and Harlan.

Counties and County Boundaries—Messrs. Bishop (chairman), Hall, Farwell, Bennink, Held, Ryan, Sbragia, Walker, and Callaghan.

County and Township Governments—Messrs. Rogers of Alameda (chairman), Griffiths, Bennink, Bliss, Brown, Hall, Lamb, Preisker, Polsley, Smith, Slater, Fitzgerald, and Hinshaw.

Direct Legislation—Messrs. Tibbits (chairman), Cattell, Clark, Walsh, Kehoe, Young, and Judson.

Election Laws—Messrs. Young (chairman), Beatty, Benedict, Clark, Gerdes, Polsley, Preisker, Rogers of Alameda, Bohnett, Randall, Mott, Gaylord, Rosendale, Stevenot, and Lyon of San Francisco.

Education—Messrs. Wyllie (chairman), Chandler, McGowen, Benedict, Bohnett, Struckenbruck, Williams, Coghlan, and Lyon of Los Angeles.

Engrossed and Enrolled Bills—Messrs. Randall (chairman), Farwell, Hamilton, Rimplinger, Ryan, Nolan, and Struckenbruck.

Fish and Game—Messrs. Griffiths (chairman), Rutherford, Cronin, Cunningham, Held, Flint, Jones, Malone, Hinkle, Fitzgerald, Mendenhall, Hall, and Lyon of Los Angeles.

Federal Relations—Messrs. Freeman (chairman), Cogswell, Hamilton, Young, Bohnett, Kehoe, and Chandler.

Governor's Messages—Messrs. Jasper (chairman), Rimplinger, Sbragia, Lyon of Los Angeles, and Feeley.

Immigration—Messrs. Butler (chairman), Bennink, Chandler, Gaylord, Rosendale, Wyllie, Crosby, and Farwell.

Insurance and Insurance Laws—Messrs. Callaghan (chairman), Beatty, Farwell, Nolan, Rodgers of San Francisco, Schmitt, Hinkle, Hinshaw, McGowen, Lynch, Harlan, Slater, and Mullally.

Irrigation and Drainage—Messrs. Lyon of Los Angeles (chairman), Farwell, Freeman, Griffin, Hall, Judson, Mendenhall, Guill, Wilson, McGowen, and Walker.

Judiciary—Messrs. Kehoe (chairman), Beatty, Rutherford, Rosendale, Sutherland, Benedict, Bishop, Bohnett, Brown, Clark, Coghlan, Cronin, Freeman, Griffin, Held, Jones, Joel, Preisker, Rogers of Alameda, Harlan, and Wilson.

Labor and Capital—Messrs. Telfer (chairman), Beckett, Chandler, Mullally, McDonald, Malone, Maher, Kehoe, and Fitzgerald.

Live Stock, Dairies and Dairy Products—Messrs. Hamilton (chairman), Beckett, Guill, Walsh, Jasper, Struckenbruck, McDonald, Judson, and Rimplinger.

Manufacturers and Internal Improvements—Messrs. Cunningham (chairman), Crosby, Mullally, Hall, Denegri, Maher, and Walsh.

Mileage—Messrs. Kennedy (chairman), Cronin, Hayes, Mullally, and Ryan.

Medical and Dental Laws—Messrs. Hinshaw (chairman), Butler, Denegri, Malone, Rogers of Alameda, Flint, Brown, Gerdes, and Bliss.

Military Affairs—Messrs. Crosby (chairman), Jones, Hayes, Hinkle, Randall, Slater, Sutherland, Sbragia, Tibbits, Jasper, and Fitzgerald.

Mines and Mining Interests—Messrs. Rutherford (chairman), Gaylord, Tibbits, Stevenot, Walker, Williams, Farwell, Lyon of San Francisco, and Hall.

Municipal Corporations—Messrs. Coghlan (chairman), Bishop, Benedict, Schmitt, Walsh, Smith, Maher, Lamb, Hinshaw, Hamilton, and Freeman.

Oil Industries and Oil Mining Interests—Messrs. Farwell (chairman), Walker, Hall, Feeley, Cunningham, Chandler, Callaghan, Benedict, and Bennink.

Public Buildings and Grounds—Messrs. Hinkle (chairman), Kennedy, Mullally, Preisker, Randall, Ryan, Smith, Telfer, Tibbits, March, and Guill.

Public Health and Quarantine—Messrs. Malone (chairman), Lamb, Mott, Denegri, Williams, Flint, Maher, McGowen, and Rutherford.

Public Lands and Forestry—Messrs. Flint (chairman), Benedict, Harlan, Williams, Maher, Tibbits, Polsley, Gaylord, and Stevenot.

Public Morals—Messrs. Cronin (chairman), Cattell, Kehoe, March, Struckenbruck, Sbragia, Rogers of Alameda, Wyllie, and Young.

Public Printing—Messrs. Rogers of San Francisco (chairman), Telfer, Callaghan, Jasper, Kennedy, Wilson, and Lyon of Los Angeles.

Public Works, State Capitol, and Parks—Messrs. Hayes (chairman), Judson, Lamb, Lynch, McGowen, Sbragia, and Nolan.

Public Charities and Corrections—Messrs. Williams (chairman), Lamb, Ryan, Slater, Stevenot, Maher, and Beckett.

Reapportionment—Messrs. Bohnett (chairman), Bliss, Bishop, Butler, Hinshaw, Griffin, Griffiths, Hinkle, Kehoe, Randall, Rogers of Alameda, Rutherford, Young, Slater, Gerdes, Joel, and Beatty.

Reform of the Civil Service—Messrs. Rosendale (chairman), Bohnett, Brown, Gaylord, Hamilton, Held, and Griffin.

Retrenchment and Reform—Messrs. Lamb (chairman), Clark, Freeman, Judson, McDonald, Polsley, and Williams.

Revenue and Taxation—Messrs. Held (chairman), Smith, Griffin, Mott, Cattell, Coghlan, Schmitt, Rosendale, Cogswell, Guill, Kehoe, Rutherford, Joel, Chandler, and Bohnett.

Revision of Criminal Procedure—Messrs. Beatty (chairman), Rogers of Alameda, Coghlan, Bishop, Sutherland, Crosby, Griffin, Stevenot, Mott, Mendenhall, and Tibbits.

Revision and Reform of Laws—Messrs. March (chairman), Joel, Walker, Butler, Held, Lyon of Los Angeles, Wilson, Cronin, and Schmitt.

Roads and Highways—Messrs. Chandler (chairman), Cattell, Brown, Wyllie, Preisker, Flint, Judson, Jones, Stuckenbruck, McDonald, Gaylord, Jasper, and Beckett.

Rules and Regulations—Messrs. Preisker (chairman), Held, Young, Guill, and Mr. Speaker.

State Hospitals and Asylums—Messrs. McGowen (chairman), Bennink, Denegri, Griffiths, Hayes, Held, Rodgers of San Francisco, McDonald, Bliss, Rimlinger, and Feeley.

State Library—Messrs. Feeley (chairman), Gaylord, Gerdes, Brown, Wilson, Jones, and Bohnett.

State Prisons and Reformatory Institutions—Messrs. Gerdes (chairman), Harlan, Lynch, Bishop, Telfer, Rogers of Alameda, Cunningham, Cattell, and Stevenot.

Swamp and Overflowed Lands, Levees and River Improvements—Messrs. Lynch, (chairman), Cronin, McGowen, Polsley, Wilson, Rogers of Alameda, Stuckenbruck, Mendenhall, Jones, Lyon of San Francisco, and Farwell.

Ways and Means—Messrs. Cogswell (chairman), Chandler, Beckett, Fitzgerald, Flint, Gerdes, Griffiths, Guill, Hayes, Hinkle, Kennedy, Cunningham, McGowen, Slater, Schmitt, Wyllie, Lynch, Hinshaw, Young, Telfer, and Malone.

Universities—Messrs. Harlan, (chairman), Clark, Guill, Lamb, Jones, Mott, Young, Lyon of San Francisco, and Bohnett.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Schmitt: Assembly Bill No. 219—An Act to amend an Act defining and regulating the business of banking, by adding a new section thereto, to be numbered Section 33a

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Young: Assembly Bill No. 220—An Act making an appropriation of three hundred thousand (\$300,000) dollars for the construction of a building to be erected by the Regents of the University of California in Alameda County on the grounds of the university for the accommodation of the students of the university, also providing for the time of payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

Also: Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

Also: Assembly Bill No. 223—An Act making an appropriation for the investigation of agricultural and horticultural problems and conditions in Imperial County, and providing for the establishment in said county of a branch agricultural experiment station for the purpose of prosecuting said work.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

Also: Assembly Bill No. 224—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 225—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

Also: Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Ways and Means

By Mr. Slater: Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home, at Eldridge, California.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 228—An Act making an appropriation for the erection of a building to be used as a dormitory for farm hands at the Sonoma State Home, and for furnishing said building.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 229—An Act making an appropriation for the improvement of the farm and grounds at the Sonoma State Home, at Eldridge, California.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 230—An Act making an appropriation for the erection and construction of a building on the grounds of the Sonoma State Home to be used as a school and assembly hall, and for furnishing the same.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 231—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 232—An Act authorizing and directing the construction and furnishing of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 233—An Act authorizing and directing the construction of a septic tank at the Sonoma State Home, at Eldridge, Cal., also the making of such changes as may be necessary in the present sewer system at said home, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 234—An Act authorizing and directing the re-flooring of the mause and main building at the Sonoma State Home, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 235—An Act authorizing and directing the construction of a commissary building at the Sonoma State Home, at Eldridge, Cal., and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 236—An Act appropriating \$2,500 for the restoration and rebuilding of the Old Greek Chapel and Russian Fort, known as Fort Ross, at Fort Ross, Sonoma county, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Wyllie: Assembly Bill No. 237—An Act to regulate the organization of fraternal insurance associations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Rosendale: Assembly Bill No. 238—An Act making an appropriation for the improvement, preservation, maintenance and care of the old theater property at Monterey, California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Griffin: Assembly Bill No. 239—An Act to amend Section 2 of "An Act regulating the employment and hours of labor of children—prohibiting the employment of minors under certain ages—prohibiting the employment of certain illiterate minors—providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof", approved February 20, 1905, and as amended by Act approved March 15, 1909, and relating to the employment of minors under certain ages

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 240—An Act to amend section one of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and as amended by Act approved March 20, 1905, and relating to age of school children.

Bill read first time, referred to Committee on Education.

Also: Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove action brought against it, from the state courts to the courts of the United States.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 242—An Act to amend Section 1830 of the Political Code of California, relating to school elections, and to provide for the submission of the question of free text-books to the electors of school districts at such elections.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 243—An Act to amend Section 1880 of the Political Code of California, relating to school bond elections, and to provide for the calling of bond elections and submitting to the qualified electors of school districts the question whether the bonds of such districts shall be issued for the purpose of raising money for supplying free text-books to the pupils in the public schools of such district.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 244—An Act making it the duty of the board of trustees or other governing body of a school district to purchase and furnish to the pupils in the public schools of such district free text-books, whenever the qualified electors of such district shall have voted in favor of free text-books.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 245—An Act to amend the Political Code of California by adding thereto a new section to be numbered 1216a, and relating to the placing of the names of candidates for United States Senate on the ballot.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 246—An Act to amend an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909, by adding a new section thereto to be numbered 6a, and providing the method whereby electors of political parties may express their choice for President and Vice-President of the United States, at primary elections, in presidential years.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 247—An Act to amend Section 2 of "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909; to repeal sections 5 and 6 of the above Act, and to add three new sections thereto to be numbered 5a, 5b, 5c, all relating to primary elections

Bill read first time, and referred to Committee on Election Laws

Also: Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any females to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 249—An Act creating a commission to be known as the Public Service Commission of the State of California, and defining its duties and powers.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 250—An Act prescribing when the fact of the injury or death of an employee, apprentice or workman shall not be taken into consideration by the law; providing in what cases, and to whom, employers or masters shall be liable in damages for injuries, or death of their employees, servants, apprentices and workmen; providing that contributory negligence and imputable contributory negli-

gence shall not bar recovery; providing when the injured or killed employees, servant, apprentice, or workman, shall not be held guilty of assumption of risks, prohibiting contracts, rules, regulations, and devices in derogation of this Act; forbidding the introduction of certain evidence in cases between master or employers and employees; providing for set offs and actions between employer, or master, and employees, servants, apprentices and workmen; providing what the terms employer and master shall include, providing what duties and what rights this Act shall not limit and impair; providing how this Act shall be construed and repealing all Acts and parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Butler: Assembly Bill No. 251—An Act to amend Section 56 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 252—An Act to amend Subdivision 1 of Section 261 of the Penal Code

Bill read first time, and referred to Committee on Judiciary

By Mr. Beckett: Assembly Bill No. 253—An Act making an appropriation for the use of the creamery department of the California Polytechnic School and making provision for the return of said appropriation of the state treasury

Bill read first time, and referred to Committee on Ways and Means

By Mr. Crosby: Assembly Bill No. 254—An Act to amend Section thirty-nine of an Act entitled "An Act providing for the organization of the railroad commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor: and repealing an Act entitled 'An Act to create the office of commissioner of transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination thereon,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers of the board of railroad commissioners,' approved April 15, 1880," approved March 19, 1909, relating to the granting of free pass or passes, or tickets, at a discount by railroad or other transportation companies.

Bill read first time, and referred to Committee on Common Carriers.

Also: Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Bill read first time, and referred to Committee on Municipal Corporations

Br Mr. Mott: Assembly Bill No. 256—An Act to establish a state training school for girls, to provide for the maintenance and management of the same, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 257—An Act to amend that certain Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick

or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by adding a new section to said Act which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of section 13a hereby added thereto.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 258—An Act to amend section thirteen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, relating to the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, and providing penalties for violation thereof and hereof, and for so practicing without having at the time of so doing a valid, unrevoked certificate as provided in said Act.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Polsley: Assembly Bill No. 259—An Act to amend section one hundred ninety-five of the Penal Code of California, relating to homicide and the cases in which homicide is excusable.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 260—An Act to add a new section to the Penal Code of California, to be known as section two hundred forty-seven, relating to the use of fire-arms.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 261—An Act to amend Sections 602 and 627 of the Penal Code of California, relating to trespass

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 262—An Act to amend Section 1 of an Act entitled "An Act to create a fish and game preservation fund and to unite the fish commission fund and the game preservation fund into a common fund to be known as "fish and game preservation fund," approved March 15, 1909.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Rogers of Alameda: Assembly Bill No. 263—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-three of the said Penal Code, relating to compelling a defendant to be a witness against himself in criminal actions and proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of the said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Harlan: Assembly Bill No. 265—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered three hundred and seventy-four (*a*), relating to the loading of vessels with garbage or other refuse with intent to dump the same upon the waters bordering upon the State of California, and dumping garbage thereon.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 266—An Act providing for an appropriation of ten thousand dollars (\$10,000.00) for the purpose of dredging and improving San Rafael Creek, in the County of Marin.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Rodgers of San Francisco: Assembly Bill No. 267—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered Section 526, relating to the sale of theater tickets.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Williams: Assembly Bill No. 268—An Act to appropriate money for the purchase of the Big Oak Flat and Yosemite Turnpike toll road, leading from Big Oak Flat, in Tuolumne County, to Yosemite Valley

Bill read first time, and referred to Committee on Roads and Highways

Also: Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, defining his duties and fixing his compensation, and providing for the payment thereof.

Bill read first time, and referred to Committee on Mines and Mining Interests.

By Mr. Bennink: Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 271—An Act to provide for transforming the old power plant into an office for the steward and commissary building at the Southern California State Hospital, and making an appropriation therefor.

Read bill first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 272—An Act to provide for the erection, equipping and furnishing of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 273—An Act authorizing and directing the board of managers of the Southern California State Hospital to purchase additional water stock for increasing the water supply for the farm, garden and orchards at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 274—An Act authorizing and directing the board of managers of the Southern California State Hospital to increase the domestic water supply at the Southern California State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Joel: Assembly Bill No. 275—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by adding a new subdivision thereto to be known as subdivision 16.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hinshaw: Assembly Bill No. 276—An Act to amend section five of "An Act requiring persons, corporations, receivers, or trustees, operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished." Approved April 20, 1909.

Bill read first time, and referred to Committee on Common Carriers.

By Mr. Kehoe: Assembly Bill No. 277—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure relating to the manner of granting temporary injunctions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203, of the Code of Civil Procedure of the State of California, and to repeal Sections 1183a, 1200 and 1203a of said code, all relating to the liens of mechanics and others.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bohnett: Assembly Bill No. 279—An Act to amend Section 2924 of the Civil Code of the State of California, relating to mortgages.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wilson: Assembly Bill No. 280—An Act appropriating five thousand dollars for the investigation and eradication of diseases and insect pests infesting the hop and hop-vine.

Bill read first time, and referred to the Committee on Agriculture, Fruit and Vine Interests.

By Mr. Griffin: Assembly Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section thirteen of article twenty thereof, and relating to elections.

Read, and referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section thereto, to be numbered section seven of article two thereof, and relating to the right of the people to recall public officials.

Read, and referred to Committee on Constitutional Amendments

CREDENTIALS.

The following credentials of newspaper representatives were filed and ordered printed in the Journal:

LOS ANGELES, CAL., January 9, 1911

To the Legislature of the State of California

W. R. Williams is accredited correspondent of the Los Angeles Times and entitled to all privileges.

THE TIMES

L. B. MALLORY, *Chief Clerk Assembly*

DEAR SIR: Following are the accredited representatives of the Examiner to the thirty-ninth legislative session:

Edward H. Hamilton, Al Murphy, Fred S. Mittle, J. R. Nourse, Thomas P. Brown, O. C. Chopin, San Francisco Examiner, and J. R. Nourse, Los Angeles Examiner

Yours truly,

AL MURPHY.

In charge of Examiner Legislative Bureau.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker announced the appointment of the select committee on the advisability of erecting a Governor's mansion, as follows: Messrs. Chandler, Farwell, Bliss, Flint, and Bohnett.

RESOLUTION.

The following resolution was offered:

By Mr. Bohnett:

Resolved, That the State Printer be and he is hereby instructed to print one thousand (1,000) copies of all Assembly bills, files, histories, journals, constitutional amendments, joint resolutions, and concurrent resolutions, beginning January 5, 1911, for the use of the Assembly.

Resolution read and, on motion, adopted.

RECESS.

At ten o'clock and fifty-five minutes A. M., on motion of Mr. Bohnett, the Assembly was declared at recess until eleven o'clock and forty-five minutes A. M. of this day.

REASSEMBLED.

At eleven o'clock and forty-five minutes A. M. the Assembly reconvened.

Speaker Hewitt in the chair.

NOMINATION OF UNITED STATES SENATOR.

The hour of twelve o'clock M. having arrived, the Assembly proceeded to the nomination of United States Senator.

The Chief Clerk of the Assembly, by direction of the Speaker, then read the following Act of Congress:

Title 11, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by *una voce* vote by each member present, name one person for Senator in Congress from such State, and the name of the person so voting for to receive a

majority of the whole number of votes cast in each House, shall be entered upon the Journal of that House by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each house, or if either House has failed to take proceedings as required by this section, a Joint Assembly shall then proceed to choose, by a *vote a voce* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present, and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed on the second Tuesday after meeting and organization, to elect a person to fill such vacancy in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancies shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of the State.

The Speaker thereupon declared nominations for United States Senator, to succeed the Hon. Frank P. Flint, now in order.

Mr. Hinkle placed in nomination A. G. Spalding.

Mr. Chandler placed in nomination John D. Works.

Mr. Schmitt seconded the nomination of A. G. Spalding.

Mr. Cattell seconded the nomination of John D. Works.

Mr. Griffiths seconded the nomination of A. G. Spalding.

Mr. Young seconded the nomination of John D. Works.

TIME OF ADJOURNMENT EXTENDED.

On motion, the time of adjournment was extended until the completion of the vote for United States Senator.

Mr. March seconded the nomination of A. G. Spalding.

Mr. Brown seconded the nomination of A. G. Spalding.

Mr. Clark seconded the nomination of John D. Works.

Mr. Held placed in nomination E. A. Meserve.

ROLL CALL.

Nominations being declared closed, the Chief Clerk called the roll, with the following result:

For A. G. Spalding—Messrs. Bennink, Brown, Coghlan, Cronin, Freeman, Griffiths, Hayes, Hinkle, Joel, Judson, Kehoe, Lynch, March, Schmitt, Stevenot, and Williams—16.

For J. D. Works—Messrs. Beatty, Beckett, Benedict, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin, Gull, Hall, Hamilton, Harlan, Hinshaw, Jasper, Jones, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan,

Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—62.
For E. A. Meserve—Mr. Held—1.

Whole number of votes cast.....	70
Necessary to a choice.....	46
A. G. Spalding received.....	16 votes
John D. Works received.....	62 votes
E. A. Meserve received.....	1 vote

John D. Works having received a majority of the votes cast, was declared the choice of the Assembly for United States Senator for the term beginning March 4, 1911.

RESOLUTION.

The following resolution was offered:

By Mr. Cogswell:

Resolved. That the Chief Clerk be and he is hereby directed to inform the Senate of the vote for United States Senator in this House taken this day, and requesting the Senate to inform this House of the vote for United States Senator taken in the Senate, and informing the Senate that the Assembly will meet with the Senate in the Assembly Chamber to-morrow, Wednesday, January 11, 1911, at twelve o'clock noon, in Joint Assembly, for the purpose of electing, or declaring the election of a United States Senator, pursuant to an Act of Congress, entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Resolution read and, on motion, adopted.

EXPLANATIONS OF VOTES.

The following explanations of votes were received, and ordered printed in the Journal:

By Mr. Griffin:

SACRAMENTO, CAL., January 10, 1911.

While conceding that there probably are other men within the ranks of the progressives in this State who could represent the great Commonwealth of California with greater vigor in the United States Senate than Judge Works, it seems to me that at this time the line of demarcation is clearly drawn between the progressives and the ultra-conservatives, and as I have ever been a consistent believer in popular government and progressive democracy, it is my duty to vote for the candidate that seems to be on that side of the line of demarcation. It is my sincere hope and desire that the present Legislature shall forever make it impossible for the present situation to recur, and this can be done by the enactment of the Oregon plan of choosing United States Senators, which I had the honor and privilege this day to introduce.

THOMAS F. GRIFFIN.

By Mr. Stuckenbruck:

Having always believed in the election of United States Senators by direct vote of the people, and as Works received the majority of such vote in my district, I deem it my duty to vote for Judge Works for United States Senator.

Respectfully,

J. W. STUCKENBRUCK.

Twenty-fourth District.

By Mr. Wilson:

In explanation of my vote for John D. Works for Senator from California in the United States Congress, I wish to say that my district cast for John D. Works a majority of its advisory vote for United States Senator. I favor the direct popular election of United States Senator, and under our present primary law the advisory vote so cast is the best information which I can obtain as to the wishes of my constituents in the matter of electing a United States Senator. In observance of that expressed wish I cast my vote for John D. Works.

L. H. WILSON.

By Mr. Coghlan:

Section 2 of the Act to regulate primary elections reads in part as follows: "The vote for candidates for United States Senators shall be an advisory vote for the

purpose of ascertaining the sentiment of the voters in the respective * * * Assembly District in the respective parties."

I believe that under the terms of section 1 of the primary election law, I am bound, unless I disregard the will of the good people of the Forty-first Assembly District, to vote for Albert G. Spalding for United States Senator. To do otherwise would be, in my humble opinion, a base repudiation of the law, and an evidence of flagrant disrespect to the wishes of my constituents. I have been too long honored by the people of my district to close my ears to their voices. They have cast my vote for me here. I know of nothing that I have oftener wished for than an expression of opinion by my own people on the many questions that have been here propounded in the last seven years, and I am content.

NATHAN C. COGHLAN.

By Mr. Slater:

I believe, and have always believed, in the election of United States Senators by direct vote of the people, and consider this step initial to the accomplishment of the final issue. Consequently, I vote for Judge Works. Let us now have the Oregon plan.

Respectfully,

HERBERT W. SLATER.

Fourteenth District

By Mr. Mendenhall:

Having always believed in the election of United States Senators by direct vote of the people, and as Works received the plurality of such vote in the State, I deem it my duty in the interests of good government to vote for Judge Works for United States Senator.

Respectfully,

J. L. MENDENHALL

By Mr. Walsh:

Believing the last state primary election gave the nearest expression possible toward a state-wide vote for United States Senator in casting a plurality vote for Judge Works, and as the Democratic platform, the platform of the party of which I have the honor to represent, expressed themselves in no uncertain terms as favoring the election of a United States Senator by direct vote of the people, I therefore cast my vote for Judge Works, feeling that I am carrying out the expressions of my party with the best means at hand.

EDWARD P. WALSH,

Assemblyman Thirty-seventh District

ADJOURNMENT.

At one o'clock and fifteen minutes P. M., on motion of Mr. Brown, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, January 11, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL. }
Wednesday, January 11, 1911 }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper,

Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polster, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfei, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—79.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Held, its further reading was dispensed with.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Gerdes: Assembly Bill No. 281—An Act to appropriate the sum of one thousand dollars to pay the claim of Sergeant-Major Eugene De Sparr.

Bill read first time, and referred to Committee on Claims.

By Mr. Coghlan: Assembly Bill No. 282—An Act to amend section twenty-four hundred and forty of the Political Code of the State of California, relating to Pilot Commissioners for San Francisco, Mare Island, and Benicia, and how appointed.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 283—An Act amending Section 995 of the Penal Code, relating to motion to set aside indictment and information.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Sutherland: Assembly Bill No. 284—An Act to provide for acquiring a site for and the building, equipping, and furnishing of an armory to be used for the National Guard and for National Guard purposes, in the city of Fresno, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Slater: Assembly Bill No. 285—An Act providing for the purchasing of a site for an armory for the National Guard at the city of Santa Rosa, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory on said site, and appropriating money therefor.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Hinkle: Assembly Bill No. 286—An Act to provide for making repairs and for an additional heating plant at the State Normal School at San Diego, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 287—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Callaghan: Assembly Bill No. 289—An Act to regulate and limit the hours of employment of females in any mechanical establishment or factory, or laundry, or workshop, or restaurant, or hotel, or office, or other place of labor, in order to safeguard the health of such employees; to provide for its enforcement and a penalty for its violation.

Bill read first time, and referred to Committee on Labor and Capital

Also: Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one, relating to filing a copy of printed notice to creditors.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hall: Assembly Bill No. 291—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the fifth class.

Bill read first time, and referred to Committee on Municipal Corporations

By Mr. Young: Assembly Bill No. 292—An Act to amend Section 103½ of the Code of Civil Procedure of the State of California.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 293—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, by amending sections one and two thereof.

Bill read first time, and referred to Committee on Municipal Corporations

By Mr. Feeley: Assembly Bill No. 294—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Freeman: Assembly Bill No. 295—An Act to amend Section 603 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 296—An Act to amend Section 94 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 297—An Act to amend Section 128 of the Civil Code.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 298—An Act to amend Section 953c of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 299—An Act to amend Section 953b of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 300—An Act to amend Section 953a of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 301—An Act to amend Section 2031 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 302—An Act to amend Section 2027 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 303—An Act to amend Section 2022 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 304—An Act to amend Section 2023 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 305—An Act to amend Section 2021 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 306—An Act to amend Section 2020 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 307—An Act to add to Section 1010 of the Code of Civil Procedure, relating to service of notice of any order or ruling of court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beatty: Assembly Bill No. 308—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or track by two lines of street railway.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 309—An Act to amend an Act entitled "An Act to define and regulate the business of banking," and known as the Bank Act, approved March 1, 1909, by adding thereto a new section numbered 148, to provide for the supervision and regulation of the business of making loans on pledges of personal property, chattel mortgages, or assignments of salary or wages by the banking department under the direction of the Superintendent of Banks of the State of California, and under the immediate direction of a deputy, clerks, and examiners, to authorize the appointment of the same by the Superintendent of Banks, and to fix their compensation and to defray the expenses thereof

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Rosendale: Assembly Bill No. 310—An Act to provide for the accomplishment of the work of the construction of a breakwater in Monterey Bay, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives No. 1084, sixty-first Congress, third session, and making an appropriation for such work.

Bill read first time, and referred to committee on Commerce and Navigation.

By Mr. Kennedy: Assembly Bill No. 311—An Act to provide for, insure, and maintain preference in the appointment, employment, and retention of the public service, and upon public works of the State of California, of honorably discharged soldiers, sailors, and marines of the Spanish-American War.

Bill read first time, and referred to Committee on Reform of the Civil Service.

Also: Assembly Bill No. 312—An Act regulating the placing, erection, use, and maintenance of electric poles, wires, cables and appliances, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 314—An Act creating the office of State Electrical Inspector of California, defining the duties and powers of its incumbent, and making provision for its maintenance, and providing the punishment for offenses under the same.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Crosby: Assembly Bill No. 315—An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California," approved March 12, 1885; approved March 23, 1901; amended and approved March 20, 1903, and March 20, 1905, and March 2, 1907, and April 6, 1909.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 316—An Act to appropriate the sum of two hundred and fifty thousand dollars for the acquisition of land and the erection, construction, equipment and furnishing of an armory thereon in the city of Oakland for the use of the National Guard of the State of California.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Brown: Assembly Bill No. 317—An Act to amend section nine hundred and twenty-eight of the Penal Code of the State of California, relative to the examination of the books, records, and accounts of county officers, and the appointment of experts by grand juries.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 318—An Act to add a new section to the Political Code of the State of California to be numbered 4261a, relating to and fixing the compensation of grand and trial jurors in the superior court in counties of the thirty-second class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 319—An Act to amend section four thousand and seven of the Political Code of the State of California, relating to the classification of counties.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 320—An Act to establish a uniform system of township governments, and providing for submitting the same to a vote of the people of the several counties of the State of California.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Cunningham: Assembly Bill No. 321—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fireboats, David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Bill read first time, and referred to Committee on Ways and Means

By Mr. Hayes: Assembly Bill No. 322—An Act to regulate the practice of stationary and steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among stationary and steam engineers in the State of California

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Wyllie: Assembly Bill No. 323—An Act providing that in the event of no election having been held for the election of officers of municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Wilson: Assembly Bill No. 324—An Act to amend Section 33 of an Act approved March 8, 1909, entitled "An Act to define and regulate the business of banking."

Bill read first time, and referred to Committee on Banks and Banking

Also: Assembly Bill No. 325—An Act to amend an Act entitled "An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, by amending section two thereof.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 326—An Act to amend Section 626a of the Penal Code of California relating to the killing of doves.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Cogswell: Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the sixtieth and sixty-second fiscal years

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 330—An Act making an appropriation to pay the claim of Marin County against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 332—An Act making an appropriation to

pay the deficiency in the appropriation for aid to the State Agricultural Society for the sixtieth fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the state prison at San Quentin (Chapter 214, Stats. 1905).

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, Secretary of State's office, for the sixty-second fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office, for the sixty-second fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work (Chapter 579, Statutes 1909).

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Cogswell: Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind (Chapter 210, Statutes 1907).

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for the Adult Blind in Oakland.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Chapter 332, Statutes 1907).

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 341—An Act making an appropriation to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant General's office for the sixty-first and sixty-second fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health, for the sixty-first and sixty-second fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 343—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Nor-

mal School at Los Angeles for the sixty-first and sixty-second fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for support of the State Normal School at Los Angeles for the sixty-second fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 346—An Act transferring money from the general fund to the San Diego Harbor Improvement Fund to meet the expenses of the publication of the San Diego Seawall Act, under the provisions of Chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego Harbor Improvement Fund to the General Fund.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 347—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act, under the provisions of Chapter 383, Statutes of 1909.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 348—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act, under the provisions of Chapter 407, Statutes of 1909.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Cogswell: Assembly Bill No. 349—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 350—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Freeman: Assembly Bill No. 351—An Act to amend Section 663 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 352—An Act to amend Section 632 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 353—An Act to amend Section 448 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 354—An Act to amend Section 447 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Young: Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section three of Article IX thereof, and relating to the election and duties of Superintendent of Schools.

Assembly constitutional amendment read, and referred to Committee on Constitutional Amendments.

By Mr. Griffin: Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California by amending Section 8 of Article eleven thereof, and relating to charters of cities.

Assembly constitutional amendment read, and referred to Committee on Constitutional Amendments.

By Mr. Rosendale: Assembly Concurrent Resolution No. 6—Approving one certain amendment to the charter of Salinas City, county of Monterey, State of California, voted for and ratified by the qualified electors of said Salinas City, at a regular municipal election held therein on the 7th day of June, 1909.

Assembly concurrent amendment read, and referred to Committee on Municipal Corporations.

RE-REFERENCE OF BILLS.

On motion of Mr. Preisker. Assembly Bill No. 24—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics

Also: Assembly Bill No. 65—An Act to provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 66—An Act to provide appropriation for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Were recalled from the Committee on Ways and Means, and referred to Committee on Public Buildings and Grounds.

WITHDRAWAL OF BILL.

Mr. Sutherland asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 143.

Bill withdrawn, and ordered stricken from the file

CREDENTIALS.

The following credentials of newspaper representatives were received and filed:

SAN FRANCISCO, CAL., January 10, 1911.

Hon. A. H. HEWITT, Speaker, Assembly Chamber.

SIR: I have the honor to inform you that the following named representatives of the San Francisco Call have been assigned to report the thirty-ninth session of the Legislature: C. A. Farnsworth, W. R. Cole, A. B. Simpson, E. A. Rogers, George A. Van Smith. For these representatives of The Call, I respectfully request the privileges and credentials accorded accredited representatives of the press.

Very respectfully,

GEO. A. VAN SMITH, Political Editor.

OROVILLE, CAL., January 7, 1911.

To whom it may concern:

This is to certify that John F. Carrere is the legislative correspondent of the Oroville Mercury.

J. F. GALVIN, Managing Editor

RECESS.

At ten o'clock and fifty-five minutes A. M., on motion of Mr. Gerdes, the Assembly was declared at recess until eleven o'clock and forty-five minutes A. M. of this day.

REASSEMBLED.

At eleven o'clock and forty-five minutes A. M. the Assembly reconvened.

Speaker Hewitt in the chair.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 10, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the following proceedings relative to the election of United States Senator were this day had in the Senate:

The President declared that nominations were now in order for the office of United States Senator for the term of six years, commencing on March 4, 1911, to succeed the Hon. Frank P. Flint, whose term of office will expire on the date already mentioned.

Hon. A. G. Spalding, of San Diego County, was placed in nomination by Senator Wright.

Hon. John D. Works, of Los Angeles County, was placed in nomination by Senator Gates.

Senator Stetson seconded the nomination of Hon. John D. Works.

Senator Cartwright seconded the nomination of Hon. John D. Works.

Senator Martinelli seconded the nomination of Hon. A. G. Spalding.

Hon. John E. Raker, of Modoc County, was placed in nomination by Senator Sanford.

Senator Wolfe seconded the nomination of Hon. A. G. Spalding.

Senator Cassidy seconded the nomination of Hon. A. G. Spalding.

Senator Juilliard seconded the nomination of Hon. John D. Works.

Senator Curtin seconded the nomination of Hon. John E. Raker.

There being no further nominations, the same were declared closed, and the Secretary directed to call the roll.

The roll was called, and as each Senator's name was called he voted his choice for United States Senator, as follows:

For A. G. Spalding—Senators Bills, Cassidy, Martinelli, Wolfe, and Wright—5.

For John D. Works—Senators Avey, Behan, Bell, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cutten, Estudillo, Finn, Gates, Hans, Hewitt, Hurd, Juilliard, Larkins, Lewis, Regan, Roseberry, Rush, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, and Welch—30.

For John E. Raker—Senators Curtin, Hare, and Sanford—3.

For William Kent—Senator Holohan—1.

Whole number of votes cast.....	39
Necessary to a choice.....	21
A. G. Spalding received.....	5 votes
John D. Works received.....	30 votes
John E. Raker received.....	3 votes
William Kent received.....	1 vote

The President announced the result, and declared the Hon. John D. Works the choice of the Senate for United States Senator.

The following resolution was offered:

By Senator Hewitt:

Resolved, That the Secretary forthwith inform the Assembly of the vote for United States Senator in this Senate, and that the Senate will meet the Assembly in the Assembly Chamber to-morrow, Wednesday, January 11, 1911, at twelve o'clock meridian, in Joint Assembly for the purpose of electing or declaring the election of a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress

of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

Resolution read and adopted.

WALTER N. PARRISH, Secretary of Senate.
By H. P. TRAVERS, Assistant Secretary of Senate.

PAPERS IN CONTESTED ELECTION.

The Speaker filed with the Chief Clerk the papers in contested election, wherein Arthur Vollimer is the contestant and Edward P. Walsh is the contestee, and referred them to the Committee on Contested Elections.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER, Wednesday, January 11, 1911.

The hour of twelve o'clock meridian having arrived, the Sergeant-at-Arms announced that the members of the Senate were at the bar of the House.

The Senate and the Assembly then met in joint session for the purpose of electing a United States Senator, pursuant to an Act of Congress, entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, A. D. 1873," approved January 22, 1874.

Hon. Albert J. Wallace, President of the Senate, in conjunction with Hon. A. H. Hewitt, Speaker of the Assembly, presiding.

The President of the Senate directed the Secretary of the Senate to call the roll of the Senators.

The roll of the Senate was then called, and the following Senators answered to their names:

Senators Avey, Beban, Bell, Bills, Birdsall, Black, Boynton, Bryant, Burnett, Caminetti, Cartwright, Cassidy, Curtin, Cutton, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Hurd, Juillard, Larkins, Lewis, Martinelli, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Strobbridge, Thompson, Tyrrell, Walker, Welch, Wolfe, and Wright—39.

Quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following members answered to their names:

Messrs Beatty, Benedict, Bennink, Bishop, Bliss, Bohuett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsey, Preisker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ruthenford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—78.

Quorum present.

The President of the Senate declared that a quorum of the Joint Assembly was present, and that the election of a United States Senator to succeed the Hon. Frank P. Flint, as such, was now in order, and

directed the Secretary of the Senate to read the Act of Congress requiring a Joint Assembly to be held this day.

The Secretary of the Senate, by direction of the President, then read the following Act of Congress:

Title 2, Chapter 1, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the Statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

SEC. 14. The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each House shall openly, by *viva voce* vote by each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each House, shall be entered upon the Journal of that House by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person has received a majority of all the votes in each House, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each House, or if either House has failed to take proceedings as required by this section the Joint Assembly shall then proceed to choose, by a *viva voce* vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed on the second Tuesday after meeting and organization, to elect a person to fill such vacancy in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancies shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate, by direction of the President of the Senate, then read from the Journal of the Senate of Tuesday, January 10, 1911 (which was the second Tuesday after the organization of the thirty-ninth session of the Legislature of California), so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. Frank P. Flint, a United States Senator from California, whose term of office is about to expire, whereby it appeared that thirty-nine Senators were present, each voting for his choice and that

Hon. John D. Works received.....	30 votes
Hon. A. G. Spalding received.....	5 votes
Hon. John E. Raker received.....	3 votes
Hon. William Kent received.....	1 vote

The President of the Senate then announced that it appeared from the reading of the Journal of the Senate that the Hon. John D. Works had received a majority of the votes of the Senate, and declared him the choice of the Senate for United States Senator to fill the term commencing March 4, 1911.

The Chief Clerk of the Assembly, by the direction of the Speaker, then read from the Journal of the Assembly of Tuesday, January 10,

1911 (which was the second Tuesday after the organization of the thirty-ninth session of the Legislature of the State of California), so much of the proceedings as related to the election of a Senator in Congress to succeed the Hon. Frank P. Flint, a United States Senator from California, whose term of office is about to expire, whereby it appeared that seventy-nine members of the Assembly were present and voted each for his choice, and that

Hon. John D. Works received.....	62 votes
Hon. A. G. Spalding received.....	16 votes
Hon. E. A. Meserve received.....	1 vote

The Speaker of the Assembly then announced that it appeared from the reading of the Journal of the Assembly that Hon. John D. Works had received a majority of the votes of the Assembly, and declared him the choice of the Assembly for United States Senator to fill the term commencing March 4, 1911.

The President of the Senate, Hon. Albert J. Wallace, then declared as follows: It appearing from the Journals of the Senate and Assembly, as read in Joint Assembly, that Hon. John D. Works has received a majority of all of the votes of the Senate and a majority of all the votes of the Assembly, I therefore declare Hon. John D. Works duly elected United States Senator in the Congress of the United States from the State of California for the term commencing March 4, 1911

RESOLUTIONS

The following resolutions were offered:

By Senator Boynton:

Resolved, That the Secretary of the Senate and the Chief Clerk of the Assembly be and they are hereby directed to prepare and transmit forthwith to the Governor of the State of California, a copy of the proceedings of this Joint Assembly pertaining to the election and declaring the election of a person to the United States Senate in Congress from California for the term of six years, beginning March 4, 1911, in accordance with an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and that said copy be attested by the President and the Secretary of the Senate and the Speaker and the Chief Clerk of the Assembly.

Resolution read and, on motion, adopted

By Mr. Joel:

Resolved, That the Honorable John D. Works, United States Senator-elect from the State of California, be invited to appear before, and address the members of this Joint Assembly.

Resolution read and, on motion, adopted.

The President of the Senate appointed Senator Boynton and Mr. Joel a committee to escort Hon. John D. Works, United States Senator-elect from the State of California, to the Joint Assembly.

The Sergeant-at-Arms announced the arrival of the committee with the Hon. John D. Works, United States Senator-elect from the State of California, at the bar of the Joint Assembly.

The President of the Senate presented the Hon. John D. Works, United States Senator-elect from the State of California, to the members of the Joint Assembly.

The Hon. John D. Works, United States Senator-elect from the State of California, addressed the Joint Assembly as follows, which address, upon motion of Senator Cutten, was ordered printed in the Journal:

ADDRESS OF HON. JOHN D. WORKS, UNITED STATES SENATOR-ELECT.

Members of the Legislature of the State of California: I thank you sincerely for the honor you have done me in electing me United States Senator. I am glad to be able to say to you, and to the people of California, that I accept the office absolutely free and independent. Free to do my duty as I see my duty, independent of any domination, control, or influence by any man, corporation, or private interest of any kind.

In a broader sense, I am not independent. I hope I appreciate the grave responsibilities you have imposed upon me by electing me to this great office. In meeting those responsibilities I need the help, advice, and support of all good citizens who have the welfare of the State and nation at heart. I have lived in the southern part of the State for nearly twenty-eight years. I think I know its conditions and needs fairly well. But the north is entitled to my services in its behalf as Senator, equally and as fully as is the south, and I shall endeavor to inform myself of its needs, so that I may the better serve the whole State without discrimination or favor.

I desire particularly to express my thanks to the Democratic members of this body who have given me their support. It is a hopeful and encouraging sign of the times, an evidence of the fact that good men in office are no longer ruled by partisanship, but are seeking to serve the interests of the people through the best medium that is available at the time.

I am not going to the United States Senate to serve the Republican party alone, but to serve the whole people of the State and nation.

I believe in political parties, but only as instruments to carry out the will of the people. When a party ceases to serve this purpose, it becomes a menace to the public welfare and a danger to our free institutions.

This is not the time or place to discuss political questions, and I am not going to detain you for any such purpose. But there are certain important, fundamental principles of government,—principles that affect every man, woman and child in this country, irrespective of their political ties or affiliations. I desire, in this presence, to declare my adherence to those principles and my determination to labor, as a public official, to establish and maintain them. They are set forth in the State platforms of both the leading parties of California. Therefore, they are not partisan in their nature. Among these may be mentioned the election of United States Senator by direct vote of the people; the conservation of our natural resources; the elimination of boss rule, dictation or influence, from our politics; and the removal of all private privilege seeking interests from private office, and the restoration of our government, State and National, to the people; a protective tariff measured by the difference between the cost of manufacture, or production, here and abroad, and the establishment of a permanent non-partisan commission to adjust such rates; the establishment and maintenance of a government owned or controlled line of steamers connecting the Pacific ports with the Panama Railway, and a government owned, or controlled, line of steamers between Pacific and Atlantic ports, through the Panama Canal, when completed; direct legislation, including the initiative, referendum, and recall, and the granting of the right of suffrage to women.

But to accomplish these reforms, and establish our government as a government of the people we must maintain the freedom and independence of the individual voter, and make his vote his own, exclude from public office any and every man that owes or acknowledges allegiance to the Southern Pacific Railroad Company, or any other corporation or private interests adverse to the interests of the State or nation.

One of the greatest and most imminent perils to this country is the power of the corporations, the trusts, the private interests, in our politics and public offices, seeking special privileges, and obtaining and holding them by corrupt and illegal means. The Governor of this State has declared his intention of casting out all these interests and influences from the offices of this State. He means to do just what he says he will do. In this laudable and patriotic purpose he should have the earnest support of every good citizen of the State, without regard to his political affiliations or beliefs.

Precisely the same thing should be done with respect to the Federal offices in this State. They are infested and corrupted by the servants of the interests. They come and go at the beck and call of their masters, without regard to the interests of the people. For one, it is my purpose to aid Governor Johnson in his efforts to redeem this great State of ours from corrupt politics, and to make merit and competency alone the basis of appointments to office, and I will do everything in my power to establish this same standard that he has raised in the making of Federal appointments, and to root out of the public service men who have secured their places as a reward for helping to degrade and pollute the politics of the State.

I am a progressive Republican. I believe in the principles that the insurgents in Congress are struggling to maintain in the interest of the people. It is my purpose to stand for progressive principles in legislation, no matter what may be its origin and without partisan bias. The people are crying out for justice and not for partisanship; for the establishment of the rights of the people, and not for the preservation or perpetuation of political parties. The party that fails to respond to this cry will be swept out of existence. I shall enter upon my duties as your Senator with a full understanding of this sentiment of the people of this State and the Nation, and act accordingly.

READING AND APPROVAL OF MINUTES OF JOINT ASSEMBLY.

The President of the Senate directed the Secretary to read the minutes of the Joint Assembly. and. on motion of Senator Boynton, the same were approved.

The Speaker directed that the proceedings of the Joint Assembly be printed in the Journal of the Assembly.

ADJOURNMENT.

At twelve o'clock and fifty-five minutes P. M. the President of the Senate declared the Joint Assembly adjourned *sine die*.

ALBERT J. WALLACE,
President of the Senate.
WALTER N. PARRISH,
Secretary of the Senate.
A. H. HEWITT,
Speaker of the Assembly
L. B. MALLORY,
Chief Clerk of the Assembly.
R. H. JACKSON,
Minute Clerk of the Senate
H. A. HARPER,
Minute Clerk of the Assembly.

REASSEMBLED.

At twelve o'clock and fifty-five minutes P. M. the Assembly reconvened.

ADJOURNMENT.

At one o'clock P. M., on motion of Mr. Held, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, January 12, 1911.

 IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Thursday, January 12, 1911. }

At ten o'clock A. M. pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins. and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott,

Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—78.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Smith, its further reading was dispensed with.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ON INAUGURAL CEREMONIES.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., January 4, 1911.

MR. SPEAKER: Your Committee on Inaugural Ceremonies, to whom was referred the conduct of the inauguration of Governor Hiram W. Johnson and Lieutenant Governor A. J. Wallace, beg leave to report that, in conjunction with the committee appointed by the Senate, they have approved bills therfor aggregating the sum of \$402.60 as per Schedule A annexed hereto, and made a part hereof; that the payment of the said sum was, under the terms of the resolution appointing your committee, to be made, one half (\$201.30) out of the contingent fund of the Senate and one half (\$201.30) out of the contingent fund of the Assembly. We therefore respectfully recommend the adoption of the following resolution:

Resolved, That the Committee on Inaugural Ceremonies be and they are hereby authorized to draw on account of the expense of said ceremonies the sum of \$201.20, and the Controller is hereby requested to draw his warrants for the said sum in favor of H. S. Benedict, Chairman of the Committee on Inaugural Ceremonies on the part of the Assembly, and the State Treasurer is directed to pay the same out of the contingent fund of the Assembly.

BENEDICT, Chairman.

SCHEDULE A.

Statement of Expense of the Inaugural Ceremonies, January 3, 1911.

To decorating-----	\$104 00
To firing salute of seventeen guns-----	30 00
Decoration Assembly Chamber-----	15 00
Flags-----	21 00
Orchestra-----	50 00
Use of automobile-----	10 00
Ed H. Whyte, Sergeant-at-Arms-----	48 60
Automobile-----	9 00
To services of singers-----	80 00
To J. T. Stafford, preparing for ceremonies-----	30 00
To C. S. McMullen, secretary to committee-----	5 00
Total -----	\$402 60

Mr. Benedict moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Benniuk, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—64.

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Kehoe (by request): Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 356—An Act to repeal Section 453i of the Civil Code of the State of California, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 358—An Act to repeal Section 596a of the Political Code of the State of California, relating to insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 359—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Hall: Assembly Bill No. 360—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes, and of proceedings had for the sale of same by the State of California.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 361—An Act fixing the salaries of the judges of the Superior Court of the State of California in and for the county of Kern, and providing for the payment thereof.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. McGowen: Assembly Bill No. 362—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 363—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the publishment of persons responsible for or contributing to the dependency or delinquency of children, and giving to the Supe-

rior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the words "dependent child," as established in said Section 1.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Gerdes: Assembly Bill No. 364—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to commissions of executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Benedict: Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 366—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 368—An Act to repeal Article VIII of Title III, Part III, of the Political Code.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 369—An Act to provide for the establishment and maintenance of county free libraries in the State of California.

Bill read first time, and referred to Committee on Education.

By Mr. Freeman: Assembly Bill No. 370—An Act to amend section ninety-eight of the Civil Code, defining grounds of desertion.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Butler: Assembly Bill No. 371—An Act to confirm, validate, and legalize the tax levies made by county boards of supervisors for county, school, and other purposes.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also (by request): Assembly Bill No. 372—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Joel: Assembly Bill No. 373—An Act entitled "An Act to amend section one thousand nine hundred and eighty-six of the Code of Civil Procedure of the State of California, relating to the issuance of subpoenas."

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 374—An Act entitled "An Act to amend section one thousand nine hundred and ninety-one of the Code of

Civil Procedure of the State of California, relating to contempt of court committed by witnesses."

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 375—An Act entitled "An Act to amend section two thousand and thirty-one of the Code of Civil Procedure of the State of California, relating to depositions of witnesses in civil actions and proceedings."

Bill read first time, and referred to Committee on Judiciary.

By Mr. Gaylord: Assembly Bill No. 376—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing, or tracking, of deer with dogs.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 377—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection and preservation of game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 378—An Act to amend Section 626f of the Penal Code of the State of California, relating to the protection of deer.

Bill read first time, and referred to Committee on Fish and Game

By Mr. Williams: Assembly Bill No. 379—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education.

Bill read first time, and referred to Committee on Education.

By Mr. Young: Assembly Bill No. 380—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 381—An Act to amend an Act entitled, "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903.

Bill read first time and referred to Committee on Public Charities and Corrections.

By Mr. Bohnett: Assembly Bill No. 382—An Act to amend Sections 1490 and 1491 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Griffin: Assembly Bill No. 383—An Act to repeal section fifty-five (a) of the Penal Code of California, relating to pledges of candidates.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 384—An Act to amend Section 217 of the Penal Code of California, relating to punishment for assault with intent to commit murder, and to provide a penalty for the crime of assault with intent to murder.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cogswell: Assembly Bill No. 385—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Universities

By Mr. Polsley: Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to Section 18, Article 20, relative to the employment of females in the handling and sale of intoxicating liquors.

Amendment read, and referred to Committee on Constitutional Amendments.

By Mr. Beatty: Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 7, of Article 1 thereof, providing that three fourths of a jury may render a verdict except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

Amendment read, and referred to Committee on Constitutional Amendments

Also: Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 13, of Article 1 thereof, to empower the Legislature to provide by law for comment by a prosecuting officer on the failure of an accused person to testify, and for instructions by the court to the jury regarding the same.

Amendment read, and referred to Committee on Constitutional Amendments.

RE-REFERENCE OF BILLS.

On motion of Mr. Beckett, Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School, was recalled from the Committee on Education, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 154—An Act to appropriate money for the erection of three cottages for officers and employees at the California Polytechnic School.

Also: Assembly Bill No. 155—An Act to appropriate money for the construction and equipment of a foundry and pattern shop at the California Polytechnic School.

Also: Assembly Bill No. 156—An Act to appropriate money for the construction and furnishing of dormitories for the California Polytechnic School.

Also: Assembly Bill No. 157—An Act to appropriate money for the erection and equipment of an additional school building at the California Polytechnic School.

Also: Assembly Bill No. 158—An Act appropriating money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Were recalled from the Committee on Ways and Means and referred to Committee on Public Buildings and Grounds.

On motion of Mr. Wyllie, Assembly Bill No. 237—An Act to regulate the organization of fraternal insurance associations, was recalled from the Committee on Insurance and Insurance Laws and referred to Committee on Judiciary.

On motion of Mr. Schmitt, Assembly Bill No. 46.—An Act to amend Section 629 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat, was recalled from the Committee on Judiciary and referred to Committee on Municipal Corporations.

On motion of Mr. Bennink, Assembly Bill No. 60—An Act to amend Sections 3672, 3682, 3692 Subdivision 8 thereof, 3696, 3714, 3728, 3731, 3732, 3737, 3746, 3748, 3754, 3756, 3758, 3759, 3764, 3797, 3831, and 3866 of the Political Code of the State of California, was recalled from the Committee on Judiciary and referred to Committee on Revenue and Taxation

On motion of Mr. Butler, Assembly Bill No. 252—An Act to amend Subdivision 1 of Section 261 of the Penal Code, was recalled from the Committee on Judiciary and referred to Committee on Public Morals

LEAVE OF ABSENCE.

On motion, leave of absence until Monday, January 16, 1911, was granted to Mr. Maher.

RESOLUTION.

The following resolution was offered:

By Mr. Kehoe:

Resolved, That the State Printer be and he is hereby authorized and directed to print 100 copies of the rules of the Judiciary Committee of this Assembly, and 100 copies daily of the daily calendar of said committee.

Resolution read and, on motion, adopted.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to which was referred resolution relative to the purchase of Codes, have had the same under consideration, and beg leave to report and recommend that the Chief Clerk be, and he is hereby authorized and directed to purchase for the use of said members of the Assembly one set of either Deering's or Kerr's Codes, pocket edition, as each member may prefer, and five additional sets, one for the use of the Chief Clerk and the others for the use of various committees, making a total of eighty-five sets; also that he be authorized to purchase three sets of Kerr's large edition of Codes, one for Revision and Reform of Laws, one for Revision of Criminal Procedure, and one for Judiciary.

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report.

Motion duly seconded.

During the consideration of the report, the following amendment was submitted by Mr. Schmitt:

Amend by striking out all reference to Kerr's large Codes.

Amendment lost.

The question being on the original report, a vote was taken and the report adopted.

CREDENTIAL.

The following credential of newspaper representative was received and filed:

SACRAMENTO, January 12, 1911.

Hon. A. H. HEWITT, *Speaker of the Assembly, Capitol, Sacramento.*

DEAR SIR: Mr. John L. Davis, of The Bee's staff, will succeed Mr. DeWolf, one of our present legislative reporters. Kindly see that this change is duly noted, and oblige,

Yours truly,

JOHN S. CHAMBERS, News Editor.

ADJOURNMENT.

At ten o'clock and forty-five minutes A. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Friday, January 13, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Friday, January 13, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chaudler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlau, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McTowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hayes its further reading was dispensed with.

APPROVAL OF JOURNAL.

On motion of Mr. Cattell, the Journals of Monday, January 2, Tuesday, January 3, Wednesday, January 4, Thursday, January 5, Friday, January 6, Monday, January 9, Tuesday, January 10, Wednesday, January 11, and Thursday, January 12, 1911, were approved as corrected by the Minute Clerk.

LEAVE OF ABSENCE.

Mr. Nolan was, on motion, granted leave of absence for the day.

CREDENTIALS OF NEWSPAPER REPRESENTATIVES.

The following credentials of newspaper representatives were filed, and ordered printed in the Journal:

SAN FRANCISCO, CAL., January 10, 1911.

A. H. Hewitt, Speaker, California Assembly.

SIR: The Evening Post has appointed A. S. Patterson to represent this publication at Sacramento during the present session of the Legislature.

We bespeak for him the usual courtesies extended by the Assembly to members of the state press.

Yours very truly,

EVENING POST PUBLISHING CO.,
S. FRED HOGUE, President.

SACRAMENTO, CAL., January 13, 1911.

Hon. A. H. Hewitt, Speaker of the Assembly.

DEAR SIR: This is to certify that Edw. A. Dickson is the accredited representative of the Los Angeles Express

EDW. A. DICKSON, Associate Editor.

PETITION.

The following petition was filed:

By Mr. Hinkle:

Petition relative to the hunting and killing of ducks.

Signed by W. R. Guy and others

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ATTACHÉS AND EMPLOYÉS

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1911.

MR. SPEAKER: Your Committee on Attachés and Employés respectfully beg leave to present the following report, supplemental to the reports heretofore made. We have had under consideration the further assignment of attachés and employés of the Assembly to their respective positions, and we respectfully recommend the adoption of the following report, supplemental to the reports heretofore presented.

Resolved, That the names of P. E. Lamb, heretofore appointed as a Stenographer at a per diem of \$5.00, and Geo. H. Throop, heretofore appointed as a Committee Clerk at a per diem of \$4.00, and A. A. Leonard, heretofore appointed as a Committee Clerk at a per diem of \$4.00, and W. C. Bohnett, heretofore appointed as a Committee Clerk at a per diem of \$4.00, be stricken from the rolls; and be it further

Resolved, That the following named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointments to date from and include the 13th day of January, 1911, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz.:

Geo. R. Wickham	Assistant Minute Clerk	\$8 00
Ed E. Reese	Bookkeeper to Sergeant-at-Arms	5 00
W. C. Bohnett	Clerk to Judiciary Committee	6 00
A. A. Leonard	Assistant File Clerk	5 00
M. C. Holehan	Clerk to Sergeant-at-Arms	5 00
Zidta Kencheloc	Stenographer	5 00
M. Loeffler	Stenographer	5 00
Margaret Eizler	Stenographer	5 00
Mrs. M. Robinson	Committee Clerk	4 00
P. E. Lamb	Committee Clerk	4 00
Samuel Brunswick	Porter	3 00
James Green	Porter	3 00
T. P. White	Porter	3 00
F. C. Holmes	Porter	3 00

BLISS, Chairman.

Mr. Bliss moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Denegri, Feeley, Fitzgerald, Flint, Fieckman, Gaylord, Griffin, Griffiths, Guill, Hall, Harlau, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mort, Polslev, Preisker, Randall, Rimplinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—None

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 11, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the following

ASSEMBLY CONCURRENT RESOLUTION No 5

Resolved by the Assembly, the Senate concurring. That a committee of seven be appointed, four by the Speaker of the Assembly and three by the President of the Senate, for the purpose of deciding as to the advisability of erecting a new mansion for the Governor.

On the adoption of the foregoing resolution in accordance with its provisions, the President of the Senate appointed the following named Senators as members of the Committee provided for. Senators Birdsall, Bills, and Gates.

WALTER N. PARRISH,
Secretary of Senate.

By FRANK MATTISON,
Assistant Secretary

Assembly Concurrent Resolution No 5 ordered to enrollment

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Griffiths: Assembly Bill No. 386—An Act to provide for the completion of septic tank and relaying of mains and laterals leading thereto and therefrom, at the Veterans' Home of California located at Yountville, Napa County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Stevenot: Assembly Bill No. 387—An Act to amend section one hundred and ninety-eight of the Code of Civil Procedure, relating to whom are competent to act as jurors.

Bill read first time, and referred to Committee on Judiciary.

By Mr. McDonald: Assembly Bill No. 388—An Act to amend section three hundred forty nine *a* of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 389—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be known as Section 593b, and relating to party telephone lines and wires.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Jones: Assembly Bill No. 390—An Act to add a new section to the Political Code of the State of California, to be numbered sixteen hundred and three, relating to incurring and paying expenses of elections in school districts.

Bill read first time, and referred to Committee on Education

By Mr. Telfer: Assembly Bill No. 391—An Act to amend Section 1874 of the Political Code, relative to the duties of the Text-book Committee.

Bill read first time, and referred to Committee on Education.

By Mr. Fitzgerald: Assembly Bill No. 392—An Act to amend Section 66 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers.

Bill read first time, and referred to Committee on County and Township governments

Also: Assembly Bill No. 393—An Act to amend Section 65 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to sheriffs, clerks, and constables and their deputies.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 394—An Act to regulate the operation of motor vehicles in the air and making provisions for the purpose of the carrying out of this act.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 395—An Act to amend Section 1f of an Act entitled "An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the state, county, city and county, or incorporated city or town government in this State," approved March 23, 1901, relating to the employment of citizens of the United States.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Rosendale: Assembly Bill No. 396—An Act to amend section one thousand and seventy-seven of the Code of Civil Procedure, relating to granting of letters of administration.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 397—An Act to amend section one thousand nineteen of the Code of Civil Procedure, relating to the service of pleadings and papers in actions for divorce.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Schmitt (by request): Assembly Bill No. 398—An Act in relation to workmen's compensation in certain dangerous employments

Bill read first time, and referred to Committee on Labor and Capital.

Also (by request): Assembly Bill No. 399—An Act to amend Section 1970 of the Civil Code, relating to employers indemnity to employees

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Joel: Assembly Bill No. 400—An Act regulating the payment of wages of unskilled manual laborers, prohibiting the assignment of future wages of such laborers and prescribing a penalty for the breach of such Act.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 401—An Act to amend Section 1216 of the Political Code, relating to the duties of a registrar of voters, and a board of election commissioners.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 402—An Act to amend Sections 1, 5, 6, 12,

13, 17, 22, 26 and 28 of an Act entitled "An Act to provide for and regulate primary elections and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Clark: Assembly Bill No. 403—An Act providing for the organization and management of mutual fire insurance companies and defining the same, and repealing an Act providing for the organization and management of mutual fire insurance companies (approved March 19, 1907, Stats. 1907, p. 631).

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Brown: Assembly Bill No. 404—An Act to add a new section to the Civil Code of the State of California, under title two (2), part two (2) thereof, to be numbered 3443, relating to the assignment of future earnings, and fixing the rate of interest on loans secured thereby.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bohnett: Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to the support of high schools.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 406—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 407—An Act to amend Section 766 of the Code of Civil Procedure of California, relating to partition of real property.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 408—An Act to add a new section to the Code of Civil Procedure of California, to be known as Section 1810a, relating to conveyances by guardians.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 409—An Act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the justices' courts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Williams: Assembly Bill No. 410—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and the amendments thereof, by amending section two hundred and six of said Act, relating to counties of the forty-ninth class.

Bill read first time, and referred to Committee on County and Township Governments

By Mr. Lyon of Los Angeles: Assembly Bill No. 411—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 556, relating to selling or offering for sale, flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 412—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3224,

relating to the standard of weights and measures for flour and bran in sacks.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Mott: Assembly Bill No. 413—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 414—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 415—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Bill read first time, and referred to Committee on Education.

By Mr. Young: Assembly Bill No. 416—An Act to amend Sections 1196, 1197, 1205 and 1211 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Griffin: Assembly Bill No. 417—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered 132a, and relating to the duties of district attorneys in divorce cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 418—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust and other companies, and corporations, and the state school funds, providing for a commission for approving such bonds, and for a report thereon, for the filing of such report and the registration of such bonds in the office of the State Controller.

Bill read first time, and referred to Committee on Irrigation and Drainage

Also: Assembly Bill No. 419—An Act to add a new section to the Political Code, to be numbered section twenty-six hundred forty-six, relating to highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Cogswell: Assembly Bill No. 420—An Act appropriating money for the purchase of a stand pipe and water pipe to re-pipe grounds and buildings of the Whittier State School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 421—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department, of the Whittier State School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 422—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 423—An Act appropriating money to be

expended in the erection and equipment of a hospital building on the grounds of the Whittier State School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 424—An Act appropriating money to pay the traveling and necessary expenses and salary of a parole officer for the Whittier State School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 425—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 426—An Act to appropriate money for a new electric light plant for the Whittier State School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 427—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 428—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 429—An Act to appropriate money for the purchase of books and periodicals for the Whittier State School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 430—An Act to appropriate money for repairs on the main building of the Whittier State School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 431—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 432—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Wilson: Assembly Bill No. 433—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent acts," approved March 8, 1909, by adding a new section thereto, to be numbered 10y.

Bill read first time, and referred to Committee on Charities and Corrections.

By Mr. Benedict: Assembly Bill No. 434—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 435—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 436—An Act to amend Section 599 of the Civil Code of the State of California, relating to the by-laws of corporations organized for purposes other than profit.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 437—An Act to amend Section 593 of the Civil Code of the State of California, relating to the incorporation of religious, social, and benevolent corporations and other corporations not organized for pecuniary profit.

Bill read first time, and referred to Committee on Corporations.

By Mr. March (by request): Assembly Bill No. 438—An Act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of the Code of Civil Procedure of California, relating to the time within which certain actions must be commenced.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 439—An Act to amend section nineteen hundred and ninety-one of the Code of Civil Procedure of California, relating to witnesses and depositions.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 440—An Act to amend section eleven hundred and ninety-four of the Code of Civil Procedure of California, relating to the priority of liens of mechanics and others on real property.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 441—An Act to amend section seventeen hundred and seventy-four *a* of the Code of Civil Procedure of California, relating to the settlement of accounts of guardians.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 442—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to the taxation of costs in the appellate courts.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 443—An Act to amend section fourteen hundred and sixty-nine of the Code of Civil Procedure of California, relating to the support of families of deceased persons, and the distribution of the estates of deceased persons, where the value of the whole estate does not exceed the sum of fifteen hundred dollars.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request) : Assembly Bill No. 444—An Act to amend section eight hundred and forty-eight of the Code of Civil Procedure of California, relating to the services of summons in civil actions in Justices' Courts.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request) : Assembly Bill No. 445—An Act to amend section fourteen hundred and sixty-eight of the Code of Civil Procedure of California.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request) : Assembly Bill No. 446—An Act to add a new section to the Code of Civil Procedure of California, to be known as section six hundred and sixty-seven *a*, relating to vesting of title without the necessity of a conveyance upon a judgment in certain actions.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request) : Assembly Bill No. 447—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure of California, relating to foreclosure suits.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request) : Assembly Bill No. 448—An Act to amend section five hundred and ninety-nine of the Civil Code of California, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporation, by corporations for purposes other than profit.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request) : Assembly Bill No. 449—An Act to amend sections fourteen hundred ninety, fourteen hundred ninety-three, fourteen hundred ninety-four, fourteen hundred ninety-five, fourteen hundred ninety-six, and fifteen hundred four of the Code of Civil Procedure of California, relating to claims against estates of deceased persons

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request) : Assembly Bill No. 450—An Act to amend section eleven hundred and ninety-three of the Civil Code of the State of California, relating to certificates of acknowledgment by officers.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request) : Assembly Bill No. 451—An Act to amend section thirteen hundred and eighty-six of the Civil Code of the State of California, relating to the succession to the property of deceased persons.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request) : Assembly Bill No. 452—An Act to amend section nine hundred and fifty-four of the Penal Code of California, relating to pleadings in criminal cases.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request) : Assembly Bill No. 453—An Act to amend section

eleven hundred and seventy-one of the Penal Code of California, relating to bills of exception in criminal cases.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 454—An Act to amend section three hundred ninety-seven of the Penal Code of California, relating to the sale of intoxicating liquors to minors.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 455—An Act to amend section nine hundred and ninety-five of the Penal Code of California, relating to grounds of setting aside the indictment or information in criminal cases.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 456—An Act to amend section one thousand and seventy of the Penal Code of California, relating to peremptory challenges

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 457—An Act to amend section two hundred and sixty-nine of the Penal Code of California, relating to open and notorious fornication and adultery.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 458—An Act to amend section two hundred and sixty-nine of the Penal Code of California, relating to open and notorious fornication and adultery.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 459—An Act to amend section five hundred and thirty-two of the Penal Code of California, relating to false personation and cheats.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 460—An Act to amend section five hundred and seven of the Penal Code of California, relating to the embezzlement of personal property.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 461—An Act to amend section nine hundred and seventy-one of the Penal Code of California, relating to criminal procedure.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also (by request): Assembly Bill No. 462—An Act to amend section four hundred and seventy of the Penal Code of California, relating to forgery.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Bohnett: Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties

and the powers and duties of railroad and other transportation companies, their officers, agents, and employees, and the rights, duties and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers, and employees, and defining offenses of railroad and transportation companies, their officers, employees and other persons, and providing penalties therefor, and repealing an Act entitled 'An Act to create the office of commissioner of transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878," and also repealing an Act entitled "An Act to organize and define the powers of the board of railroad commissioners, approved April 15, 1880," approved March 19, 1909, and also repealing "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act.

Bill read first time, and referred to Committee on Common Carriers.

By Mr. Preisker: Assembly Bill No. 464—An Act to amend Section 924 of the Code of Civil Procedure, relating to costs in civil actions in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 465—An Act to amend Section 1474 of the Code of Civil Procedure, relating to rights of survivor to homestead.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Slater: Assembly Bill No. 466—An Act to regulate the organization of fraternal insurance associations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Beatty: Assembly Concurrent Resolution No. 7—Relating to observing the birthday of Abraham Lincoln.

Resolution read, and referred to Committee on Rules.

By Mr. Telfer: Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education.

Amendment read, and referred to Committee on Constitutional Amendments.

By Mr. Joel: Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending section eight

of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

Amendment read, and referred to Committee on Constitutional Amendments.

By Mr. Clark (by request): Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, providing that public cemeteries from which no profit is derived by any person shall be exempt from taxation.

Amendment read, and referred to Committee on Constitutional Amendments.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bills Nos. 180, 181, 182, 183, 189, 190, 204, 205, 206, and 207, have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to Committee on State Hospitals and Asylums.

COGSWELL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bills Nos. 212, 213, 214, and 215, have had the same under consideration, and respectfully report the same back and recommend that they be re-referred to Committee on Education.

COGSWELL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 211, have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Commerce and Navigation.

COGSWELL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bills Nos. 209 and 210, have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to Committee on State Prisons and Reformatories.

COGSWELL, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried, and reference made.

RESOLUTION.

The following resolution was offered:

By Mr. Preisker:

Resolved, That the action of Ed H. Whyte, Sergeant-at-Arms of the Assembly, in employing necessary assistants for the organization of the Assembly, to perform the duties of bookkeeper to Sergeant-at-Arms, clerk to Sergeant-at-Arms, stenographers, porters, watchmen, clerks, is hereby approved and ratified, and the Controller of State is directed to draw his warrant in favor of said Ed H. Whyte against the Contingent Fund of the Assembly in the sum of \$363.00, said payment being on account of services rendered as follows, and the State Treasurer is hereby authorized and directed to pay the same:

Ed E. Reese	Bookkeeper to Sergeant-at-Arms 9 days at \$5	\$45 00
J. P. Whyte	Clerk to Sergeant-at-Arms, 9 days at \$5	45 00
Marian Brown	Stenographer, 4 days at \$5	20 00
F. L. Gafney	Stenographer, 4 days at \$5	20 00
W. R. Mackrille	Stenographer, 2 days at \$5	10 00
Ralph A. Sollars	Stenographer, 7 days at \$5	35 00
Evelyn Hummel	Clerk, 2 days at \$4	8 00
Wm. Sitton	Porter, 7 days at \$3	21 00
T. R. White	Porter, 9 days at \$3	27 00
James Green	Porter, 11 days at \$3	33 00
F. Holmes	Porter, 11 days at \$3	33 00
Ben Chambers	Watchman, 4 days at \$3	12 00
Z. Waters	Watchman, 7 days at \$3	21 00
Homer Pierce	Watchman, 11 days at \$3	33 00

Resolution read, and referred to the Committee on Attachés and Employés.

MOTION.

'Mr. Cattell moved that when the Assembly adjourn this day, it adjourn until eleven o'clock A. M. of Monday, January 16, 1911.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Mr. Bliss:

Resolved. That each of the attachés and employés of this House, except pages and the clerks at the desk, be and they are hereby required on each day this Assembly is in session to register their names upon appearing on such day with the Sergeant-at-Arms, and the Sergeant-at-Arms is hereby directed to report to the Chief Clerk any failure to comply with this resolution.

Resolution read and, on motion, adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, January 13, 1911.

To the Assembly of the State of California:

Your Committee on Attachés and Employés, to whom was referred the resolution introduced by Mr. Preisker, relating to the employment of temporary help for the organization of the Assembly, report as follows:

We have examined the said resolution and the items thereof as therein set forth, and find the same true and correct, and would recommend the adoption of the resolution, as follows:

Resolved. That the action of Ed H. Whyte, Sergeant-at-Arms of the Assembly, in employing necessary assistants for the organization of the Assembly, to perform the duties of bookkeeper to Sergeant-at-Arms, clerk to Sergeant-at-Arms, stenographers, porters, watchmen, clerks, is hereby approved and ratified, and the Controller of State is directed to draw his warrant in favor of said Ed H. Whyte against the Contingent Fund of the Assembly in the sum of \$363.00, said payment being on account of services rendered as follows, and the State Treasurer is hereby authorized and directed to pay the same:

Ed E. Reese	Bookkeeper to Sergeant-at-Arms	9 days at \$5	\$45 00
J. P. Whyte	Clerk to Sergeant-at-Arms	9 days at \$5	45 00
Marian Brown	Stenographer	4 days at \$5	20 00
F. L. Gafney	Stenographer	4 days at \$5	20 00
W. R. Mackrille	Stenographer	2 days at \$5	10 00
Ralph A. Sollars	Stenographer	7 days at \$5	35 00
Evelyn Hummel	Clerk	2 days at \$4	8 00
Wm. Sitton	Porter	7 days at \$3	21 00
T. R. White	Porter	9 days at \$3	27 00
James Green	Porter	11 days at \$3	33 00
F. Holmes	Porter	11 days at \$3	33 00
Ben Chambers	Watchman	4 days at \$3	12 00
Z. Waters	Watchman	7 days at \$3	21 00
Homer Pierce	Watchman	11 days at \$3	33 00

BLISS, Chairman.

Mr. Bliss moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—42

NOES—None.

GOVERNOR'S MESSAGE.

The following message from the Governor was taken up and read, and, on motion of Mr. Bohnett, ordered printed in the Journal:

GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE, STATE OF CALIFORNIA,
SACRAMENTO, January 13, 1911.

To the Honorable Legislature of the State of California:

There has been presented to you to-day a bill, the design of which is to accord the Railroad Commission of the State of California the amplest power to act intelligently and justly and with firmness and precision in matters arising between the people on the one hand and the railroads of the State upon the other. The bill has been prepared after great deliberation and study, and comes to you with the sanction of those who are most familiar with the subject embraced within it. It is presented now in pursuance of the policy that has been announced by the various parties within the State of California and in pursuance of the policy that was outlined at the commencement of this administration. I am sure that I need not ask that it receive from you the closest scrutiny, and that it be taken up at the earliest moment consistent with your labors and compatible with a clear understanding of its provisions. That the necessity for action exists in the matter of fixing railroad rates within the State of California is demonstrated by the rates themselves, and that you may thoroughly understand this necessity and may realize the excessive charges with which the people of this State have been burdened, I quote to you some of the rates that I am informed are now being charged our people. No other demonstration than the mere recitation of these figures is necessary in behalf of any measure designed to afford the people of the State of California adequate relief from the extortion of the transportation companies.

The distance from River Station in the city of Los Angeles to San Pedro Station in San Pedro is twenty-three miles. The freight rates average on the San Pedro road for this distance about \$2.00 a ton. Merchandise in car load lots range in rates from 8½ cents to 15½ cents a hundred pounds, or from \$17.00 to \$30.00 a ton. These rates are identical with the rates charged between San Diego and Los Angeles, a distance of 120 miles. The rates charged from Los Angeles to San Pedro are practically eight or nine times higher than the average rates on all railroads throughout the United States. The effect of this is to put Los Angeles, instead of twenty-three miles from deep water, commercially more than one hundred and twenty miles from deep water; and this in the case of Los Angeles from its own harbor, within its own city limits. The rate I am informed on sugar from San Pedro to Los Angeles is \$2.00 a ton; from Honolulu to San Pedro \$1.75 per ton. To Imperial Valley, Los Angeles looks for much of the produce in the way of live stock, vegetables, and grain that it uses. The freight rates from the valley to Los Angeles are wholly out of proportion to those charged for like distances in other parts of the country.

From San Francisco to Fresno is approximately 200 miles, over practically level country. The first class rate, which covers less than car load movements of high class goods, like groceries, is 35 cents per hundred; the fourth class rate applying on canned goods, sugar, and other staples is 44 cents for less than a car load and 42 cents for one hundred pounds in car load lots. The rate to Bakersfield, first class, is 83 cents per hundred; and in the fourth class, including sugar, canned goods, and other similar staples shipped in car load quantities, the rate is 35 cents per hundred. Rail tariff from San Francisco to Boston or New York is only 85 cents per hundred pounds for car load shipments in fourth class, as compared with the charge of 42 cents for car loads fourth class for a haul of 200 miles from San Francisco to Fresno. Goods of the same class can be shipped to New York via steamship, including two transfers at the Isthmus of Panama, for 40 cents per hundred pounds, and this is two cents per hundred pounds less than the present car load rate on similar types

of goods for a haul of 200 miles from San Francisco to Fresno, and in the shipment to New York via steamer there are not only two transfers at the isthmus, but a haul over the Panama railway of approximately 50 miles.

I quote to you now some of the rates in this State, as compared with like distances in other parts of the United States. These comparisons have been very kindly furnished me by Mr. William R. Wheeler of San Francisco, and the comparisons are made of localities where the conditions are as nearly as possible similar with those existing in California. In this connection, it may be observed that the operation of railroads in the two great valleys in this State is as nearly ideal as it would be possible to find anywhere in the world. The valleys are practically level, climatic conditions are advantageous, and the oil fuel supply is cheap and close at hand.

STOCKTON TO FRESNO.

From Stockton to Fresno the short-line rail distance is 122 miles, and the average rate per ton per mile is 5.11 cents. The rate of the Union Pacific Railroad, Omaha to Havens, Neb., 115 miles, averages 3.92 cents; and by the same road, Kansas City to Junction City, Kas., 139 miles, 3.72 cents. The rates established as a maxima by the Railroad and Warehouse Commission of Minnesota for 120 miles average for the ten classes 2.83 cents per ton per mile; those established by the Railroad and Warehouse Commission of Illinois average 2.65 cents; and those established by the Railroad Commission of Iowa average 2.13 cents for the same distance.

STOCKTON TO GOSHEN.

From Stockton to Goshen the distance is 156 miles, the average per-ton-per-mile rate 4.62 cents. The rate from Kansas City, Mo., to Abilene, Kas., via the Union Pacific Railroad, 163 miles, averages 3.27 cents. From St. Louis to Tipton, Mo., 163 miles via the Missouri Pacific Railway, the rates average 3 cents. From Chicago to Rio, Wis., via the Chicago, Milwaukee and St. Paul Railway, 164 miles, 2.55 cents. The rates established respectively by the three commissions mentioned above, for a distance of 155 miles average 2.62 cents, 2.24 cents, and 2 cents per ton per mile.

STOCKTON TO BAKERSFIELD.

The distance, Stockton to Bakersfield, is 229 miles, the rates averaging 4.24 cents per ton per mile. From Omaha to Lexington, Neb., via the Union Pacific, 231 miles, the rates average 3.38 cents. Kansas City to Wilson, Kas., via the same road, 239 miles, the rates average 3.02 cents. St. Louis to Kingsville, Mo., via the Missouri Pacific Railway, 237 miles, the rates average 2.31 cents. The rates established by the above named commissions, for a distance of 230 miles, average, respectively, 2.28 cents, 1.72 cents, and 1.70 cents.

SACRAMENTO TO TEHAMA.

The distance from Sacramento to Tehama is 123 miles, and the rates average 5.17 cents per ton per mile. The rates established by the above state commissions for a distance of 125 miles average, respectively, 2.83 cents, 2.57 cents, and 2.14 cents.

SACRAMENTO TO RED BLUFF.

The distance from Sacramento to Red Bluff is 135 miles, and the rates average 5.20 cents per ton per mile. The rates, Kansas City to Junction City, Kas., via the Union Pacific Railroad, 139 miles, average 3.72 cents. The above mentioned state commission rates for a distance of 135 miles average, respectively, 2.74 cents, 2.43 cents, and 2.05 cents.

SACRAMENTO TO ANDERSON.

The distance is 158 miles and the rates average 5.36 cents per ton per mile. From Kansas City to Abilene, Kas., 163 miles, via the Union Pacific, the rates average 3.27 cents. From Chicago to Rio, Wis., 164 miles, via the Chicago, Milwaukee and St. Paul Railway, the rates average 2.55 cents. From St. Louis to Tipton, Mo., via the Missouri Pacific Railway the distance is 163 miles and the rates average 3 cents per ton per mile. The rates of the commissions above named for 160 miles average 2.61 cents, 2.21 cents, and 1.96 cents per ton per mile, respectively.

SACRAMENTO TO REDDING.

The distance is 169 miles and the average rate 5.4 cents per ton per mile. From Omaha to Wood River, Neb., on the Union Pacific, a distance of 169 miles, the rates average 3.4 cents. From Chicago to Calamus, Iowa, via the Chicago and North Western, distance 169 miles, the rates average 2.6 cents per ton per mile. The Minnesota, Illinois and Iowa rates for 170 miles average, respectively, 2.56 cents, 2.10 cents, and 1.91 cents per ton per mile.

Instances of the character herein set forth could be multiplied indefinitely. The few only are given so that this communication as illustrating the position we have taken on the necessity for action, may be of some aid to you in your labors.

The figures and comparisons that I give you furnish the argument in favor of legislation which, while enabling a fair income to be received by the railroads, will require of them just treatment of the shippers and producers of the State of California.

HIRAM W. JOHNSON,
Governor of the State of California.

ADJOURNMENT.

At twelve o'clock A. M., on motion of Mr. Schmitt, the Assembly was declared adjourned until eleven o'clock A. M. of Monday, January 16, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., {
Monday, January 16, 1911. }

At eleven o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair

The roll was called by Assistant Chief Clerk Hopkins. and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—80.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Randall, its further reading was dispensed with.

CREDENTIALS OF NEWSPAPER REPRESENTATIVES

The following credentials of newspaper representatives were filed:

SACRAMENTO, CAL., January 14, 1911.

L. B. Mallory, Clerk of the Assembly:

DEAR SIR: The bearer of this note, J. Falkenstein, is our photographer. I have already certified our artist to you, but neglected to include the photographer.

Yours truly,

EDWARD INSLEY,
Managing Editor, Sacramento Union

OAKLAND, CAL., January 11, 1911.

To whom it may concern:

The bearer of this letter, Mr. Clayton Campbell, is managing editor of the Oakland Enquirer, and is entitled to all the consideration and courtesies to be extended to that paper.

Yours respectfully,

OAKLAND ENQUIRER PUBLISHING COMPANY.

G. B. DANIELS, President.

SACRAMENTO, CAL., January 16, 1911.

Hon. A. H. Hewitt, Speaker of the Assembly:

This is to certify that Carl Browne will himself represent The Labor Knight during the sessions of the Assembly.

CARL BROWNE.

The Labor Knight-Union Labor Cartoon Publication.

PETITION.

The following petition was filed:

By Mr. Speaker:

Resolution of the Board of Directors of Title Insurance and Guaranty Company, relative to the McEnerney Act.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of the said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass, as amended.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Callaghan: Assembly Bill No. 467—An Act to regulate the use of transfers issued by street railroad companies in cities and towns of this State.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 468—An Act to amend Section 513 of the Code of Civil Procedure of the State of California, relating to exception to sureties and proceedings thereon, or on failure to except.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 469—An Act to amend the Civil Code of the State of California by adding a new section thereto to be known as section number 872, relating to trusts in real property and to the right of redemption thereunder.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Jones: Assembly Bill No. 470—An Act to amend section fourteen hundred sixty-nine of the Code of Civil Procedure, relating to the administration and setting apart of estates which do not exceed fifteen hundred dollars in value.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Gerdes: Assembly Bill No. 471—An Act to amend the Political Code by amending Section 1032 thereof, relating to records open to public inspection; exceptions in attachment.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Freeman: Assembly Bill No. 472—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five (b), relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Slater: Assembly Bill No. 474—An Act to regulate the public service of stallions in California.

Bill read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

By Mr. Walker: Assembly Bill No. 475—An Act to provide for the issuing of bonds by reclamation districts, and the disposal thereof for reclamation and other purposes, and providing for the payment of such bonds by taxation of the property situated in such reclamation districts.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

By Mr. Schmitt (by request): Assembly Bill No. 476—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections five, six, nine, twelve, and thirteen of said Act.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 477—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 114a, 114b, and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 478—An Act to amend Section 542a of the Code of Civil Procedure of the State of California, relating to attachments.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hamilton: Assembly Bill No. 479—An Act providing for the purchasing of a site for an armory for the National Guard, at the city of Petaluma, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory on said site, and appropriating money therefor.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Jasper: Assembly Bill No. 480—An Act to amend Section

632 (3) of the Penal Code of the State of California, relating to fishing with salmon, etc., roe bait prohibited.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 481—An Act to amend Section 634 of the Penal Code of the State of California, relating to taking and selling salmon.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Mendenhall: Assembly Bill No. 482—An Act entitled "An Act to amend Section 1918 of the Civil Code, relating to loan of money and providing for rate of interest thereon."

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 483—An Act to amend Section 487 of the Penal Code of the State of California, relating to grand larceny.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 484—An Act to amend Section 3 of an Act entitled "An Act to provide for separate sewer districts within municipalities," approved April 21, 1909.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Hall (by request): Assembly Bill No. 485—An Act to provide one additional judge of the Superior Court of the county of Kern.

Bill read first time, and referred to Committee on County and Townships Governments.

Also: Assembly Bill No. 486—An Act to amend Section 1662 of the Political Code by determining the number of years of instruction in the day and evening elementary school; determining the age of admission to the day and evening elementary school, and providing for separate schools for Indian, Mongolian, Chinese, Japanese, Malay, and Hindoo children; excluding adult Indian, Chinese, Mongolian, Malays, Japanese, and Hindoos from the public schools of the State, and authorizing the exclusion of children of filthy or vicious habits.

Bill read first time, and referred to Committee on Education.

By Mr. Griffin: Assembly Bill No. 487—An Act to amend the Code of Civil Procedure of California by adding thereto a new section, to be numbered 401, and relating to actions for death or personal injury.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 488—An Act to provide for the regulation of the business of watchmen, guards and private detectives in the State of California; to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 489—An Act to protect labor unions; to prohibit any person or corporation in this State from causing or compelling any person or persons to enter into an agreement not to join or be a member of any labor organization as a condition of such person securing employment or continuing in the employment of such corporation; declaring what agreements between two or more persons shall not be deemed criminal; to prohibit false or deceptive representations by employers of labor; to prevent the guarding of other persons or property with arms or deadly weapons, except as permitted by this Act; to provide for the right of recovery of all damages workmen may

sustain in consequence of false or deceptive representations; and to provide for penalties for violations of the provisions of this Act.

Bill read first time, and referred to Committee on Labor and Capital

Also: Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager, or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of such hotel.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hinshaw: Assembly Bill No. 491—An Act to repeal an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Clark (by request): Assembly Bill No. 492—An Act to amend section three hundred and nineteen of the Penal Code of the State of California relating to the definition of a lottery.

Bill read first time, and referred to Committee on Public Morals.

Also (by request): Assembly Bill No. 493—An Act to amend and subdivide section eleven hundred and eighty-seven of the Code of Civil Procedure, relating to mechanics' liens, proceedings to perfect the same, the completion of building contracts, buildings and improvements, the equivalents of completion for certain purposes, and notices of completion and cessation from labor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Rosendale: Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Brown: Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

Bill read first time, and referred to Committee on Judiciary.

By Mr. March: Assembly Bill No. 496—An Act to amend Section 1243 of the Code of Civil Procedure, relative to the jurisdiction of courts in proceedings in eminent domain.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 498—An Act to amend Section 1369 of the Code of Civil Procedure, relative to qualifications of administrators and administratrix.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 499—An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 500—An Act to amend Article IV of Part IV, Title III of the Code of Civil Procedure, relative to the manner of taking depositions out of the State, by amending Section 2024 by adding a new section, to be numbered 2024½, amending Section 2025 and 2025½ and adding a new section, to be numbered 2026½.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX, Chapter 1, relative to executions, by adding a new section thereto, to be known as Section 681a.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 502—An Act to amend Section 671 of the Code of Civil Procedure, relative to entry of judgment.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 503—An Act to amend Sections 658, 659, 660, 661 of the Code of Civil Procedure of the State of California, relating to new trials.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 506—An Act to amend Section 2957 of the Civil Code, relating to mortgages on personal property and the conditions under which the same are void as to creditors and subsequent purchasers and incumbrancers.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 507—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

Bill read first time, and referred to Committee on County and Township Government.

By Mr. Preisker: Assembly Bill No. 508—An Act to amend Sections Nos. 851 and 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Farwell: Assembly Bill No. 509—An Act amending section number 59 of the Civil Code, relating to marriages which are incestuous and void.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cogswell: Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 10 thereof.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Young: Assembly Bill No. 511—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11, and 12, and relating to the government of municipal corporations and providing for the recall, initiative, and referendum.

Bill read first time, and referred to Committee on Direct Legislation.

Also: Assembly Bill No. 512—An Act adding four new sections to an

Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations." approved March 13, 1883, to be numbered 752*a* and 752*b*. 852*a* and 852*b* thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 513—An Act to establish a state training high school near or on the grounds of the University of California at Berkeley, in the county of Alameda, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 514—An Act to amend Section 111 of the Code of Civil Procedure, relating to the filling of vacancies in justices' courts.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Benedict: Assembly Bill No. 515—An Act to repeal Article XVIII of Chapter III of Title I of Part III of the Political Code and to substitute therefor a new Article XVIII, relating to the State Board of Control, its powers and duties.

Bill read first time, and referred to Committee on Retrenchment and Reform.

Also: Assembly Bill No. 516—An Act to repeal Section 364 of the Political Code, and to substitute therefor a new Section 364.

Bill read first time, and referred to Committee on Retrenchment and Reform.

By Mr. Coghlan: Assembly Bill No. 517—An Act to amend the Penal Code of the State of California by adding thereto a new section to be numbered Section 1513 *a*, relating to the rights of persons accused or suspected of homicide at coroner's inquest.

Bill read first time, and referred to Committee on Judiciary

By Mr. Schmitt: Assembly Concurrent Resolution No. 8—Relative to the appointment of a Commission on Aerial Navigation.

Read, and referred to Committee on Commerce and Navigation

By Mr. Clark: Assembly Concurrent Resolution No. 9—Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910.

Read, and referred to Committee on Municipal Corporations

By Mr. Rosendale: Assembly Concurrent Resolution No. 10—Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910.

Read, and referred to Committee on Municipal Corporations

RESOLUTIONS.

The following resolutions were offered:

By Mr. Bliss:

Resolved, That the name of William Coombs heretofore appointed as Assistant History Clerk at a per diem of \$5.00, be stricken from the rolls, and be it further

Resolved, That the following named person be and he is hereby appointed and employed for the position, and at the per diem set opposite his name, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointment to date from and include the 16th day of January, 1911; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the following named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same. viz.:

William Coombs, History Clerk----- \$6 00

Mr. Bliss moved the adoption of the resolution.

The roll call was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Raudall, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ruthertord, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wylie, Young, and Mr. Speaker—67.

NOES—None.

By Mr. Bohnett:

Resolved, That the Sergeant-at-Arms be, and he is hereby, authorized to purchase such furniture as is required to properly equip the different committee rooms of the Assembly, to be paid for out of the Contingent Fund of the Assembly.

Resolution read and, on motion, adopted.

RE-REFERENCE OF BILL

On Motion of Mr. Young, Assembly Bill No. 53—An Act to amend the Political Code by adding thereto a new section to be designated Section 4328, relating to the recall of elective officials in municipal corporations organized, incorporated, and governed under the provisions of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and amendments thereto, and in counties in the State of California—was recalled from the Committee on Elections and Election Laws and referred to Committee on Direct Legislation.

MOTION.

Mr. Hinkle moved that the petition now lying on the table, relative to the hunting of wild ducks, be referred to the Committee on Fish and Game.

Motion carried.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, January 13, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 3—An Act to repeal an Act, entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein, to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers and providing for the creation, division and management of reclamation, swamp land, levee drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved, March 20, 1905, and as amended March 20, 1907 and March 23, 1907.

WALTER N. PARRISII, Secretary of Senate.

Also:

SENATE CHAMBER, SACRAMENTO, January 13, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as a case of urgency

Senate Bill No. 22—Making an appropriation for the expenses of the State Board of Equalization.

Also: Senate Bill No. 236—Making an appropriation for an additional stenographer for the Governor's office during and following the present session of the legislature.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 3 read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Senate Bill No. 22 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 236 read first time, and referred to Committee on Ways and Means.

ADJOURNMENT.

At eleven o'clock and fifty minutes A. M., on motion of Mr. Gerdes, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, January 17, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL..

Tuesday, January 17, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—79.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Joel, its further reading was dispensed with.

PETITION.

The following petition was filed:

By Mr. Speaker:

Resolution of State Building Trades Council, relative to Japanese legislation.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 140—An Act to amend Section 1 of an Act entitled "An Act to provide for the investment of the moneys in the Estates of Deceased Persons' Fund, and also to provide for payment of interest received into the State School Fund," approved February 22, 1909.

Also: Assembly Bill No. 102—An Act to amend Section 1724 of the Code of Civil Procedure, relating to establishing who are or were the heirs at law of persons to whom patent for lands has been or shall be issued in cases where the person entering such lands has died or shall die before the issuance of such patent.

Also: Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds.

Also: Assembly Bill No. 217—An Act to amend Section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

Have had the same under consideration, and respectfully report the same back with the amendments, and recommend that the same do pass as amended.

KEHOE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Also: Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California relating to contracts in restraint of trade.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 283—An Act amending Section 905 of the Penal Code, relating to motion to set aside indictment or information—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass. Minority report do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1911.

MR. SPEAKER Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 324—An Act to amend Section 33 of an Act approved March 8, 1909, entitled "An Act to define and regulate the business of banking"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JONES, Chairman.

The above reported bill ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1911.

MR. SPEAKER Your Committee on Swamp and Overflowed Lands, Levees and River Improvement, to whom was referred Senate Bill No. 3—An Act to repeal an Act entitled "An Act to create a drainage district to be called 'Sacramento Drainage District,' to promote drainage therein, to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers and providing for the creation, division and management of reclamation,

swamp land, levee drainage and protection districts within said Sacramento Drainage District, and providing for levying and collecting assessments upon the lands within said drainage district," approved March 20, 1905, and as amended March 20, 1907, and March 23, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LYNCH, Chairman.

The above reported bill ordered on file for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1911.

MR. SPEAKER Your Committee on Claims to whom was referred Assembly Bill No. 287—An Act making an appropriation of thirty-five hundred dollars, to pay the claim of Don M. Stewart against the State of California, have had the same under consideration, and respectfully report the same back, and recommend that the same be referred to the Committee on Military Affairs.

WALKER, Chairman.

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the sixtieth and sixty-second fiscal years, have had the same under consideration, and respectfully report the same back with one amendment, and recommend that the same do pass as amended.

COGSWELL, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 22—An Act making an appropriation for the expenses of the State Board of Equalization.

Also Senate Bill No. 236—An Act making an appropriation for an additional stenographer for the Governor's office, during and following the present session of the Legislature.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1911

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases

Also Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego

Also: Assembly Bill No. 332—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the sixtieth fiscal year.

Also Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the State Prison at San Quentin (Chapter 214, Stats 1905).

Also Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year.

Also: Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, Secretary of State's office, for the sixty-second fiscal year.

Also Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office, for the sixty-second fiscal year

Also Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work (Chapter 579, Statutes 1909).

Also Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind (Chapter 210, Statutes 1907).

Also Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for the Adult Blind in Oakland.

Also Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Chapter 332, Statutes 1907).

Also Assembly Bill No. 341—An Act making an appropriation to pay the deficiency in the appropriation for care of state armor, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant General's office for the sixty-first and sixty-second fiscal years.

Also Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health, for the sixty-first and sixty-second fiscal years.

Also Assembly Bill No. 343—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School at Los Angeles for the sixty-first and sixty-second fiscal years.

Also Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for support of the State Normal School at Los Angeles for the sixty-second fiscal year.

Also Assembly Bill No. 346—An Act transferring money from the General Fund to the San Diego Harbor Improvement Fund to meet the expenses of the publication of the San Diego Seawall Act, under the provisions of Chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego Harbor Improvement Fund to the General Fund.

Also Assembly Bill 347—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act, under the provisions of Chapter 383, Statutes of 1909.

Also Assembly Bill No. 348—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act, under the provisions of Chapter 407, Statutes of 1909.

Also Assembly Bill No. 349—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Also Assembly Bill No. 350—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1911.

MR SPEAKER Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 206—An Act providing for an appropriation of ten thousand dollars (\$10,000 00) for the purpose of dredging and improving San Rafael Creek, in the county of Marin, have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means.

SCHMITT, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1911.

MR SPEAKER Your committee on Commerce and Navigation, to whom was referred Assembly Bill No. 211—An Act to provide for the purchase or building of a dredger, and to provide funds to make a four-foot channel for purposes of navigation to Red Bluff, and to appropriate eighty thousand dollars therefor have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended and be re-referred to Committee on Ways and Means.

SCHMITT, Chairman

The above reported bills ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read.

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 3—Approving four certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 7th day of December, 1909.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 16, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 115—An Act to amend the Political Code by adding to Article XIII of Chapter IV, Title II, Part IV thereof, a new section, to be numbered section four thousand and eighty-eight a, relating to the issuance of county bonds.

WALTER N. PARRISH, Secretary of Senate,
By FRANK MATTISON, Assistant Secretary.

Senate Concurrent Resolution No. 3 read, and referred to Committee on Municipal Corporations.

Senate Bill No. 115 read first time, and referred to Committee on County and Township Government.

INTRODUCTION OF BILLS

The following bills were introduced and referred as indicated:

By Mr. Griffiths: Assembly Bill No. 518—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Lynch: Assembly Bill No. 519—An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville county road to the western terminus of Lake Tahoe wagon road at Smiths Flat, a state highway, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Joel: Assembly Bill No. 520—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

Also: Assembly Bill No. 521—An Act to amend Section 985 of the Penal Code, and to repeal Sections 164, 896, 897, 898, 899, 900 and 901 of the Penal Code, all relating to grand jurors.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

Also: Assembly Bill No. 522—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

Also: Assembly Bill No. 523—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Bill read first time, and referred to Committee on Revision of Criminal Procedure

Also: Assembly Bill No. 524—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Bill read first time, and referred to Committee on Revision of Criminal Procedure

Also: Assembly Bill No. 525—An Act to amend Section 1070 of the Penal Code, relating to peremptory challenges to jurors.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

Also: Assembly Bill No. 526—An Act to add a new section to the Penal Code, to be numbered 1506, relating to appeal from an order or judgment on habeas corpus.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

By Mr. Beatty: Assembly Bill No. 527—An Act to add a new section to the Penal Code, to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Bill read first time, and referred to Committee on Revision of Criminal Procedure

Also: Assembly Bill No. 528—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

Also: Assembly Bill No. 529—An Act to add a new section to the Penal Code, to be numbered 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

Also: Assembly Bill No. 530—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

Also: Assembly Bill No. 531—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

By Mr. Shragia: Assembly Bill No. 532—An Act to add a new section to the Penal Code, to be known as Section 345, relating to loans upon salaries or wages, and limiting the amount of interest to be charged thereon, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Freeman: Assembly Bill No. 533—An Act to amend Section 1010 of the Code of Civil Procedure, relating to notices of orders and rulings of the court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Slater: Assembly Bill No. 534—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 535—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding a new section thereto, to be numbered 10f.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Flint: Assembly Bill No. 536—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered Section 367c, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle, when the same collides with a person or vehicle containing a person, and prescribing a penalty for failure to perform such duty.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Jones: Assembly Bill No. 537—An Act to amend section six hundred forty-seven of the Penal Code of the State of California, relating to vagrants.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Smith (by request): Assembly Bill No. 538—An Act to amend Section 626d of the Penal Code of the State of California, relating to the bag limit of certain game.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Maher: Assembly Bill No. 539—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. March: Assembly Bill No. 540—An Act to appropriate the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Fitzgerald (by request): Assembly Bill No. 541—An Act to regulate advertisements, and solicitations for employees, during strikes, lockouts and other labor troubles.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Tibbits: Assembly Bill No. 542—An Act amending Section 4300a of the Political Code, relating to county clerk's fees.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 543—An Act to repeal Section 632b (3), sometimes designated as Section 632 (3), of the Penal Code of California, relative to and prohibiting the use of salmon and steelhead roe as bait.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 544—An Act making an appropriation to pay the claim of George W. Bush against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 545—An Act amending Section 1634 of the Political Code, relating to duty of census marshal.

Bill read first time, and referred to Committee on Education.

By Mr. Harlan (by request): Assembly Bill No. 546—An Act to authorize and regulate the possession, use, transportation and sale of trout by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase such fish so reared.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Ryan: Assembly Bill No. 547—An Act to amend an Act entitled "An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or secondhand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor," approved March 18, 1909, by adding a new section thereto, to be numbered Section 3, providing for the enforcement of this Act by the Commissioner of the Bureau of Labor Statistics.

Bill read first time, and referred to Committee on Manufactures and Internal Improvements.

By Mr. Young: Assembly Bill No. 548—An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the Board of Directors of the California Institution for the Deaf and the Blind.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 551—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Rutherford: Assembly Bill No. 552—An Act to amend Sections 631a and 631c of the Penal Code of the State of California, relating to the punishment for the violation of the laws for the preservation of fish and game.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 553—An Act to divide the State of California into three fish and game districts.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Clark (by request): Assembly Bill No. 554—An Act to amend Section 855 of the Code of Civil Procedure, relating to the answer in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 555—An Act to amend Section 852 of the Code of Civil Procedure, relating to pleadings in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 556—An Act to amend Section 1365 of the Code of Civil Procedure, relating to the persons entitled to act as administrator of the estates of persons dying intestate and the order in which such persons shall be so entitled.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 557—An Act to amend Section 851 of the Code of Civil Procedure, relating to pleadings in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 558—An Act to amend an Act entitled "An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon State, municipal or other public work," approved March 27, 1897.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wilson: Assembly Bill No. 559—An Act to create a reclamation district, to be called "Reclamation District Number 900," and providing for the control and management thereof.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Also: Assembly Bill No. 560—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending section three thereof.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Polsley: Assembly Bill No. 561—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expense of said commission, secretary and stenographer, and to appropriate money therefor," approved March 28, 1895, approved March

28, 1903, by amending section seven thereof, and amended April 19, 1909.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 562—An Act to amend Section 308 of the Penal Code, relating to the selling of tobacco to minors.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Griffin: Assembly Bill No. 563—An Act to amend Section 1817 of the Political Code of California, relating to estimate of county school tax by county superintendent, and to establish a minimum estimate per teacher.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 564—An Act to amend Section 1770 of the Political Code of California, relating to meetings of county boards of education, and to provide for the calling of said meetings, and specify the business to be transacted at such meetings

Bill read first time, and referred to Committee on Education.

By Mr. Held: Assembly Bill No. 565—An Act making an appropriation for furnishing a one-story cottage for the use of the second assistant physician at the Mendocino State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 566—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 567—An Act making an appropriation for the erection and construction of a one-story cottage for the use of the second assistant physician at the Mendocino State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 569—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums

By Mr. Brown: Assembly Bill No. 571—An Act to amend Section 1576 of the Political Code of the State of California, relating to school districts, in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

Bill read first time, and referred to Committee on Education

By Mr. Cronin: Assembly Bill No. 572—An Act to provide for the control and supervision of levee and embankment construction in the reclamation of lands that must be protected from overflow by levees, and appropriating money to carry out its provisions.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Preisker:

Resolved, That the resolution passed by the Assembly January 13, 1911, which directed the Controller to draw his warrant on the Contingent Fund in favor of Ed H. Whyte, Sergeant-at-Arms of the Assembly, in the sum of \$363 00, is hereby rescinded

Resolution read, and on motion adopted.

Also:

Resolved, That the action of Ed H. Whyte, Sergeant-at-Arms of the Assembly, in employing necessary assistants after the organization of the Assembly, to perform the duties of bookkeeper to Sergeant-at-Arms, clerks, stenographers, porters, and watchmen, is hereby approved and ratified, and the Controller of State is directed to draw his warrant in favor of said Ed H. Whyte against the Contingent Fund of the Assembly in the sum of three hundred and eighty-four (\$384.00) dollars, said payment being on account of services rendered as follows, and the State Controller is hereby authorized and directed to pay the same

Ed E. Reese-----	Bookkeeper to Sergeant-at-Arms, 9 days at \$5.00-----	\$45 00
J. P. Whyte-----	Clerk to Sergeant-at-Arms, 10 days at \$5.00-----	50 00
Marian Brown-----	Stenographer, 4 days at \$5.00-----	20 00
F. L. Gafney-----	Stenographer, 4 days at \$5.00-----	20 00
W. R. Mackrille-----	Stenographer, 2 days at \$5.00-----	10 00
Ralph A. Sollars-----	Stenographer, 7 days at \$5.00-----	35 00
J. E. Price-----	Stenographer, 2 days at \$5.00-----	10 00
Evelyn Hummel-----	Clerk, 2 days at \$4.00-----	8 00
Wm. Sitton-----	Porter, 7 days at \$3.00-----	21 00
T. R. White-----	Porter, 9 days at \$3.00-----	27 00
James Green-----	Porter, 11 days at \$3.00-----	33 00
F. Holmes-----	Porter, 11 days at \$3.00-----	33 00
John Koford-----	Porter, 1 day at \$3.00-----	3 00
Ben Chambers-----	Watchman, 4 days at \$3.00-----	12 00
Z. Waters-----	Watchman, 7 days at \$3.00-----	21 00
Homer Pierce-----	Watchman, 12 days at \$3.00-----	36 00

Resolution read and, on motion, referred to the Committee on Attachés and Employés.

CASES OF URGENCY

The following resolutions were offered:

By Mr. Cogswell:

Resolved, That Senate Bill No. 22 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each House is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Cogswell moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Brown, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Harlan, Hinkle, Hinsbaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Randall, Rimlinger, Rodgers of San Francisco, Rogers of

Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—66.

NOES—Mr. Polsley—1.

Also:

By Mr. Cogswell.

Resolved, That Senate Bill No. 236 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Cogswell moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumluger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—75.

NOES—None.

SECOND READING OF SENATE BILLS.

In accordance with above resolutions Senate Bills Nos. 22 and 236 were taken up for second reading.

Senate Bill No. 22—An Act making an appropriation for the expenses of the State Board of Equalization.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 22 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1911.

GENTLEMEN, The Committee of the Whole have had under consideration Senate Bill No. 22, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Bill read second time, and ordered to third reading.

Senate Bill No. 236—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 236 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1911.

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bill No. 236, and do now report the same back, and recommend that it do pass

HEWITT, Chairman.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS.

Senate Bill No. 22—An Act making an appropriation for the expenses of the State Board of Equalization.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 22 finally passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Gull, Hamilton, Harlan, Hayes, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, March, McDonald, McGowen, Mott, Nolan, Preisker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—64

NOES—Messrs. Bishop, Denegri, Hall, Maher, Mendenhall, Polsley, Rutherford, and Stuckenbruck—8.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 236—An Act making an appropriation for an additional stenographer for the Governor's office during and following the present session of the Legislature.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 236 finally passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:
By Mr. Young:

Resolved. That the following communication be prepared and sent out by the Chief Clerk to addresses furnished by such members as may wish bills and Journals to send to the public libraries of their respective districts, as well as to such chambers of commerce and similar public bodies as maintain rooms or offices open to the public:

"-----

The Assembly of the thirty-ninth session of the Legislature is prepared to send you each day copies of the Journal of the Assembly together with the bills introduced into the Assembly, provided—

1. You will procure two small temporary binders about 6 by 10 inches size, and will file in order the bills in one binder and the Journals in the other binder. These binders must be so arranged as to contain bills punctured like the inclosed sample

2. You will leave these binders on a table in your rooms where they may be referred to by the public during the present legislative session.

Your name has been handed to us by Assemblyman -----
In case you desire to cooperate with the Assembly to this extent, please let the Assemblyman from your district know at once, in order that he may make the necessary arrangements. In case you wish only the bills or the Journals, and not the other, please so specify." And further, be it

Resolved. That the mailing list of the Chief Clerk be so extended as to cover the requests which are received in response to the above communication.

Resolution read and, on motion, adopted.

RE-REFERENCE OF BILLS.

Mr. Kehoe moved that Assembly Bill No. 3, heretofore referred to the Committee on Judiciary, be withdrawn therefrom, and referred to the Committee on Reform of the Civil Service.

Also: That Assembly Bill No. 388, heretofore referred to the Committee on Judiciary, be withdrawn therefrom and referred to the Committee on Labor and Capital.

Motion carried, and reference made

CONSIDERATION OF SECOND-READING FILE

Assembly Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of the said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

Strike out of line 5, page 1, of the printed bill, the second "the," and insert in lieu thereof, "a."

Amendment adopted.

AMENDMENT No. 2.

Insert after the word "the," in line 9, page 1, of the printed bill, the words, "person, or property of the."

Amendment adopted.

AMENDMENT No. 3.

Strike out of line 10, page 1, of the printed bill, the word "adultry," and insert in lieu thereof, the word "adultery."

Amendment adopted.

AMENDMENT No. 4.

Strike out all of Section 2 of printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

ADJOURNMENT.

At eleven o'clock and forty minutes A. M., on motion of Mr. Schmitt, the Assembly was declared adjourned until ten o'clock and thirty minutes A. M. of Wednesday, January 18, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL. }
Wednesday, January 18, 1911. }

At ten o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—79.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Henry B. Roller.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Gerdes, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds to whom was referred Assembly Bill No. 236—An Act appropriating \$2,500 for the restoration and rebuilding of the Old Greek Chapel and Russian Fort, known as Fort Ross, at Fort Ross, Sonoma County, California.

Also: Assembly Bill No. 24—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 49—An Act to provide an appropriation for the erection and equipment of an assembly hall and administration building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 65—An Act to provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 66—An Act to provide an appropriation for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON RULES AND REGULATIONS

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1911.

MR. SPEAKER. Your Committee on Rules and Regulations, to whom was referred Assembly Concurrent Resolution No. 7—Relative to observing Lincoln Day with appropriate exercises—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that the same be adopted as amended.

PREISKER, Chairman.

The above concurrent resolution ordered on file for adoption.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following have been correctly enrolled:

Assembly Concurrent Resolution No. 1—Relative to meeting in Joint Assembly for the purpose of publishing the returns of the election of Governor and Lieutenant Governor.

Assembly Concurrent Resolution No. 5—Providing for a committee of seven (7), four to be appointed by the Speaker of the Assembly and three by the President of the Senate, for the purpose of deciding as to the advisability of erecting a new mansion for the Governor.

And were presented to the Governor January 17, 1911, at two o'clock and forty-five minutes P. M.

RANDALL, Chairman.

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 58—An Act establishing a State Normal School at Fresno, County of Fresno, State of California, and making an appropriation for the construction of a building and the maintenance of said school—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and also recommend that it be re-referred to the Committee on Ways and Means.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 22—An Act to amend the Penal Code by amending Section 626a thereof, relating to the use of animals as blinds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GRIFFITHS, Chairman.

The above reported bill ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 45—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

COGHLAN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

COGHLAN, Chairman.

The above reported bills ordered on file for second reading.

ON LIVE STOCK, DAIRIES AND DAIRY PRODUCTS

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER: Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Assembly Bill No. 33—An Act to provide for the procuring and distribution of blood serum or vaccine for the prevention of hog cholera in the State of California, for experiment and research work, directing publication of the results, experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, with twenty-eight amendments, and recommend that the same do pass as amended, and that it be re-referred to the Committee on Ways and Means.

HAMILTON, Chairman

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 173—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be re-referred to Committee on Ways and Means.

CHANDLER, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1911.

MR. SPEAKER: Your Committee on Attachés and Employés respectfully beg leave to present the following report supplemental to the reports heretofore made. We have had under consideration the further assignment of attachés and employés of the

Assembly to their respective positions, and we respectfully recommend the adoption of the following report supplemental to the reports heretofore presented

Resolved, That the names of James A. Miller, heretofore appointed as a Committee Clerk at a per diem of \$4.00, and Wm. Connell, heretofore appointed as a Gatekeeper at a per diem of \$3.00, be stricken from the rolls; and be it further

Resolved, That the following named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointments to date from and include the 18th day of January, 1911, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz

James A. Miller	Assistant History Clerk	\$5 00
Kelly Wells	Gatekeeper	3 00
Dave Ellis	Porter	3 00
L. J. Chrisler	Porter	3 00

BLISS, Chairman.

Mr. Bliss moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Benuink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Teifer, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the resolution introduced by Mr. Preisker, relating to the employment by the Sergeant-at-Arms of necessary assistants after the organization of the Assembly, reports as follows: We have examined the said report and the items thereof as therein set forth and find the same true and correct, and would recommend the adoption of the resolution as follows:

Resolved, That the action of Ed H. Whyte, Sergeant-at-Arms of the Assembly, in employing necessary assistants after the organization of the Assembly, to perform the duties of bookkeeper to Sergeant-at-Arms, clerks, stenographers, porters, and watchmen, is hereby approved and ratified, and the Controller of State is directed to draw his warrant in favor of said Ed H. Whyte against the Contingent Fund of the Assembly in the sum of three hundred and eighty-four (\$384.00) dollars, said payment being on account of services rendered as follows, and the State Controller is hereby authorized and directed to pay the same:

Ed E. Reese, bookkeeper to Sergeant-at-Arms, 9 days at \$5.00	\$45 00
J. P. Whyte, clerk to Sergeant-at-Arms, 10 days at \$5.00	50 00
Marian Brown, stenographer, 4 days at \$5.00	20 00
F. L. Gafney, stenographer, 4 days at \$5.00	20 00
W. R. Mackrille, stenographer, 2 days at \$5.00	10 00
Ralph A. Sollars, stenographer, 7 days at \$5.00	35 00
J. E. Price, stenographer, 2 days at \$5.00	10 00
Evelyn Hummel, clerk, 2 days at \$4.00	8 00
Wm. Sitton, porter, 7 days at \$3.00	21 00
T. R. White, porter, 9 days at \$3.00	27 00
James Green, porter, 11 days at \$3.00	33 00
F. Holmes, porter, 11 days at \$3.00	33 00
John Kofod, porter, 1 day at \$3.00	3 00
Ben Chambers, watchman, 4 days at \$3.00	12 00
Z. Waters, watchman, 7 days at \$3.00	21 00
Homer Pierce, watchman, 12 days at \$3.00	36 00

BLISS, Chairman.

Mr. Bliss moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Becker, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cartell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hushaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Teller, Tibbits, Walsh, Williams, Wilson, Wythe, Young, and Mr. Speaker—71.

NOES—None.

Also:

MR. SPEAKER Your Committee on Attachés and Employés beg leave to report that pursuant to Rule 77 the following named committee clerks and stenographers have been assigned to the committees set opposite their respective names, to wit:

Frank Barry	Revenue and Taxation.
Frank Barry	State Hospitals and Asylums.
W. C. Bohnett	Judiciary
C. E. Brooks	Conservation
C. E. Brooks	Direct Legislation.
C. E. Brooks	Election Laws.
F. S. Brush	Military Affairs.
F. S. Brush	Banks and Banking.
E. J. Cronin	Public Morals.
Geo. Elder	Commerce and Navigation.
Geo. Elder	Constitutional Amendments.
J. Forsyth	Insurance and Insurance Laws.
J. Forsyth	Irrigation and Drainage.
C. P. Foster	Building and Loan Associations.
C. P. Foster	State Prisons and Reformatory Institutions.
F. L. Gafney	Clerk and Stenographer, Fish and Game.
F. L. Gafney	Clerk and Stenographer, Attachés and Employés.
F. J. Hepp	Labor and Capital.
F. J. Hepp	Public Health and Quarantine
Mrs. H. Hirsch	Governor's Messages
Mrs. H. Hirsch	Mileage.
E. J. Hoerst	County and Township Governments
E. J. Hoerst	Reform of the Civil Service.
Mark Jacobs	State Library.
Mark Jacobs	Municipal Corporations.
P. E. Lamb	Retrenchment and Reform.
P. E. Lamb	Commissions and Public Expenditures.
Nick Lennon	Manufactures and Internal Improvements.
J. A. Lippe	Corporations.
J. A. Lippe	Revision and Criminal Procedure.
Grace Loomis	Live Stock, Dairies, and Dairy Products.
Grace Loomis	Federal Relations.
Ed Lynn	Public Works, State Capitol, and Parks
Ed Lynn	Claims.
M. P. Lynch	Swamp and Overflowed Lands, Levees and River Improvements.
J. J. O'Brien	Public Printing.
J. E. Price	Judiciary (Stenographer).
V. V. Randall	Public Buildings and Grounds.
V. V. Randall	Agriculture, Fruit and Vine Interests.
Mrs. M. Robinson	Public Lands and Forestry.
Lee Sherrill	Common Carriers.
Lee Sherrill	Rules and Regulations
Lee Sherrill	Mines and Mining
J. K. Stineman	Contested Elections.
J. K. Stineman	Contingent Expenses and Accounts.
J. K. Stineman	Counties and County Boundaries.
R. P. Strathearn	Medical and Dental Laws
R. P. Strathearn	Oil Industries and Oil Mining Interests.
R. P. Strathearn	Immigration.
Mabel Wyllie	Roads and Highways.
Mabel Wyllie	Education.
L. C. Williams	Public Charities and Corrections.
C. W. Thomas, Jr.	Revision and Reform of Laws.
C. W. Thomas, Jr.	Reapportionment.
C. W. Thomas, Jr.	Universities.

BLISS, Chairman.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Griffiths: Assembly Bill No. 573—An Act to regulate and license hunting of wild birds and animals and the vocation of fishing, and to provide revenue therefrom for fish and game preservation and restoration.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 574—An Act to provide for the propagation, distribution, and protection of wild game and fish in the State of California, and defining the powers and duties of the State Forester, his deputies and appointees in connection therewith.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private lands, within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the money in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making appropriation therefor," approved March 18, 1905, as amended March 22, 1909.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 576—An Act to repeal Sections 344, 642, and 643 of the Political Code, relating to the State Board of Fish and Game Commissioners.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Hinkle: Assembly Bill No. 577—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Cronin: Assembly Bill No. 578—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries in the counties of Solano and Yolo.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. McDonald (by request): Assembly Bill No. 579—An Act to prohibit the business of barbering on Sunday, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Schmitt: Assembly Bill No. 580—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Slater: Assembly Bill No. 581—An Act to provide for the furnishing of four cottages at the Sonoma State Home, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 582—An Act making an appropriation to furnish the school and assembly hall at the Sonoma State Home.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 583—An Act making an appropriation to furnish a dormitory for farm hands at the Sonoma State Home.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Beckett: Assembly Bill No. 584—An Act to amend Sections Nos. 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648 of the Civil Code of the State of California, and repealing Section No. 648a of the Civil Code of the State of California, all relating to land and building corporations.

Bill read first time, and referred to Committee on Corporations.

By Mr. Held (by request): Assembly Bill No. 585—An Act to amend Sections 276, 277 and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counsellors at law, and to add three sections to said Code, to be known as Sections 276a, 276b, and 276c, relating to the same subject.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bennink: Assembly Bill No. 586—An Act making an appropriation for the furnishing and equipping of two cottages for night watches at the Southern California State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 588.—An Act making an appropriation for furnishing and equipping one large cottage for male patients at the Southern California State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 589—An Act to provide for the holding of "mock" elections in the high schools of the State of California.

Bill read first time, and referred to Committee on Education.

By Mr. Rogers, of Alameda: Assembly Bill No. 590—An Act to amend Sections 626 and 631a of the Penal Code of the State of California, relating to the protection and preservation of Fish and Game.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Williams: Assembly Bill No. 591—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof relating to what securities savings banks may invest their funds in.

Bill read first time, and referred to Committee on Banks and Banking.

Also: Assembly Bill No. 592—An Act to amend sections six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 593—An Act to amend an Act entitled "An Act to provide for public cemetery districts," approved March 6, 1909, Statutes 1909, page 156, by amending section two thereof, relating to the appointment of trustees of the district.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Young: Assembly Bill No. 594—An Act to amend section three thousand seven hundred and sixty-four of the Political Code of California, relating to the publication of the delinquent tax list.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 595—An Act to amend section three thousand seven hundred and sixty-six of the Political Code of California, relating to the manner of making publication of the delinquent tax list.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Lynch (by request): Assembly Bill No. 596—An Act creating a board, to be known as the "Board of Pardons, Paroles and Relief," whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles, and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been released by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks and other employees, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks and employees.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Joel: Assembly Bill No. 597—An Act to amend the Political Code by amending Sections 1094, 1097, 1109, 1145, 1216 of said Political Code, and by adding to said Political Code three new sections to be known and numbered as Section 1106a, and Section 1143a, and Section 1072a of said Political Code, all relating to elections.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Beatty: Assembly Bill No. 598—An Act to amend Section 1076 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

By Mr. Maher (by request): Assembly Bill No. 599—An Act to prevent vaccination being made a condition precedent to admission to the public and private schools of the State of California.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 600—An Act to provide for the survey, location and construction of a state highway from Saratoga Gap, on the line between the counties of Santa Clara and Santa Cruz into the California Redwood Park in Santa Cruz County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Polsley: Assembly Bill No. 601—An Act to amend Sections 626, 626a, 626g, 632 and 634 of the Penal Code of California, relating to fish and game.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Wilson: Assembly Bill No. 602—An Act to amend an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, by amending Section 16 thereof.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Griffin: Assembly Bill 603—An Act to prohibit bucket shops, to define "bucket shops"; to define "futures," "dealing in futures" and "future contracts"; to prohibit the making of future contracts, except as herein provided, to prohibit renting property to be used for carrying on bucket shops, or knowingly permitting the same to be so used; to prohibit any one from acting as the agent or broker of any other person in making any future contract; to prohibit any person from making any future contract for himself; to prohibit telegraph or telephone companies from allowing their wires or instruments to be used by or remain in any bucket shop; to prescribe penalties for the violation of this Act; to provide for procedure in the trial of causes arising under this Act, and to exempt from prosecution persons testifying as to violations of this Act."

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653e, relating to blacklisting.

Bill read first time, and referred to Committee on Labor and Capital

By Mr. Randall: Assembly Bill No. 605—An Act to amend Section 4052b of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors

Bill read first time, and referred to Committee on County and Township Governments

By Mr. Hinshaw: Assembly Bill No. 606—An Act to prevent vaccination being made a condition precedent to admission to the public or private schools of the State of California.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Bohnett: Assembly Bill No. 607—An Act amending Section 1198 of the Political Code of the State of California, relating to the printing and binding of ballots.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Cogswell: Assembly Bill No. 608—An Act to amend Section 928 of the Penal Code of the State of California, relating to grand juries, their power and duties.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Griffiths: Assembly Bill No. 609—An Act to provide for the equipping and furnishing of a building to be known as an amusement hall at the Napa State Hospital, and to make an appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 610—An Act making an appropriation for the furnishing of a nurses' home at the Napa State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Rutherford: Assembly Bill No. 611—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 612—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection of game birds.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 613—An Act to amend Section 626*d* of the Penal Code of the State of California, relating to bag limits.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 614—An Act to amend Section 632 of the Penal Code of the State of California, relating to the killing of trout.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Wilson: Assembly Joint Resolution No. 1—Relating to the defense of the Pacific seaboard by the National Government.

Read and referred to Committee on Federal Relations.

Also: Assembly Joint Resolution No. 2—Relative to immigration laws of the United States.

Read and referred to Committee on Federal Relations.

By Mr. Beatty: Assembly Constitutional Amendment No. 19—A resolution proposing to the people of the State of California an amendment to Article XVIII of the Constitution, in relation to amending and revising the Constitution, and also an amendment to Article IV of the Constitution, in relation to the legislative department.

Read and referred to Committee on Constitutional Amendments

SPECIAL FILE—SECOND READING.

Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.

Assembly Bill No. 332—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the sixtieth fiscal year.

Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the State Prison at San Quentin (Chapter 214, Statutes 1905).

Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year.

Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, Secretary of State's office, for the sixty-second fiscal year.

Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office, for the sixty-second fiscal year.

Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriations to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work (Chapter 579, Statutes 1909).

Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind (Chapter 210, Statutes 1907).

Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for the Adult Blind in Oakland.

Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Chapter 332, Statutes 1907).

Assembly Bill No. 341—An Act making an appropriation to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant General's office for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 343—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School at Los Angeles for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for support of the State Normal School at Los Angeles for the sixty-second fiscal year.

Assembly Bill No. 349—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 350—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 329, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 349, 350 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills No. 329, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 349, 350, and do now report the same back, and recommend that they do pass

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Assembly Bill No. 140—An Act to amend Section 1 of an Act entitled "An Act to provide for the investment of the moneys in the Estates of Deceased Persons Fund, and also to provide for payment of interest received into the State School Fund," approved February 22, 1909.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of line 5, as that line appears first in the printed bill, the word "so"

Amendment adopted.

AMENDMENT No. 2.

On line 7, strike out the second "or."

Amendment adopted.

AMENDMENT No. 3.

On line 8, after "districts," insert "reclamation districts or drainage districts."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 102—An Act to amend Section 1724 of the Code of Civil Procedure, relating to establishing who are or were the heirs at law of persons to whom patent for lands has been or shall be issued in cases where the person entering such lands has died or shall die before the issuance of such patent.

During second reading of bill, the following amendment was submitted by the committee:

On page 2 of the printed bill, strike out all of section two.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 5 of the printed bill, strike out the second "or," and insert a comma in lieu thereof.

Amendment adopted.

AMENDMENT No. 2.

On line 6 of the printed bill, after the word "district," insert "drainage districts or reclamation districts."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 217—An Act to amend Section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 2 of the printed bill, strike out "follow," and insert in lieu thereof "follows."

Amendment adopted.

AMENDMENT No. 2.

On line 3 of the printed bill, strike out "section."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior judges, and providing for the appointment of four additional superior court judges in and for the city and county of San Francisco, and providing for their compensation.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 283—An Act amending Section 995 of the Penal Code, relating to motion to set aside indictment and information.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 324—An Act to amend Section 33 of an Act approved March 8, 1909, entitled "An Act to define and regulate the business of banking."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the sixtieth and sixty-second fiscal year.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 327 considered.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of Section 1, line 2, of printed bill, the figures "\$30,00" and inserting in lieu thereof the following: "\$3,300.00."

Amendment adopted.

Mr. Cogswell moved that the committee do now rise, and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 327, and do now report the same back, and recommend that it do pass as amended.

HEWITT, Chairman

Mr. Cogswell moved the adoption of the report.

Motion carried.

Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases.

Assembly Bill No. 346—An Act transferring money from the General Fund to the San Diego Harbor Improvement Fund to meet the expenses of the publication of the San Diego Seawall Act, under the provisions of Chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego Harbor Improvement Fund to the General Fund.

Assembly Bill No. 347—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act, under the provisions of Chapter 383, Statutes of 1909.

Assembly Bill No. 348—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act, under the provisions of Chapter 407, Statutes of 1909.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 328, 346, 347, 348 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 328, 346, 347, 348, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman

Mr. Cogswell moved the adoption of the report.

Motion carried.

SECOND READING OF SENATE BILL.

Senate Bill No. 3—An Act to repeal an Act, entitled "An Act to create a drainage district to be called 'Sacramento drainage district,' to promote drainage therein; to provide for the election and appoint-

ment of officers of said drainage district; defining the powers, duties and compensation of such officers, and providing for the creation, division and management of reclamation, swamp land, levee, drainage, etc.

Bill read second time, and ordered on file for third reading.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 17, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 133—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 133 read first time, and referred to Committee on Judiciary.

ASSEMBLY CONCURRENT RESOLUTION CONSIDERED.

On motion, Assembly Concurrent Resolution No. 7 was taken up for consideration.

Assembly Concurrent Resolution No. 7, relating to observing the birthday of Abraham Lincoln.

During second reading of concurrent resolution, the following amendment was submitted by the committee:

On page 1, line 11, of the printed resolution insert after the word "expenses" the following: "not exceeding two hundred (200) dollars."

Amendment adopted.

The question being on the adoption of the resolution as amended, a vote was taken, the resolution adopted, and ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION No. 7.

Resolved by the Assembly, the Senate concurring. That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 13th, for the purpose of appropriately observing the birthday of Abraham Lincoln; and be it

Resolved. That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate, to arrange a program of exercises, and to provide a place and fix a time of said joint meeting, said committee to be appointed by the Speaker of the Assembly and the President of the Senate, respectively, and any expenses not exceeding two hundred (200) dollars, incurred, to be paid equally by the Assembly and Senate out of their contingent funds.

RESOLUTION—(OUT OF ORDER.)

The following resolution was offered:

By Mr. Coghlan:

Resolved. That Rule 27 of the Standing Rules of the Assembly be amended by adding a new subdivision thereto, immediately after Subdivision 56, and to read as follows

57. A committee of the San Francisco delegation

Resolution read, and on motion of Mr. Coghlan, referred to Committee on Rules and Regulations.

ADJOURNMENT.

At eleven o'clock and forty minutes A. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until 10 o'clock A. M. of Thursday, January 19, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., {
Thursday, January 19, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—80.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Bohnett, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 238—An Act making an appropriation for the improvement, preservation, maintenance and care of the old theater property at Monterey, California

Also: Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano at the city of Sonoma, California.

Also: Assembly Bill No. 73—An Act appropriating the sum of \$10,000, for the purpose of constructing and repairing the grounds, walks, lawns, and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Also: Assembly Bill No. 35—An Act to appropriate money to erect, construct and equip an assembly hall at the San Jose State Normal School.

This committee, believing that it is expedient that the above Assembly bills be first taken up by the Committee on Public Buildings and Grounds, they are, therefore, returned with recommendation that they be referred to the Committee on Public Buildings and Grounds.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Public Buildings and Grounds

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No. 256—An Act to establish a state training school for girls, to pro-

vide for the maintenance and management of the same, and to make an appropriation therefor.

This committee, believing that it is expedient that the above Assembly bill be first taken up by the Committee on State Prisons and Reformatory Institutions, it is, therefore, returned with recommendation that it be referred to the Committee on State Prisons and Reformatory Institutions.

COGSWELL, Chairman

The above reported bill ordered on file for second reading, and re-referred to Committee on State Prisons and Reformatory Institutions.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 54—An Act to regulate weights and measures and the marking and labeling of packages and containers; to provide penalties for the violation thereof; for officers to inspect, regulate, adjust, and seal weights and measures, for a rule of evidence and construction of contracts thereunder; for certain fees and compensations; and for an appropriation to carry out the purpose of this Act, and to repeal Section 351 of the Political Code, Article 14, of Chapter 3, Title 1, of Part 3, of the Political Code, being Sections 561 to 567, both inclusive, thereof, Chapter 8, of Title 7, of Part 3, of the Political Code, being Section 3209 to Section 3223, both inclusive thereof; an Act to establish a standard of weights and measures, approved April 4, 1861, and all Acts of which said Act is amendatory or supplemental, or which said Act repeals, viz: An Act to establish a standard of weights and measures, passed March 30, 1850; and the Act amendatory of the last named Act, approved April 30, 1853; and the Act amendatory of the last two mentioned Acts, approved April 12, 1856; an Act amendatory of and supplemental to an Act entitled an Act to establish a standard of weights and measures, approved May 11, 1861; an Act to establish a standard of weights and measures, approved April 6, 1891, an Act entitled an Act to prevent the sale of short weight rolls of butter, approved March 11, 1893, an Act requiring the marking of packages of butter containing less than six pounds and more than one-half pound, so as to advise the purchaser or others as to the weight of butter contained in such package, approved March 20, 1905; and to amend an Act entitled an Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith, approved March 24, 1903

This committee, believing that it is expedient that the above Assembly bill be first taken up by the Committee on Commissions and Public Expenditures, it is, therefore, returned with recommendation that it be referred to the Committee on Commissions and Public Expenditures.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Commissions and Public Expenditures.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 56—An Act appropriating money for the erection of buildings on and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Also: Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto

This committee, believing that it is expedient that the above Assembly bills be first taken up by the Committee on Universities, they are, therefore, returned with recommendation that they be referred to the Committee on Universities.

COGSWELL, Chairman

The above reported bills ordered on file for second reading, and re-referred to Committee on Universities.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 18, 1911.

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly bill No. 321—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

This committee, believing that it is expedient that the above Assembly bill be first taken up by the Committee on Commerce and Navigation, it is, therefore,

returned with recommendation that it be referred to the Committee on Commerce and Navigation

COGSWELL, Chairman.

The above reported bill ordered on file for second reading, and referred to Committee on Commerce and Navigation

Also:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 18, 1911.

MR SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 178—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same

Also: Assembly Bill No. 179—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for the protection in case of fire, and to make appropriation for the same.

Also: Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home, at Eldridge, California.

Also Assembly Bill No. 228—An Act making an appropriation for the erection of a building to be used as a dormitory for farm hands at the Sonoma State Home, and for furnishing said building.

Also Assembly Bill No. 229—An Act making an appropriation for the improvement of the farm and grounds at the Sonoma State Home, at Eldridge, California.

Also Assembly Bill No. 233—An Act authorizing and directing the construction of a septic tank at the Sonoma State Home, at Eldridge, California, also the making of such changes as may be necessary in the present sewer system at said home, and making an appropriation therefor.

Also, Assembly Bill No. 234—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year

Also Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Also Assembly Bill No. 271—An Act to provide for transforming the old power plant into an office for the steward and commissary building at the Southern California State Hospital, and making an appropriation therefor.

Also Assembly Bill No. 272—An Act to provide for the erection, equipping and furnishing of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor

Also: Assembly Bill No. 273—An Act authorizing and directing the Board of Managers of the Southern California State Hospital to purchase additional water stock for increasing the water supply for the farm, garden and orchards at the Southern California State Hospital, and making an appropriation therefor

Also Assembly Bill No. 274—An Act authorizing and directing the Board of Managers of the Southern California State Hospital to increase the domestic water supply at the Southern California State Hospital, and making an appropriation therefor

This committee, believing that it is expedient that the above Assembly bills be first taken up by the Committee on State Hospitals and Asylums, they are, therefore, returned with recommendation that they be referred to the Committee on State Hospitals and Asylums.

COGSWELL, Chairman

The above reported bills ordered on file for second reading, and referred to Committee on State Hospitals and Asylums.

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 19, 1911

MR SPEAKER Your Committee on Fish and Game, to whom was referred Assembly Bill No. 28—An Act to add a new section to the Political Code, to be numbered 40854, authorizing the boards of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of same.

Also Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by repealing Section 6269 thereof, relating to tree squirrels.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

GRIFFITHS, Chairman

The above reported bill ordered on file for second reading

ON IRRIGATION.

ASSEMBLY CHAMBER SACRAMENTO, January 18, 1911.

MR. SPEAKER Your Committee on Irrigation, to whom was referred Assembly Bill No. 418—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust and other companies, and corporations, and the state school funds, providing for a commission for approving such bonds, and for a report thereon, for the filing of such report and the registration of such bonds in the office of the State Controller—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

LYON, of Los Angeles, Chairman

The above reported bill ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts has had the inclosed matter under consideration, and begs to report that the following resolution be adopted.

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of six hundred and sixty-eight and ninety-six hundredths dollars (\$668.96) in favor of Ed H. Whyte, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

John Breuner Co.....	\$127 30
H. S. Crocker Co.....	100 86
Geo W. Locke & Son.....	24 60
Mrs. C. McCall.....	12 00
W. F. Purnell.....	158 50
Perkins & Co.....	3 00
Powell, McKee & Co.....	3 00
Henry E. Sleeper & Co.....	13 00
Wahl Stationery Co.....	58 45
Wasserman, Gattman Co.....	168 25
	\$668 96

STEVENOT, Chairman

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Prejsker, Raudall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—67.

NOES—None.

ON AGRICULTURE.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1911.

MR. SPEAKER: Your Committee on Agriculture, to whom was referred Assembly Bill No. 167—An Act making an appropriation for the equipment, support and maintenance of the branch agricultural experimental station in Imperial County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Ways and Means.

JUDSON, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1911.

MR. SPEAKER Your Committee on Agriculture, to whom was referred Assembly Bill No. 17—An Act to amend section one of an Act entitled "An Act to promote the agricultural interest of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled "An Act to authorize the board of supervisors of the several

counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture," approved March 13, 1883, approved February 20, 1901, relating to the appointment and dismissal of inspectors of apiaries, and adding to the said Act one new section to be numbered and designated as section twelve, relating to the appointment and to the term of office of the board of examiners of the California State Bee Keepers' Association—have had the same under consideration, and respectfully report the same back with one amendment, and recommend that the same do pass as amended.

JUDSON, Chairman

The above reported bill ordered on file for second reading.

CREDENTIAL OF NEWSPAPER REPRESENTATIVE.

The following credential of newspaper representative was filed

MODESTO, CAL., January 18, 1911

Chief Clerk of Assembly, Sacramento, Cal.

DEAR SIR: This will be handed to you by Mr. Leon Yankwich, the duly credited legislative representatives of The News. Whatever favors you may render him will be considered a favor to the paper. Mr. Yankwich is using discretion and judgment and will not betray confidence, I am sure, in his correspondence sent to The News.

Very truly yours,

JOHN T. BELL,
Editor News.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Hinkle: Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 617—An Act making an appropriation for the erection of a manual art school building for the use of the State Normal School at San Diego, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Jones: Assembly Bill No. 618—An Act to create a reclamation district, to be called Reclamation District No. 830, and providing for the control and management thereof.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

By Mr. Denegri: Assembly Bill No. 619—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 620—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 621—An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Freeman (by request): Assembly Bill No. 622—An Act

amending Section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations.

Bill read first time, and referred to Committee on Corporations.

By Mr. Walker: Assembly Bill No. 623—An Act to amend Section 274a of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the Superior Court.

Bill read first time, and referred to Committee on Judiciary

By Mr. Cunningham: Assembly Bill No. 624—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection and preservation of game.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Fitzgerald: Assembly Bill No. 625—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

By Mr. McGowen: Assembly Bill No. 626—An Act allowing certain pensions, and providing for the payment of same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, who shall have arrived at the age of sixty years

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Butler: Assembly Bill No. 627—An Act to provide for the construction of a hospital building or buildings at the Los Angeles Department of the College of Medicine of the University of California, and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles Department of the College of Medicine of the University of California, and to make appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Slater: Assembly Bill No. 628—An Act to amend Section 980 of the Code of Civil Procedure of the State of California, relating to the powers of Superior Court on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 629—An Act to amend Section 1490 of the Code of Civil Procedure of the State of California, relating to the giving of notice to creditors of the estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary

By Mr. Wyllie: Assembly Bill No. 630—An Act to repeal Article 18 of Chapter 3, Title 3, Part 3, of the Political Code of the State of California, and to add a new article numbered 18 to Chapter 3 of Title 3, Part 3 of the Political Code, relating to the establishment of industrial, technical and agricultural training in the public schools

Bill read first time, and referred to Committee on Education

By Mr. Mullally: Assembly Bill No. 631—An Act to prohibit the issuance of checks in payment of wages due employee, fixing the time when certain wages shall become due and payable; the manner of payment; and providing for the collection of reasonable attorney's fees in action to recover wages.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 632—An Act to amend section six hundred and twenty-six of the Penal Code of California.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Sutherland (by request): Assembly Bill No. 633—An Act to amend section six hundred seven of the Civil Code, relating to cruelty to children.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also (by request): Assembly Bill No. 634—An Act to define the responsibility for the misconduct of children, and providing penalties therefor.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also (by request): Assembly Bill No. 635—An Act to add a new section to the Penal Code, to be numbered 308a, relating to smoking by minors in public places.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Gaylord: Assembly Bill No. 636—An Act to amend the Penal Code of California by adding a new section thereto, to be known as Section 626p, relating to the protection of beaver.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 637—An Act to amend the title and sections one, two, three, four, and six of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer, or other beverages," approved March 31, 1891, amended March 5, 1903.

Bill read first time, and referred to Committee on Manufactures and Internal Improvements.

By Mr. Stuckenbruck: Assembly Bill No. 638—An Act to amend Section 4237 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the eighth class, and to the number, appointment, and salaries of their assistants and deputies.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Brown: Assembly Bill No. 639—An Act to amend section fifteen of an Act entitled "An Act to allow incorporated towns and villages to establish, equip, and maintain systems of street lights on public highways, to provide for the formation, government, and operation of highway lighting districts, the calling and holding of elections in such districts, the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, said amendment referring to the levy of taxes.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Randall: Assembly Bill No. 640—An Act to repeal an Act

entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Kehoe: Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

JOINT RESOLUTION.

The following Joint Resolution was offered:

By Mr. Chandler: Assembly Joint Resolution No. 3—Relative to instructing our representatives in Congress regarding the Panama-Pacific International Exposition.

Mr. Chandler moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the Assembly joint resolution.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Joint Resolution No. 3 considered

During the consideration of Assembly joint resolution, the following amendment was submitted by Mr. Schmitt.

In the last paragraph of the printed resolution, strike out the words "forwarded by mail" and insert in lieu thereof the following: "transmitted by wire."

Amendment adopted.

Mr. Chandler moved that the committee do now rise and report in favor of the adoption of the Assembly joint resolution, as amended.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January, 11, 1911

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Joint Resolution No. 3, and do now report the same back, and recommend that it be adopted, as amended.

HEWITT, Chairman

Mr. Chandler moved the adoption of the report.

Motion carried.

The question being upon the adoption of the resolution as amended, a vote was taken, the resolution adopted, and ordered transmitted to the Senate.

ASSEMBLY JOINT RESOLUTION NO 3

WHEREAS, There is now pending in Congress a resolution directing the President of the United States to transmit to the nations of the world an invitation to participate in the celebration of the completion of the Panama Canal at the Panama-Pacific Exposition to be held in the city of San Francisco during the year 1915; and

WHEREAS, There has now been pledged by the State of California, the city of San Francisco, and by citizens of this state and residents of that city, the sum of

seventeen million five hundred thousand dollars, to be expended in furthering the success of such exposition and the proper celebration of the completion of the greatest governmental work in the history of the world, and

WHEREAS, The State of California deems itself possessed of ample funds now available, together with almost inexhaustible resources to replenish the same or add thereto if necessary, without the necessity of Federal aid of any kind or character, and

WHEREAS, It further appears that California's representatives have assured the Congress of the United States that Federal aid or assistance would never be sought or requested; and in pursuance of such assurance and in furtherance of such pledge, be it, therefore,

Resolved by the Senate and Assembly of the State of California. That we, the representatives of the people of the State of California, do hereby agree that in the event that Congress shall adopt the resolution above referred to, the Government of the United States shall neither be asked nor requested to donate, lend or appropriate any sum of money or assist in any financial way towards the success or in furtherance of the plans of such exposition, and we do further pledge the good faith and credit of the State of California to take all proceedings and do all things of every kind and character deemed necessary or proper to further the success of this exposition, and to secure the greatest celebration in the world's history to commemorate the completion of this greatest national achievement, the Panama Canal.

That our Senators and Representatives in Congress be, and they are hereby, requested and directed to bring this resolution to the attention of Congress.

That the Governor be requested to forward a copy of the foregoing preamble and of these resolutions to the President of the United States and to the Secretary of State.

That a copy of the foregoing preamble and resolutions be forthwith transmitted by wire to our Senators and Representatives, and to our Senators and Representatives-elect.

WITHDRAWAL OF BILL.

Mr. Wyllie asked for and was granted unanimous consent to withdraw Assembly Bill No. 545.

Bill withdrawn and ordered stricken from the file

NOTICE OF INTENTION TO MOVE TO AMEND RULES.

Mr. Beckett gave notice that on the next legislative day he would move to amend the standing rules of the Assembly as follows:

Amend the standing rules of the Assembly by amending Rule 9 thereof as follows: Strike out the word "may" in the sentence reading "which committee may report forthwith whether or not" in line 7 of said rule 9, as the same was printed in the Journal of January 5, 1911, and insert in lieu thereof the word "shall"

Amend Rule 9 by striking out the words "shall take the same place upon the Assembly file," as the same appear in lines 9 and 10 of said Rule 9 as printed in the Journal of January 5, 1911, and insert in lieu thereof "shall take its place on the Assembly second reading file"

Amend Rule 17 by inserting after the word "bills" where it first occurs in line 1 of said Rule 17, as it appears printed in the Journal of January 5, 1911, the words "constitutional amendments and joint and concurrent resolutions"

Also insert at the end of Rule 17 the following "All Assembly bills, constitutional amendments and joint and concurrent resolutions shall be engrossed before final action is taken on them in the Assembly."

Amend Rule 32 of the Standing Rules of the Assembly by inserting after the word "bills," in line 1 of said Rule 32, as it appears printed in the Journal of January 5, 1911, the following, "constitutional amendments and concurrent and joint resolutions."

Notice referred to Committee on Rules and Regulations.

SECOND-READING FILE.

Assembly Bill No. 108—An Act to add a new section to the Political Code, to be numbered 1566, providing for the holding of school trustees' meetings.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 22—An Act to amend the Penal Code by amending Section 626ⁿ thereof, relating to the use of animals as blinds.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 45—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1, page 1, line 7 of the printed bill, after the word "sanitation" insert the words "and drainage."

Amendment adopted.

AMENDMENT No. 2.

In Section 1, line 11, page 1 of the printed bill strike out the word "installation" and insert in lieu thereof the word "construction."

Amendment adopted.

AMENDMENT No. 3.

In Section 2, line 8, page 2 of the printed bill, after the word "district" where said word first appears on said line add the words "naming and numbering the same as hereinabove provided."

Amendment adopted.

AMENDMENT No. 4.

In Section 2, line 11, page 2 of the printed bill, before the word "its" insert the word "of."

Amendment adopted.

AMENDMENT No. 5.

In Section 2, line 17, page 2 of the printed bill, strike out the word "voters" and insert in lieu thereof the word "electors."

Amendment adopted.

AMENDMENT No. 6.

In Section 2, in lines 19, 20 and 21, page 2 of the printed bill, strike out the words "who were qualified to vote at the last preceding general municipal election held in said city, town or municipal corporation."

Amendment adopted.

AMENDMENT No. 7.

In Section 3, line 4, page 2 of the printed bill, strike out the word "and" and insert in lieu thereof the words "which newspaper is."

Amendment adopted.

AMENDMENT No. 8.

In Section 3, line 10, page 3 of the printed bill, after the word "such" insert the words "last described."

Amendment adopted.

AMENDMENT No. 9.

In Section 3, line 21, page 3 of the printed bill, strike out the word "voters" and insert in lieu thereof the word "electors."

Amendment adopted.

AMENDMENT No. 10.

In Section 3, line 26, page 3 of the printed bill, strike out the word "voters" and insert in lieu thereof the word "electors."

Amendment adopted.

AMENDMENT No. 11.

In Section 4, line 6, page 3 of the printed bill, after the word "than" insert the word "the."

Amendment adopted.

AMENDMENT No. 12.

In Section 4, line 19, page 4 of the printed bill, after the word "bonds" insert a comma.

Amendment adopted.

AMENDMENT No. 13.

In Section 5, line 12, page 5 of the printed bill, strike out the word "days" and insert in lieu thereof the words "consecutive insertions."

Amendment adopted.

AMENDMENT No. 14.

In Section 6, line 20, page 5 of the printed bill, strike out the words "not be" and insert in lieu thereof the words "be not."

Amendment adopted.

AMENDMENT No. 15.

In Section 6, line 24, page 5 of the printed bill, insert a comma after the word "oath."

Amendment adopted.

AMENDMENT No. 16

In Section 6, line 41, page 6 of the printed bill, strike out the words "matter as" and insert in lieu thereof the word "manner."

Amendment adopted.

AMENDMENT No. 17.

In Section 6, line 74, page 6 of the printed bill, strike out the word "of" and insert in lieu thereof the word "or."

Amendment adopted.

AMENDMENT No. 18.

In Section 6, line 77, page 7 of the printed bill, strike out the word "of" and insert in lieu thereof the word "or."

Amendment adopted.

AMENDMENT No. 19.

In Section 7, line 12, page 7 of the printed bill, strike out the semicolon where it occurs after the word "levy" and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 20

In Section 7, line 12, page 7 of the printed bill, begin the word "provided" with a capital "P."

Amendment adopted.

AMENDMENT No. 21.

In Section 7, line 27, page 7 of the printed bill, strike out the period and insert in lieu thereof ", and it is hereby expressly provided that the city, town or municipal corporation issuing bonds for the purposes and in the manner provided in this Act shall not in any event whatsoever be liable for the payment of the said bonds so issued under the provisions of this Act, nor any part thereof."

Amendment adopted.

AMENDMENT No. 22.

In Section 8, line 8, page 8 of the printed bill, strike out the word "corporation" and insert in lieu thereof the word "corporations."

Amendment adopted.

AMENDMENT No. 23.

In Section 10, page 8 of the printed bill, strike out all of Section 10 and insert in lieu thereof the following:

"Section 10. This Act shall in no wise affect any other Act by the provisions of which sewer work or improvement may be done within or by any city, town or municipal corporation but it is intended to and does provide an alternate system of proceedings for sewer work or improvement, and it shall be within the discretionary powers of the legislative body of any city, town or municipal corporation to proceed in making such improvement either under the provisions of this Act or under the provisions of any other Act. But when any proceeding is commenced under this Act, the provisions of this Act and such amendments thereto as may hereafter be adopted shall thereafter apply to all work done under such proceeding until the completion thereof.

"It, after certain sewer work or improvement has been done under the provisions of this Act, the legislative body of any city, town or municipal corporation shall deem it necessary or convenient to construct any additional sewer or sewers, it shall be within the discretionary powers of the legislative body of any such city, town or municipal corporation to proceed in making such improvement either under the provisions of this Act or under the provisions of any other Act relative thereto. But any provision contained in any other Acts in conflict with provisions hereof shall be void as to, and of no effect upon, proceedings commenced under the provisions of this Act, except as herein provided."

Amendment adopted.

Bill read second time and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

During second reading of bill, the following amendment was submitted by the committee:

Alter the word "municipality" in line 12, section 2, on page 3 of the printed bill. Insert "owning and operating a municipal lighting plant and"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation—and report that the same have been correctly engrossed.

RANDALL, Chairman

THIRD-READING FILE.

Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of superior judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 29 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—77.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF SENATE BILL.

Senate Bill No. 3—An Act to repeal an Act, entitled “An Act to create a drainage district to be called ‘Sacramento Drainage District,’ to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensation of such officers, and providing for the creation, division and management of reclamation, swamp land, levee, drainage, etc

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 3 finally passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—71

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

LEAVE OF ABSENCE.

On motion of Mr. Schmitt, leave of absence was granted to Mr. Bohnett until Monday, January 23, 1911.

ADJOURNMENT.

At twelve o'clock M., on motion of Mr. Schmitt, the Assembly was declared adjourned until 10 o'clock A. M. of Friday, January 20, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL. }
 Friday, January 20, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rogers of Alameda, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 279—An Act to amend Section 2924 of the Civil Code of the State of California, relating to mortgages.

Also: Assembly Bill No. 465—An Act to amend Section 1474 of the Code of Civil Procedure, relating to the rights of survivor to homestead.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 7—An Act entitled "An Act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order and jurisdiction over the same."

Also: Assembly Bill No. 470—An Act to amend section fourteen hundred sixty-nine of the Code of Civil Procedure, relating to the administration and setting apart of estates which do not exceed fifteen hundred dollars in value.

Also: Assembly Bill No. 171—An Act to amend Section 1322 of the Code of Civil Procedure of the State of California, relating to wills.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1911

MR. SPEAKER. Your Committee on Education, to whom was referred Assembly Bill No. 369—An Act to provide for the establishment and maintenance of county free libraries in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

WYLLIE, Chairman

The above reported bill ordered on file for second reading.

ON STATE HOSPITALS AND ASYLUMS

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1911.

MR. SPEAKER. Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 78—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital, and to make appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to the Committee on Ways and Means.

MCGOWEN, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1911.

MR. SPEAKER. Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 518—An Act to authorize the local board of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

MCGOWEN, Chairman.

The above reported bill ordered on file for second reading

ON COMMERCE AND NAVIGATION

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1911

MR. SPEAKER. Your Committee on Commerce and Navigation, to whom was referred Assembly Concurrent Resolution No. 8—Relative to the appointment of a commission on aerial navigation—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

SCHMITT, Chairman

The above reported Assembly concurrent resolution ordered on file for adoption.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1911

MR. SPEAKER. Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 5—An Act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

ROGERS of Alameda, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1911

MR. SPEAKER. Your Committee on County and Township Governments to whom was referred Senate Bill No. 115—An Act to amend the Political Code by adding to Article XIII of Chapter IV, Title II, Part IV thereof, a new section, to be numbered section four thousand and eighty-eight *a*, relating to the issuance of county bonds—have had the same under consideration and respectfully report the same back, and recommend that it do pass

ROGERS of Alameda, Chairman

The above reported bills ordered on file for second reading

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, January 19, 1911

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 21—An Act providing for the management of the California Redwood Park and creating a board of five commissioners with power to manage said California Redwood Park—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

FLINT, Chairman

The above reported bill ordered on file for second reading.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Assemblyman Beckett's notice of motion to amend the standing rules of the Assembly made on January 19th—have had the same under consideration, and respectfully report the same back with recommendation, that the proposed amendments to the rules be adopted.

PREISKER, Chairman.

MOTION.

In accordance with notice previously given, Mr. Beckett moved that the Standing Rules of the Assembly be amended as follows:

Strike out the word "may" in the sentence reading "which committee may report forthwith whether or not," in line 7 of said Rule 9, as the same was printed in the Journal of January 5, 1911, and insert in lieu thereof the word "shall."

Amend Rule 9 by striking out the words "shall take the same place upon the Assembly file," as the same appear in lines 9 and 10 of said Rule 9 as printed in the Journal of January 5, 1911, and insert in lieu thereof "shall take its place on the Assembly Second Reading File."

Amend Rule 17 by inserting after the word "bills" where it first occurs in line 1 of said Rule 17, as it appears printed in the Journal of January 5, 1911, the words "constitutional amendments and joint and concurrent resolutions"

Also insert at the end of Rule 17 the following: "All Assembly bills, constitutional amendments and joint and concurrent resolutions shall be engrossed before final action is taken on them in the Assembly."

Amend Rule 32 of the Standing Rules of the Assembly by inserting after the word "bills," in line 1 of said Rule 32, as it appears printed in the Journal of January 5, 1911, the following. "constitutional amendments and concurrent and joint resolutions."

Motion seconded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polesley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—71.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Assemblyman Coghlin's notice of motion to amend the standing rules of the Assembly, as follows:

Resolved, That Rule 27 of the Standing Rules of the Assembly be amended by adding a new subdivision thereto, immediately after Subdivision 56, and to read as follows:

57. A committee of the San Francisco Delegation

Have had the same under consideration, and respectfully report the same back and recommend that the proposed amendment to the rules be refused adoption.

PREISKER, Chairman.

SPECIAL ORDER SET.

On motion of Mr. Coghlan, the consideration of the above report and resolution was made a special order for Monday, January 23, 1911, immediately after the reading of the Journal.

NOTICE OF MOTION TO RECONSIDER.

Mr. Coghlan gave notice that on the next legislative day he would move a reconsideration of the vote whereby the standing rules of the Assembly were this day amended.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1911.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 9—An Act to provide a state highway from Meyer's Station, in El Dorado County, California, to McKinney's, in Placer County, California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to Committee on Ways and Means.

CHANDLER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1911.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 216—An Act to appropriate the sum of five thousand dollars for the purpose of erecting and constructing a bridge on Lake Tahoe wagon road, a state highway—have had the same under consideration, and respectfully report the same back, amended and recommend that it do pass, as amended, and be re-referred to Committee on Ways and Means.

CHANDLER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1911.

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 47—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to the Committee on Ways and Means.

CHANDLER, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1911.

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade.

Assembly Bill No. 283—An Act amending Section 905 of the Penal Code relating to motion to set aside indictment or information.

Assembly Bill No. 324—An Act to amend Section 33 of an Act approved March 8, 1909, entitled "An Act to define and regulate the business of banking."

Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases.

Assembly Bill No. 332—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the sixtieth fiscal year.

Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the state prison at San Quentin (Ch. 214, Stats 1905).

Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year.

Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, Secretary of State's office for the sixty-second fiscal year.

Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office, for the sixty-second fiscal year.

Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work (Ch. 579, Stats. 1909).

Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind (Chapter 210, Statutes, 1907).

Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for the Adult Blind in Oakland.

Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Statutes 1907, Chapter 332).

Assembly Bill No. 341—An Act making an appropriation to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant General's office for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health, for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 343—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School at Los Angeles for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 346—An Act transferring money from the General Fund to the San Diego Harbor Improvement Fund to meet the expenses of the publication of the San Diego Seawall Act under the provisions of Chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego Harbor Improvement Fund to the General Fund.

Assembly Bill No. 347—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act under the provisions of Chapter 383, Statutes of 1909.

Assembly Bill No. 349—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage and telegraphing of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Normal School at Los Angeles for the sixty-second fiscal year.

Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.

Assembly Bill No. 350—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

And report that the same have been correctly engrossed.

RANDALL, Chairman

ON PUBLIC MORALS

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1911.

MR SPEAKER. Your Committee on Public Morals, to whom was referred Assembly Bill No. 38—An Act to amend section three hundred and thirty-seven *a* of the Penal Code, relating to gaming and gambling by pool selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof—have had the same under consideration, and respectfully report the same back and recommend that it do pass

CRONIN, Chairman

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1911

MR SPEAKER Your Committee on Ways and Means beg leave to submit its report for the two weeks ending January 20, 1911, as follows:

Jan. 11—Assembly Bill No. 19—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at foreign and domestic fairs and expositions.....	\$100,000 00
Jan. 11—Assembly Bill No. 27—An Act making an appropriation for the care and custody of the custom house at Monterey.....	500 00
Jan. 11—Assembly Bill No. 32—An Act appropriating money for the erection and equipment of a school building at the Preston School of Industry.....	20,000 00

Jan 11—Assembly Bill No. 35—An Act to appropriate money to erect, construct and equip an assembly hall at the San Jose State Normal School-----	\$60,000 00
Jan 11—Assembly Bill No. 41—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School-----	30,000 00
Jan. 11—Assembly Bill No. 54—An Act to regulate weights and measures and the marking and labeling of packages and containers-----	
Jan 11—Assembly Bill No. 56—An Act appropriating money for the erection of buildings on and requiring title to the land of the State Branch Agricultural Experiment Station-----	25,000 00
Jan 11—Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School-----	10,000 00
Jan. 11—Assembly Bill No. 73—An Act appropriating the sum of \$10,000 for the purpose of constructing and repairing the grounds, walks, lawns, and gardens of the San Jose State Normal School-----	10,000 00
Jan. 11—Assembly Bill No. 77—An Act providing for the admission and support at the Veterans' Home of California, in Napa County, of dependent wives and widows of honorably discharged Union veteran soldiers, sailors, and marines-----	
Jan. 11—Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville-----	2,500 00
Jan. 11—Assembly Bill No. 84—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville-----	1,000 00
Jan. 11—Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville-----	2,500 00
Jan. 11—Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville-----	7,700 00
Jan 11—Assembly Bill No. 87—An Act providing for the construction of an additional building at the Veterans' Home of California, located at Yountville-----	5,000 00
Jan. 11—Assembly Bill No. 89—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville-----	4,000 00
Jan. 11—Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville-----	2,542 00
Jan 11—Assembly Bill No. 90—An Act to provide for the construction of dams for water supply at the Veterans' Home of California, located at Yountville-----	25,000 00
Jan 11—Assembly Bill No. 91—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville-----	3,000 00
Jan. 11—Assembly Bill No. 92—An Act to provide for the painting inside and outside of the buildings of the Veterans' Home of California, located at Yountville-----	5,000 00
Jan. 11—Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home-----	5,000 00
Jan. 11—Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company C, at the Veterans' Home of California, located at Yountville-----	5,500 00
Jan. 11—Assembly Bill No. 95—An Act appropriating the sum of one hundred thousand dollars for the construction and equipment of a building or buildings at the Veterans' Home of California-----	100,000 00
Jan. 11—Assembly Bill No. 116—An Act appropriating money to purchase cement and the necessary material for laying a concrete floor in the basement of the refectory building under officers and boys' dining-room-----	3,000 00
Jan. 11—Assembly Bill No. 117—An Act appropriating money to purchase tools to be given to the paroled boys who have learned various trades at the school when they are released from the school-----	2,500 00
Jan. 11—Assembly Bill No. 118—An Act providing for an appropriation for \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry-----	1,000 00

Jan. 11—Assembly Bill No. 119—An Act providing for an appropriation for \$3 000 for the purpose of installing a filtration plant and to complete a clear water system at the Preston School of Industry-----	\$3,000 00
Jan. 11—Assembly Bill No. 120—An Act providing for an appropriation of \$750, for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry-----	750 00
Jan. 11—Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting, and repairing the administration building and the east and west cottages at the Preston School of Industry-----	10,000 00
Jan. 11—Assembly Bill No. 122—An Act appropriating money to pay the salary and expenses of a parole officer at the Preston School of Industry-----	5,000 00
Jan. 11—Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry-----	2,000 00
Jan. 11—Assembly Bill No. 124—An Act appropriating money for the equipment of a barber shop at the Preston School of Industry-----	1,000 00
Jan. 11—Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry-----	5,000 00
Jan. 11—Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry-----	2,000 00
Jan. 11—Assembly Bill No. 127—An Act appropriating money for the equipment of the trades building at the Preston School of Industry-----	5,000 00
Jan. 11—Assembly Bill No. 128—An Act appropriating money for the purchase of additional brickmaking machinery for the Preston School of Industry-----	3,500 00
Jan. 11—Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry-----	2,000 00
Jan. 11—Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry-----	5,000 00
Jan. 11—Assembly Bill No. 140—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School-----	7,000 00
Jan. 11—Assembly Bill No. 150—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School-----	4,000 00
Jan. 11—Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School-----	3,500 00
Jan. 11—Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School-----	10,500 00
Jan. 11—Assembly Bill No. 153—An Act appropriating money for the construction of a heating system for the California Polytechnic School-----	6,000 00
Jan. 11—Assembly Bill No. 154—An Act to appropriate money for the erection of three cottages for officers and employees at the California Polytechnic School-----	10,000 00
Jan. 11—Assembly Bill No. 155—An Act to appropriate money for the construction and equipment of a foundry and pattern shop at the California Polytechnic School-----	20,000 00
Jan. 11—Assembly Bill No. 156—An Act to appropriate money for the construction and furnishing of dormitories for the California Polytechnic School-----	55,000 00
Jan. 11—Assembly Bill No. 157—An Act to appropriate money for the erection and equipment of an additional school building at the California Polytechnic School-----	40,000 00
Jan. 11—Assembly Bill No. 158—An Act appropriating money for the purchase of equipment for shops and laboratories at the California Polytechnic School-----	10,000 00
Jan. 11—Assembly Bill No. 159—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School-----	9,000 00

Jan. 11—Assembly Bill No. 164—An Act making an appropriation of one hundred and fifty thousand dollars to be paid to, and expended by the Adjutant General of the State of California, ex officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping, and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor"-----	\$150,000 00
Jan. 11—Assembly Bill No. 166—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the State Normal School at Los Angeles-----	10,000 00
Jan. 11—Assembly Bill No. 178—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring-----	5,000 00
Jan. 11—Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano at the city of Sonoma-----	5,000 00
Jan. 11—Assembly Bill No. 179—An Act to provide for the installation of a system of fire protection of buildings about the grounds and State Farm of the Stockton State Hospital-----	30,000 00
Jan. 11—Assembly Bill No. 180—An Act to provide for the installation of a power plant at the Stockton State Hospital-----	25,500 00
Jan. 11—Assembly Bill No. 181—An Act to provide for the construction and furnishing and equipping of a sewing room and dormitory over the dining-room of the female department at the Stockton State Hospital-----	21,000 00
Jan. 11—Assembly Bill No. 182—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital-----	33,115 00
Jan. 11—Assembly Bill No. 183—An Act to provide for the erection and furnishing of a female convalescent cottage at the Stockton State Hospital Farm-----	43,000 00
Jan. 11—Assembly Bill No. 189—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital Farm-----	15,000 00
Jan. 11—Assembly Bill No. 190—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital Farm-----	5,000 00
Jan. 11—Assembly Bill No. 204—An Act to provide for the erection, equipping, and furnishing of one cottage for male night watches at the Southern California State Hospital-----	10,000 00
Jan. 11—Assembly Bill No. 205—An Act to provide for the erection, equipping, and furnishing of one cottage for female night watches at the Southern California State Hospital-----	10,000 00
Jan. 11—Assembly Bill No. 206—An Act to provide for the construction of roads, curbs, gutters, and walks at the Southern California State Hospital-----	10,000 00
Jan. 11—Assembly Bill No. 207—An Act to provide for the erection, equipping, and furnishing of one group of cottages for female patients at the Southern California State Hospital-----	30,000 00
Jan. 11—Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier-----	1,000 00
Jan. 11—Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory building at Whittier-----	400 00
Jan. 11—Assembly Bill No. 211—An Act to provide for the purchase or building of a dredger, and to provide funds to make a four-foot channel for purposes of navigation to Red Bluff-----	80,000 00
Jan. 11—Assembly Bill No. 212—An Act to provide for equipment and furnishings for the new training school building on the premises of the California State Normal School at Chico-----	2,000 00
Jan. 11—Assembly Bill No. 213—An Act to provide for the construction of cement walks on the premises of the California State Normal School at Chico-----	500 00
Jan. 11—Assembly Bill No. 214—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the California State Normal School at Chico-----	1,000 00

Jan. 11—Assembly Bill No. 217—An Act to provide for the construction and installation of a heating plant on the premises of the California State Normal School at Chico.....	\$2,000 00
Jan. 12—Assembly Bill No. 233—An Act authorizing and directing the construction of a septic tank at the Sonoma State Home at Eldridge.....	12,500 00
Jan. 12—Assembly Bill No. 234—An Act authorizing and directing the rellooring of the manse and main building at the Sonoma State Home.....	14,000 00
Jan. 12—Assembly Bill No. 238—An Act making an appropriation for the improvement, preservation, maintenance and care of the old theater property at Monterey.....	2,500 00
Jan. 12—Assembly Bill No. 253—An Act making an appropriation for the use of the creamery department of the California Polytechnic School.....	4,000 00
Jan. 12—Assembly Bill No. 256—An Act to establish a state training school for girls.....	150,000 00
Jan. 13—Assembly Bill No. 224—An Act authorizing the Regents of the University of California to hold farmers' institutes.....	30,000 00
Jan. 13—Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California.....	62,000 00
Jan. 13—Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home at Eldridge.....	10,000 00
Jan. 13—Assembly Bill No. 229—An Act making an appropriation for the improvement of the farm and grounds at the Sonoma State Home at Eldridge.....	12,500 00
Jan. 13—Assembly Bill No. 228—An Act making an appropriation for the erection of a building to be used as a dormitory for farm hands at the Sonoma State Home.....	6,500 00
Jan. 14—Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital.....	55,000 00
Jan. 14—Assembly Bill No. 271—An Act to provide for transforming the old power plant into an office for the steward and commissary building at the Southern California State Hospital.....	1,500 00
Jan. 14—Assembly Bill No. 272—An Act to provide for the erection, equipping and furnishing of one group of cottages for male patients at the Southern California State Hospital.....	30,000 00
Jan. 14—Assembly Bill No. 273—An Act authorizing and directing the Board of Managers of the Southern California State Hospital to purchase additional water stock for increasing the water supply for the farm, garden and orchards at the Southern California State Hospital.....	5,000 00
Jan. 14—Assembly Bill No. 274—An Act authorizing and directing the Board of Managers of the Southern California State Hospital to increase the domestic water supply at the Southern California State Hospital.....	5,000 00
Jan. 16—Assembly Bill No. 321—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fireboats David Scannell and Dennis Sullivan shall be borne and paid by the State of California.....	.
Jan. 16—Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State.....	8,300 00
Jan. 16—Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases.....	76 39
Jan. 16—Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.....	3,000 00
Jan. 16—Assembly Bill No. 332—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society.....	4,000 00
Jan. 16—Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the State Prison at San Quentin.....	2,000 00
Jan. 16—Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison.....	2,474 30

Jan. 16—Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, Secretary of State's office-----	\$2 500 00
Jan. 16—Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office-----	2 000 00
Jan. 16—Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work-----	712 89
Jan. 16—Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind-----	4,353 70
Jan. 16—Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for Adult Blind-----	32 26
Jan. 16—Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects-----	716 75
Jan. 16—Assembly Bill No. 341—An Act making an appropriation to pay the deficiency in the appropriation for care of State Armory-----	238 50
Jan. 16—Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health-----	10,000 00
Jan. 16—Assembly Bill No. 343—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School at Los Angeles-----	12,000 00
Jan. 16—Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for support of the State Normal School at Los Angeles-----	2,000 00
Jan. 16—Assembly Bill No. 346—An Act transferring money from the general fund to the San Diego Harbor Improvement Fund to meet the expenses of the publication of the San Diego Seawall Act-----	9,706 22
Jan. 16—Assembly Bill No. 347—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act-----	9,982 00
Jan. 16—Assembly Bill No. 348—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act-----	9,400 40
Jan. 16—Assembly Bill No. 349—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing of the Surveyor General's office-----	350 00
Jan. 16—Assembly Bill No. 350—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Surveyor General's office-----	425 00
Jan. 16—Assembly Bill No. 424—An Act appropriating money to pay the traveling and necessary expenses and salary of a parole officer for the Whittier State School-----	500 00
Jan. 16—Assembly Bill No. 425—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School-----	2,500 00
Jan. 16—Assembly Bill No. 426—An Act to appropriate money for a new electric light plant for the Whittier State School-----	3,000 00
Jan. 16—Assembly Bill No. 427—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School-----	2,500 00
Jan. 16—Assembly Bill No. 429—An Act to appropriate money for the purchase of books and periodicals for the Whittier State School-----	1,000 00
Jan. 16—Assembly Bill No. 431—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School-----	2,000 00
Jan. 16—Assembly Bill No. 432—An Act appropriating money to be used in the purchase of a toilet for the Whittier State School-----	2,500 00
Jan. 16—Assembly Bill No. 22—An Act making an appropriation for the expenses of the State Board of Equalization-----	30,000 00

Jan. 16—Senate Bill No. 236—An Act making an appropriation for an additional stenographer for the Governor's office.....	\$500 00
Jan 18—Assembly Bill No. 24—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.....	170,000 00
Jan 18—Assembly Bill No. 33—An Act to provide for the procuring and distribution of blood serum or vaccine, for the prevention of hog cholera in the State of California.....	15,000 00
Jan. 18—Assembly Bill No. 49—An Act to provide an appropriation for the erection and equipment of an assembly hall and administration building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.....	50,000 00
Jan 18—Assembly Bill No. 58—An Act establishing a State Normal School at Fresno.....	150,000 00
Jan 18—Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.....	10,000 00
Jan 18—Assembly Bill No. 65—An Act to provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.....	10,000 00
Jan 18—Assembly Bill No. 66—An Act to provide appropriation for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.....	10,000 00
Jan. 18—Assembly Bill No. 173—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County.....	50,000 00
Jan 18—Assembly Bill No. 211—An Act to provide for the purchase or building of a dredger.....	80,000 00
Jan 18—Assembly Bill No. 236—An Act appropriating \$2,500 for the restoration and rebuilding of the Old Greek Chapel and Russian Fort.....	2,500 00
Jan. 18—Assembly Bill No. 266—An Act providing for an appropriation of ten thousand dollars for the purpose of dredging and improving San Rafael Creek.....	10,000 00
Jan. 19—Assembly Bill No. 167—An Act making an appropriation for the equipment, support, and maintenance of the Branch Agricultural Station in Imperial County.....	20,000 00
Total amount bills submitted.....	\$2,246,275 41

BILLS REPORTED FAVORABLY.

Assembly Bill No. 327.....	\$8,300 00
Assembly Bill No. 328.....	76 39
Assembly Bill No. 329.....	3,000 00
Assembly Bill No. 332.....	4,000 00
Assembly Bill No. 333.....	2,000 00
Assembly Bill No. 334.....	2,474 30
Assembly Bill No. 335.....	2,500 00
Assembly Bill No. 336.....	2,000 00
Assembly Bill No. 337.....	712 89
Assembly Bill No. 338.....	4,353 70
Assembly Bill No. 339.....	32 26
Assembly Bill No. 340.....	716 75
Assembly Bill No. 341.....	238 50
Assembly Bill No. 342.....	10,000 00
Assembly Bill No. 343.....	12,000 00
Assembly Bill No. 344.....	2,000 00
Assembly Bill No. 346.....	9,706 22
Assembly Bill No. 347.....	9,982 00
Assembly Bill No. 348.....	9,400 40
Assembly Bill No. 349.....	350 00
Assembly Bill No. 350.....	425 00
Senate Bill No. 22.....	30,000 00
Senate Bill No. 236.....	500 00

\$114,768 41

Bills re-referred 926,015 00

\$1,040,783 41

Amount of bills left in hands of committee..... \$1,205,492 00

COGSWELL, Chairman.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Stevenot: Assembly Bill No. 642—An Act to establish the California scenic highway: to define its course; to provide for its supervision, construction, repair and maintenance and to make an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bishop (by request): Assembly Bill No. 644—An Act to amend Section 1840 of the Political Code of the State of California, relating to district school taxes.

Bill read first time, and referred to Committee on Education.

Also (by request): Assembly Bill No. 645—An Act to add a new section to the Political Code, to be numbered Section 4100a, relating to the attendance of the county auditor or a deputy county auditor at a State convention of county auditors.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 646—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 647—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 648—An Act to amend Section 3650 of the Political Code of the State of California, relating to the assessment of property.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also (by request): Assembly Bill No. 649—An Act to amend section three of an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 650—An Act to amend Section 1818 of the Political Code of the State of California, relating to county school taxes.

Bill read first time, and referred to Committee on Education.

Also (by request) : Assembly Bill No. 651—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request) : Assembly Bill No. 652—An Act to amend Section 4049a of the Political Code of the State of California, relating to the additional powers and duties of the board of supervisors

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Brown: Assembly Bill No. 653—An Act to add a new section to the Penal Code of the State of California under title sixteen thereof, to be numbered 681, prohibiting the use of cruel and unusual punishments in state prisons and reformatory institutions.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Bennink: Assembly Bill No. 654—An Act authorizing any municipal corporation using the word "town" in its corporate name to change such word to "city" and providing the procedure therefor

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Denegri: Assembly Bill No. 655—An Act to provide for the establishment, maintenance and control of a sanitarium for the treatment of cases of tuberculosis, and making appropriation therefor

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Jones: Assembly Bill No. 656—An Act to amend Section 1 of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Lamb: Assembly Bill No. 657—An Act to establish proceedings in cases of bastardy.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cunningham: Assembly Bill No. 658—An Act to amend Section 634 of the Penal Code, relating to the taking of salmon, shad and striped bass.

Bill read first time, and referred to Committee on Fish and Game

Also: Assembly Bill No. 659—An Act to amend Section 632½ of the Penal Code, relating to steelhead trout.

Bill read first time, and referred to Committee on Fish and Game

By Mr. Maher: Assembly Bill No. 660—An Act to amend an Act entitled "An Act to provide for work, upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and repealing an Act entitled

"An Act to provide for work upon the construction of sidewalks and curbing within municipalities," approved March 6, 1909, and an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within this municipality, and also for the payment of such bonds," approved February 27, 1893, and the amendments thereto.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Hinkle. Assembly Bill No. 661—An Act giving and granting to the city of San Diego the right to hold or to authorize the holding of an exposition in Balboa Park in said city of San Diego, California

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Mullally: Assembly Bill No. 662—An Act to prohibit minors under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning, and providing penalties for violations thereof.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Rodgers of San Francisco: Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

Bill read first time, and referred to Committee on Public Printing.

By Mr. Hinshaw: Assembly Bill No. 664—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered 4099*b*, relating to the duties of county auditors.

Bill read first time, and referred to Committee on County and Township Governments

Also: Assembly Bill No. 665—An Act to amend Section 4137 of the Political Code of California, relating to duties of county recorders.

Bill read first time, and referred to Committee on County and Township Governments

By Mr. Williams: Assembly Bill No. 666—An Act to amend the Penal Code of the State of California by adding a new section thereto, to be numbered 653*g*, and providing a penalty in case any person, company, or corporation operating a railroad permits an intoxicated person or person in habit of becoming intoxicated to operate a railroad.

Bill read first time, and referred to Committee on Common Carriers.

By Mr. Slater: Assembly Bill No. 667—An Act to regulate the keeping of bathing places and swimming resorts on rivers and streams

Bill read first time, and referred to Committee on Public Health and Quarantine

By Mr. Judson: Assembly Bill No. 668—An Act to establish a state polytechnic school in the county of San Diego, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Mr. Chandler: Assembly Bill No. 669—An Act to amend Sections 2 and 3 of an Act entitled "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation

for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a commissioner of public works, defining his duties and powers and fixing his compensation,' approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April 1, 1897; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for, and authorized by this Act,' approved April 1, 1897, and all Acts or parts of Acts amendatory thereof," approved March 11, 1907; also an Act amendatory of said Act, approved March 20, 1909, relating to the officers and employees of the Department of Engineering, by especially relating to the appointment and term of office of the State Engineer.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Sutherland: Assembly Bill No. 670—An Act relating to the acquisition, construction and operation of public utilities by municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations

Also: Assembly Bill No. 671—An Act creating and establishing a public service commission of the State of California, defining its powers and duties, and the powers and duties of persons and corporations engaged in certain public service business.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 672—An Act to amend the Civil Code by adding to Part IV, of division first of the Civil Code, a new title to be numbered XXIII, relating to corporations engaged in the public service business.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 673—An Act to validate municipal bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Walker: Assembly Bill No. 674—An Act to amend section one thousand ninety-six of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Judiciary

By Mr. Bliss: Assembly Bill No. 675—An Act providing for the acquisition of a site for an Armory and State Arsenal for the National Guard, at the city of Sacramento, California: providing for the appointment of a commission to select and acquire by donation or purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Randall: Assembly Bill No. 676—An Act to amend the Political Code of the State of California, by adding thereto a new section to be designated Section 3612, relating to exemption of soldiers, sailors, and marines property from taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 677—An Act to amend Section 4131 of the Political Code of the State of California, relating to county recorder.

Bill read first time, and referred to Committee on County and Township Governments

Also: Assembly Bill No. 678—An Act to amend Sections 4458 and 4460 of the Political Code of the State of California, relating to publications required to be given or made by law.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Randall (by request): Assembly Bill No. 679—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under insanitary conditions, to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor

Bill read first time, and referred to Committee on Manufactures and Internal Improvements.

Also (by request): Assembly Bill No. 680—An Act to amend Sections 2322, 2322a, 2322b, 2322c, 2322d, and 2322e of the Political Code of the State of California, relating to county boards of horticulture

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

By Mr. Gaylord: Assembly Bill No. 681—An Act to add a new section to the Penal Code of the State of California, to be known as section six hundred and thirty-two (4), relating to fishing through the ice in waters of this State

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Clark: Assembly Bill No. 682—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and

repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Beatty: Assembly Bill No. 683—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine.

Bill read first time, and referred to Committee on Judiciary

By Mr. Clark: Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls, independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or any part of any Act of the Legislature.

Read and referred to Committee on Direct Legislation

By Mr. Sutherland: Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to section nineteen, of article eleven of the Constitution, relating to grants of corporate franchises by municipal corporations.

Read and referred to Committee on Constitutional Amendments.

NOTICE OF INTENTION TO MOVE TO AMEND RULES

Mr. Farwell gave notice that on the next legislative day he would move to amend the Standing Rules of the Assembly as per following resolution:

WHEREAS, There are many members of the Assembly and attachés, and especially some of the lady stenographers, who do not indulge in the habit of smoking, and

WHEREAS, Said habit is obnoxious to many of the aforesaid members and in some cases unhealthful to them, especially when they desire to spend a considerable portion of their time in the Assembly Hall in pursuance of their duties as legislators; and

WHEREAS, It is neither inspiring nor edifying for our lady friends or other visitors to enter this hall and not only see, but breathe the clouds of smoke that are on some occasions quite visible; therefore, be it

Resolved, That the Standing Rules of this Assembly be so amended that Section 71 thereof shall read as follows: "No smoking at any hour of the day or night shall be allowed within the Assembly Chamber or the gallery or toilet rooms thereof during the session of this Legislature"

Above notice referred to Committee on Rules and Regulations.

RESOLUTIONS

The following resolutions were offered:

By Mr. McGowan:

WHEREAS, There has been reported to the Committee on State Hospitals and Asylums certain bills calling for appropriations for the State Hospitals at Patton, Agnews, Stockton, Napa, Ukiah and for the Sonoma State Home at Eldredge; and

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit said institutions, said committee now, through the chairman thereof, applies to this Assembly for leave of absence for the members

of said committee hereinafter designated. That the occasion and necessity for visiting said institutions are as above stated; that the names of the committeemen designated by the chairman for the purpose aforesaid are as follows, to wit: Messrs McGowen, Denegri, and Rodgers of San Francisco to visit the Napa State Hospital; Messrs McGowen, McDonald, and Rodgers of San Francisco to visit the Sonoma State Home; Messrs McGowen, Denegri, and Held to visit the Mendocino State Hospital; at Ukiah Messrs McGowen, Hayes, and Held to visit the Stockton State Hospital; Messrs McGowen, Hayes, and Bennink to visit the Agnews State Hospital; and Messrs Bennink, Feeley, and Rimplinger to visit the Southern California State Hospital at Patton; and application is hereby made to this Assembly for a leave of absence for the above named members of said committee for the period extending from and including Friday the 27th day of January, 1911, to and including Wednesday the 1st day of February, 1911, therefore, be it now

Resolved, That the above named members on said Committee on State Hospitals and Asylums be and they are hereby granted leave of absence from and including the 27th day of January, 1911, to and including the 1st day of February, 1911

Resolution read, and referred to Committee on Rules and Regulations.
By Mr. Bliss:

Resolved, That the names of Clarence Jenkins, heretofore appointed as Doorkeeper at a per diem of \$3 00, and C. F. Clark, heretofore appointed as Sergeant-at-Arms at a per diem of \$5 00, be stricken from the rolls; and be it further

Resolved, That the following named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointment to date from and include the 20th day of January, 1911, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the following named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz:

Joseph Beard, Doorkeeper.....	\$3 00
T. P. Arnold, Assistant Sergeant-at-Arms.....	5 00

Mr. Bliss moved the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polesley, Preisker, Randall, Rimplinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbitts, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—72.

NOES—None.

SECOND-READING FILE.

Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 4085½, authorizing the board of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

After the word "any," in line 7, on page 1 of the printed bill, insert the word "slough" and a comma

Amendment adopted.

AMENDMENT No. 2

After the word "and," in line 10, on page 1 of the printed bill, insert the word "slough" and a comma.

Amendment adopted

AMENDMENT No. 3

Before the word "stream" where it appears the first and second times in line 14, on page 1 of the printed bill, insert the words "slough, river or"

Amendment adopted.

AMENDMENT No. 4

Amend by striking out all of Section 3.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by repealing Section 626*g* thereof, relating to tree squirrels.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the title of said Act the word "repealing" and insert in lieu thereof the word "amending."

Amendment adopted.

AMENDMENT No. 2

Amend by striking out of line 1, page 1 of the printed bill, all after the word "hereby."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of lines 2 and 3 and insert in lieu thereof the following: Amended to read as follows

626*g*. Every person who between the first day of January and the first day of September of the same year, hunts, takes, kills, or destroys or has in his possession, any species of tree squirrel, or who at any time buys, sells, offers for sale, or has in his possession for sale, any tree squirrel, is guilty of a misdemeanor, and every person who takes, kills, or destroys, or has in his possession, more than twelve tree squirrels during any one open season, is guilty of a misdemeanor; *provided*, that none of the provisions of this section shall in any manner apply to the county of Mendocino in said State "

Amendment adopted

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 418—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust and other companies, and corporations, and the state school funds, providing for a commission for approving such bonds, and for a report thereon, for the filing of such report and the registration of such bonds in the office of the State Controller.

During second reading of bill, the following amendments were submitted by the committee

AMENDMENT No 1

In line 11, Section 3, on page 2, of the printed bill, strike out the period and insert in lieu thereof the following "all necessary expenses incurred in making such investigation and report shall be paid by the irrigation district whose property has been investigated and reported on by said commission "

Amendment adopted.

AMENDMENT No 2

In line 7, Section 5, on page 3 of the printed bill, strike out the figures "1877," and insert in lieu thereof the figures "1887 "

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 7.

Amendment adopted

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 17—An Act to amend section one of an Act entitled "An Act to promote the agricultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the board of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," approved February 20, 1901, relating to the appointment and dismissal of inspectors of apiaries, and adding to the said Act one new section to be numbered and designated as section twelve, relating to the appointment and to the term of office of the board of examiners of the California State Bee Keepers' Association

During second reading of bill, the following amendment was submitted by the committee:

On page 3, Section 3, strike out the entire section

Amendment adopted

Bill read second time, and ordered to reprint, engrossment, and third reading.

GOVERNOR'S MESSAGE.

The following message from the Governor was taken up and read, and on motion of Mr. Cogswell, ordered printed in the Journal:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, January 20, 1911.

To the Legislature of the State of California:

I call to your attention, so that you may apply the proper remedy for correction, the expedient by which, just prior to the commencement of your labors and mine, the public service of the State was appropriated.

December 1, 1910, the Superintendent of Banks of the State, upon a resignation which, apparently from the incomplete records, had been presented July 1, 1910, was reappointed, not for the remainder of his term, but for the "term prescribed by law," presumably four years from December 1, 1910.

The Commissioner of the Bureau of Labor, whose term after four years' service would have expired July 1, 1911, resigned on January 2, 1911, and thereupon a new Commissioner was appointed by the Governor for a period of four years from January 2, 1911.

The terms of the two Building and Loan Commissioners, who had served for a period of four years, would have expired January 7, 1911. On January 2, 1911, the two Commissioners, Al Lindley and Jacob Transue, resigned. Thereupon, in the place of Mr. Lindley, resigned, Mr. Transue was appointed for four years from January 2, 1911, and Mr. Curry was appointed in the place of Mr. Transue for four years from January 2, 1911.

By this simple short cut, these four important offices were appropriated in the last hours of my predecessor.

This sort of practice I believe to be detrimental to the public service, and beyond that, I believe it is beneath the dignity of the office of Governor to permit that office to be used for such purposes in the closing hours of the term of any incumbent.

I ask you, therefore, for such an Act as will prevent, in the future, any such appropriation of the public service and as will render it impossible for any Governor hereafter, by the simple expedient of having his appointees resign, to continue those appointees in office during the term of his successor.

I am told that in former administrations, appointments have been made in the last hours of the incumbent Governor, but in every instance these appointments were

made where vacancies existed or terms had expired. The method recently adopted, of resignations, and thus lengthening terms, has just been employed for the first time. It is my wish that such Act as you provide shall be operative upon the present incumbent of the office of Governor, and inasmuch as the inhibition will first be operative upon the present Governor, it ought to be apparent that our design is one solely for the benefit of the public service.

Respectfully submitted

HIRAM W. JOHNSON, Governor.

ADJOURNMENT.

At eleven o'clock and twenty minutes A. M., on motion of Mr. March, the Assembly was declared adjourned until eleven o'clock A. M. of Monday, January 23, 1911.

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Monday, January 23, 1911. }

At eleven o'clock A. M. pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—80.

Quorum present

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rodgers of San Francisco, its further reading was dispensed with.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Friday, January 13, Monday, January 16, Tuesday, January 17, Wednesday, January 18, Thursday, January 19 and Friday, January 20, were approved as corrected by the Minute Clerk.

SPECIAL ORDER.

The reading of the Journal having been dispensed with, the special order, relative to amending rules, heretofore set for this time was taken up for consideration.

SPECIAL ORDER RESET.

On motion of Mr. Coghlán, the consideration of above matter was made a special order for Tuesday, January 24, 1911, at eleven o'clock A. M.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 46—An Act to amend Section 629 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGHLAN, Chairman

Bill read second time, and ordered to engrossment and third reading.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly engrossed:

Assembly Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of the said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Assembly Bill No. 348—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act under the provisions of Chapter 407, Statutes of 1909.

Assembly Concurrent Resolution No. 7—Relating to observing the birthday of Abraham Lincoln.

Assembly Bill No. 22—An Act to amend the Penal Code by amending Section 626a thereof, relating to the use of animals as blinds.

Assembly Bill No. 102—An Act to amend Section 1724 of the Code of Civil Procedure, relating to establishing who are or were heirs at law of persons to whom patent for lands has been or shall be issued in cases where the persons entering such lands have died or shall die before the issuance of such patent.

Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

Assembly Bill No. 217—An Act to amend Section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds.

Assembly Bill No. 140—An Act to amend Section 1 of an Act entitled "An Act to provide for the investment of the moneys in the Estates of Deceased Persons Fund, and also to provide for payment of interest received into the State School Fund," approved February 22, 1909.

Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in appropriation for the arrest of criminals without the State for the sixtieth and sixty-second fiscal years.

Assembly Concurrent Resolution No. 8—Relative to the appointment of a commission on aerial navigation.

Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Assembly Bill No. 45—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

RANDALL, Chairman

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 20, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No. 3—Relative to the session by the

United States to the State of California of certain public lands in the Big Basin in Santa Cruz and San Mateo counties, California, as additions to the California Redwood Park.

WALTER N. PARRISH, Secretary of Senate.
By H. P. TRAVERS, Assistant Secretary.

Assembly Joint Resolution No. 3 ordered to enrollment.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Flint: Assembly Bill 684—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act in relation to the office and term of office of the Superintendent of Banks.

Bill read first time, and referred to Committee on Banks and Banking.

Also: Assembly Bill No. 685—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Hinkle: Assembly Bill No. 686—An Act granting to the city of San Diego certain State tide lands of the bay of San Diego, and the right to regulate commerce and navigation and harbor improvements between all that portion of the seawall line and pierhead line of San Diego harbor, as said lines are now established or as they may be hereafter established.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Assembly Bill No. 687—An Act making an appropriation to pay the claim of the San Diego Union Company.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 688—An Act creating a Board of Pilot Commissioners for the harbor of San Diego, defining their duties, and fixing their compensation.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. McGowen: Assembly Bill No. 689—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 690—An Act to provide for the installation of a power plant at the Stockton State Hospital, including engine, generators, piping, pumps, switchboard, arc regulators, and for the expense incurred in the removal of old boilers, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 691—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants,

connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 692—An Act to provide for the erection of a female convalescent cottage at the Stockton State Hospital Farm, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 693—An Act to provide for the furnishing of a female convalescent cottage at the Stockton State Hospital Farm, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 694—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 695—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital and connecting passage way, and to make an appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Stuckenbruck: Assembly Bill No. 696—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells, and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make appropriation for the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 697—An Act to provide for the formation of auricultural district associations and for the management and control of the same by the State, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 698—An Act to enable railroad employees required by their duties or their occupations to be absent from their voting precincts on the date of any general election to cast their votes wherever they may be within the State of California.

Bill read first time, and referred to Committee on Election Laws.

Also (by request): Assembly Bill No. 699—An Act to amend the Penal Code of California by adding a new section thereto to be numbered 653n, and relating to reporting contagious diseases to health officers.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps, or seines in the Mokelumne River.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Lamb: Assembly Bill No. 701—An Act to amend sections ten, ten *a*, ten *b*, ten *c*, ten *d*, ten *e*, ten *i*, ten *j*, ten *k*, ten *l*, ten *m*, ten *n*, and ten *z* of an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Butler: Assembly Bill No. 702—An Act amending Section 264 of the Penal Code, fixing the punishment for rape.

Bill read first time, and referred to Committee on Public Morals

By Mr. Harlan: Assembly Bill No. 703—An Act to amend Sections 1, 3, 5, and 6 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Farwell: Assembly Bill No. 704—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Bill read first time, and referred to Committee on Municipal Corporations

By Mr. Hamilton: Assembly Bill No. 705—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Hayes: Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings, destroyed April 18, 1906; to direct the manner of expenditure thereof; to remove restriction upon the per capita cost; authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Bishop: Assembly Bill No. 708—An Act to repeal an Act entitled "An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands, to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which such right attaches a misdemeanor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 709—An Act providing for investigations upon the nature and means of control of diseases of vegetables and the relation of various cultural treatments thereto, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

Also: Assembly Bill No. 710—An Act to amend Section 61 of an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Jasper: Assembly Bill No. 711—An Act to establish the northern California polytechnic school, in the county of Humboldt, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Mr. Telfer: Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Tibbits: Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Guill: Assembly Bill No. 714—An Act to provide for the work of exterminating and preventing the multiplication of anopheles mosquitoes, for the assessment of the cost and expense of such work upon the lands in the district benefited thereby, and for the condemnation of lands and property necessary for the purpose.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also (by request): Assembly Bill No. 715—An Act to amend Section 92 of the Civil Code of the State of California, relative to the causes for divorce, and to add a new section to the Civil Code, to be known as Section 92½, relating to the length of time the person must be an inmate of the state hospital, opinion of the Superintendent, and provision for his support.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Griffiths: Assembly Bill No. 716—An Act to prohibit the use of nets, seines, traps, or weirs in the Napa River and its tributaries in the counties of Sonoma, Napa, and Solano.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Cronin: Assembly Bill No 717—An Act authorizing and empowering unincorporated, benevolent, or fraternal societies to purchase, receive, manage, and sell real estate without incorporating

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 718—An Act to protect fraternal, benevolent, and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

Bill read first time, and referred to Committee on Corporations

By Mr. Polsley: Assembly Bill No. 719—An Act to amend an Act entitled 'An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees; to provide the compensation of such officers and employees; to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a commissioner of public works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor; to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wilson: Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water, and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment, and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 725—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University Farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Kehoe: Assembly Bill No. 726—An Act to amend sections two hundred and sixty-nine *a* and two hundred and sixty-nine *b* of the Penal Code, relating to cohabitation and adultery.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cattell: Assembly Bill No. 727—An Act to amend the Civil Code of the State of California, by adding a new section thereto to be numbered 598 (*a*), providing for the creation of a bonded indebtedness upon personal property by corporations organized where pecuniary profit is not their object.

Bill read first time, and referred to Committee on Corporations

By Mr. Bohnett: Assembly Bill No. 728—An Act to amend Section 1817 of the Political Code of the State of California, relating to the duties of boards of school trustees and boards of education.

Bill read first time, and referred to Committee on Education

By Mr. Cogswell: Assembly Bill No. 729—An Act to amend Section 500 of the Political Code, relating to clerks in the register's office, and their salaries.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 730—An Act to amend Section 485 of the Political Code, relating to appointments of Surveyor General.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Coghlan: Assembly Joint Resolution No. 4—Relative to the appointment of commission on aerial navigation.

Read and Referred to Committee on Commerce and Navigation.

MOTION.

In accordance with notice previously given, Mr. Farwell moved that Rule 71 of the standing rules of the Assembly be amended as follows:

No smoking at any hour of the day or night shall be allowed within the Assembly Chamber or the gallery or toilet rooms thereof during the session of this Legislature.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohuett, Butler, Cattell, Chandler, Crosby, Farwell, Guill, Harlan, Joel, Judson, Keboe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Polsley, Randall, Struckenbruck, Wylie, and Mr. Speaker—25.

NOES—Messrs. Bishop, Brown, Callaghan, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Kennedy, Lynch, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Priesker, Rimplinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sterenot, Sutherland, Telfer, Tibbitts, Walker, Walsh, Wilson, and Young—54.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1911

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following:

WHEREAS, There has been reported to the Committee on State Hospitals and Asylums certain bills calling for appropriations for the State Hospitals at Patton, Agnews, Stockton, Napa, Ukiah, and for the Sonoma State Home at Eldredge, and

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit said institutions; said committee now, through the chairman thereof, applies to this Assembly for leave of absence for the members of said committee hereinafter designated. That the occasion and necessity for visiting said institutions are as above stated; that the names of the committeemen designated by the chairman for the purpose aforesaid are as follows, to wit: Messrs. McGowen, Denegri, and Rodgers of San Francisco to visit the Napa State Hospital; Messrs. McGowen, McDonald, and Rodgers of San Francisco to visit the Sonoma State Home, Messrs. McGowen, Denegri, and Held to visit the Mendocino State Hospital at Ukiah; Messrs. McGowen, Hayes, and Held to visit the Stockton State Hospital; Messrs. McGowen, Hayes, and Bennink to visit the Agnews State Hospital; and Messrs. Bennink, Feeley, and Rimplinger to visit the Southern California State Hospital at Patton, and application is hereby made to this Assembly for a leave of absence for the above named members of said committee for the period extending from and including Friday the 27th day of January, 1911, to and including Wednesday the 1st day of February, 1911; therefore, be it now

Resolved, That the above named members on said Committee on State Hospitals and Asylums be and they are hereby granted leave of absence from and including the 27th day of January, 1911, to and including the 1st day of February, 1911.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

PREISKER, Chairman.

Mr. Preisker moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri,

Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbitts, Walker, Walsh, Wilson, Wyllie, Young, and Mr Speaker—71

NOES—Mr. Kehoe—1.

RESOLUTION.

The following resolution was offered:

By Mr. Cattell:

WHEREAS, There are now before the Committee on Ways and Means of the Assembly many appropriation bills relating to State institutions calling for the expenditure of several millions of dollars; and

WHEREAS, In the consideration of said bills said committee requires information relative to said institutions, which can only be secured by a personal inspection of said institutions by members of the Committee on Ways and Means; therefore, be it

Resolved, That the sum of five hundred dollars, or such portion thereof as may be needed, be and the same is hereby set aside from and out of the Contingent Expense Fund of the Assembly to the use of said Committee on Ways and Means, in defraying the actual expense to be incurred by the members of the Committee on Ways and Means and for postage, under the direction of the chairman of said committee, and the Controller is hereby directed to draw his warrant in payment of such expense of the members of said committee, the total of said warrants not to exceed the sum of five hundred dollars, from time to time in favor of Prescott F. Cogswell, chairman of said Committee on Ways and Means, and the State Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Rules and Regulations.

JOINT RESOLUTION.

The following joint resolution was offered:

By Mr. Beatty:

WHEREAS, An international exposition is to be held in the city of San Francisco during the year 1915 for the purpose of celebrating the completion of the Panama Canal; and

WHEREAS, There has been pledged by the State of California, the city of San Francisco, and by citizens of this State and residents of that city the sum of seventeen and one-half millions dollars to be expended in furthering the success of such exposition and proper celebration of the completion of the greatest governmental work in the history of the world, and a suitable site being available for said exposition; and

WHEREAS, The State of California deems itself possessed of ample funds, now available, together with almost inexhaustible resources to replenish the same or add thereto, if necessary, without the necessity of Federal aid of any kind or character: and

WHEREAS, It further appears that California's representatives have assured the Congress of the United States that Federal aid or assistance would never be sought or requested, be it therefore

Resolved by the Senate and Assembly of the State of California, That we, the representatives of the people of the State of California, do hereby respectfully request the Congress of the United States to cause an invitation to be extended to the people of the world to participate in said exposition, and we do hereby agree that in the event that Congress shall cause such invitation to be extended, the Government of the United States will never be asked to assume any liability on account of said exposition, or to appropriate any sum of money whatsoever in aid of the same. To these ends we do hereby pledge the good faith and credit of the State of California.

It is directed that a copy of the foregoing preamble and resolution be forthwith transmitted by wire to our Senators and Representatives, with request that the same be immediately brought to the attention of Congress.

Mr. Coghlan moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the joint resolution.

Motion carried.

Speaker Hewitt in the chair.

Assembly Joint Resolution No. 5 considered.

Mr. Beatty moved that the committee do now rise and report in favor of the adoption of the joint resolution.

Motion carried

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Joint Resolution No. 5, and do now report the same back, and recommend that it be adopted

HEWITT, Chairman.

Mr. Beatty moved the adoption of the report.

Motion carried.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 5 adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rumlunger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—77

NOES—None

Assembly Joint Resolution No. 5 ordered transmitted to the Senate

SPECIAL FILE—THIRD READING.

Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 329 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumlunger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—71.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 332—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the sixtieth fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 332 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Fitzgerald, Freeman, Gerdes, Griffin, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—Mr. Gaylord—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the state prison at San Quentin (Chapter 214, Stats. 1905).

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 333 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Denegri, Farwell, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 334 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walker, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department. Secretary of State's office, for the sixty-second fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 335 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—74.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE MESSAGES.

On motion of Mr. Beatty, the following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, January 23, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 7—Relative to Panama-Pacific International Exposition.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Senate joint resolution read, and on motion of Mr. Beatty taken up for consideration.

Mr. Schmitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Joint Resolution No. 7.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Joint Resolution No. 7 considered.

Mr. Beatty moved that the committee do now rise and report in favor of the adoption of the Senate joint resolution

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Joint Resolution No. 7, and do now report the same back, and recommend that it be adopted.

HEWITT, Chairman.

Mr. Beatty moved the adoption of the report

Motion carried.

The question being upon the adoption of the resolution, a vote was taken, the resolution adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION NO. 7.

WHEREAS, An international exposition is to be held in the city of San Francisco during the year 1915 for the purpose of celebrating the completion of the Panama Canal, and

WHEREAS, There has been pledged by the State of California, the city of San Francisco, and by citizens of this State and residents of that city the sum of seventeen and one-half millions dollars to be expended in furthering the success of such exposition and proper celebration of the completion of the greatest governmental work in the history of the world, and a suitable site being available for said exposition; and

WHEREAS, The State of California deems itself possessed of ample funds, now available, together with almost inexhaustible resources to replenish the same or add thereto, if necessary, without the necessity of Federal aid of any kind or character; and

WHEREAS, It further appears that California's representatives have assured the Congress of the United States that Federal aid or assistance would never be sought or requested, be it therefore

Resolved by the Senate and Assembly of the State of California, That we, the representatives of the people of the State of California, do hereby respectfully request the Congress of the United States to cause an invitation to be extended to the people of the world to participate in said exposition, and we do hereby agree that in the event that Congress shall cause such invitation to be extended the Government of the United States will never be asked to assume any liability on account of said exposition, or to appropriate any sum of money whatsoever in aid of the same. To these ends we do hereby pledge the good faith and credit of the State of California.

It is directed that a copy of the foregoing preamble and resolution be forthwith transmitted by wire to our Senators and Representatives, with request that the same be immediately brought to the attention of Congress.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

SPECIAL FILE—THIRD READING—(RESUMED).

Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office, for the sixty-second fiscal year.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 336 passed by the following vote:

AYES—Messrs Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gerdes, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lyon of Los Angeles, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimplinger, Rosendale, Ryan, Slater, Sutherland, Telfer, Tibbits, Walker, Walsh, Wythe, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriations to pay assessments which may be levied

against the Sutter Fort property by the city of Sacramento for street work (Chapter 579, Statutes 1909).

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 337 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Walsh, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind (Chapter 210, Statutes 1907).

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 338 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for the Adult Blind in Oakland.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 339 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, and Mr. Speaker—70.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Chapter 332, Statutes 1907).

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 340 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hushaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, and Mr. Speaker—65

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 341—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School transportation of arms, traveling and contingent expenses of the Adjutant General's office for the sixty-first and sixty-second fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 341 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hushaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Young, and Mr. Speaker—69.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health for the sixty-first and sixty-second fiscal years.

Bill read third time, and passed on file.

Assembly Bill No. 343—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School at Los Angeles for the sixty-first and sixty-second fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 343 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Griffin, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hushaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, and Mr. Speaker—68

NOES—None

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Kehoe gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 343 was this day passed

Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for support of the State Normal School at Los Angeles for the sixty-second fiscal year.

Bill read third time, and passed on file.

Assembly Bill No. 349—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 349 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Telfer, Walker, Walsh, Wilson, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 350 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbitts, Walker, Walsh, Wilson, Young, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL FILE—SECOND READING.

Assembly Bill No. 518—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to minister and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation.

Bill read second time, and passed on file.

THIRD-READING FILE.

Assembly Bill No. 264—An Act to amend an Act entitled “An Act to establish a Penal Code,” approved February 14, 1872, by amending section thirteen hundred and twenty-two of the said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 264 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—Messrs. Bishop and McDonald—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102—An Act to amend Section 1724 of the Code of Civil Procedure, relating to establishing who are or were the heirs at law of persons to whom patent for lands has been or shall be issued in cases where the person entering such lands has died or shall die before the issuance of such patent.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 102 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Wilson, Wyllie, and Mr. Speaker—69.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 217—An Act to amend Section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 217 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, and Mr. Speaker—68.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade

Bill read third time, and on motion of Mr. Smith re-referred to Committee on Judiciary.

Assembly Bill No. 324—An Act to amend Section 33 of an Act approved March 8, 1909, entitled "An Act to define and regulate the business of banking."

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 324 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogwell, Cronin, Crosby, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—64

NOES—Messrs. Brown, Held, Lamb, and Schmitt—4.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE MESSAGES.

On motion of Mr. Crosby, the following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, January 19, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 4—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

Also: Senate Joint Resolution No. 4—Relating to certain recommended appropriations by Congress for the improvement of navigation

Also Passed Senate Bill No. 102—An Act to amend the Penal Code by amending Section 626a thereof, relating to the use of animals as blinds.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, January 20, 1911

MR. SPEAKER, I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 256—An Act to amend section eight hundred and fifty-four of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the filling of vacancies

Also: Senate Bill No. 263—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the legislature and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 291—An Act to select and adopt the Bear flag as the State flag of California

Also: Senate Bill No. 32—An Act in relation to pandering; to define and prohibit the same, to provide for punishment thereof; for the competency of certain evidence at the trial therefor

Also: Senate Bill No. 34—An Act in relation to pumping; to define and prohibit the same, and providing for punishment thereof, and for the competency of certain evidence at the trial therefor.

Also: Senate Bill No. 44—An Act providing that in the event of no election having been held for the election of officers of municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected

at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Also: Senate Bill No. 235—An Act authorizing the investment and reinvestment, and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Also: Senate Bill No. 247—An Act to repeal Section 644 of the Penal Code of the State of California.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, January 23, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 10—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered Section 367a, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle, when the same collides with a person or vehicle containing a person, and prescribing a penalty for failure to perform such duty.

Also: Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section fourteen of Article 1 thereof, relating to the rights of private property, and to the law of eminent domain.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 256 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 263 read first time, and ordered on file without reference.

Senate Bill No. 291 read first time, and referred to Committee on Judiciary.

Senate Concurrent Resolution No. 4 read, and referred to Committee on Municipal Corporations.

Senate Joint Resolution No. 4 read, and referred to Committee on Commerce and Navigation.

Senate Bill No. 102 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 32 read first time, and referred to Committee on Judiciary.

Senate Bill No. 34 read first time, and referred to Committee on Judiciary.

Senate Bill No. 44 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 235 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 247 read first time, and referred to Committee on Judiciary.

Senate Bill No. 10 read first time, and referred to Committee on Judiciary.

Senate Constitutional Amendment No. 17 read, and referred to Committee on Judiciary.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Bohnett:

Resolved, That Senate Bill No. 263 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provisions of that

section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Bohnett moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Nolan, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—66.

NOES—None.

SECOND READING OF SENATE BILL.

Senate Bill No. 263—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 263 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 263, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILL.

Senate Bill No. 263—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 263 finally passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—68.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 3—Relating to the charter of the city of Modesto—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

COGHLAN, Chairman.

The above reported Assembly concurrent resolution ordered on file for adoption.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Mr. McDonald, the Assembly was declared adjourned until 10 o'clock A. M. of Tuesday, January 24, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Tuesday, January 24, 1911. {

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—79.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rutherford, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, leave of absence for the day was granted to Mr. Guill.

GUESTS ADMITTED TO THE FLOOR.

Through the courtesy of Mr. Stevenot, Mr. Charles Lyon was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Preisker, Mr. L. E. Blochman was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Held, Messrs. W. S. Pheys and H. H. Aldridge were granted the privileges of the floor of the Assembly, for this day.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. SPEAKER Your Committee on Military Affairs, to whom was referred Assembly Bill No. 285—An Act providing for the purchasing of a site for an armory for the National Guard, at the city of Santa Rosa, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory on said site, and appropriating money therefor.

Also Assembly Bill No. 310—An Act to appropriate the sum of two hundred and fifty thousand dollars for the acquisition of land and the erection, construction, equipment, and furnishing of an armory thereon in the city of Oakland for the use of the National Guard of the State of California.

Also Assembly Bill No. 675—An Act providing for the acquisition of a site for an armory and State arsenal for the National Guard, at the city of Sacramento, California, providing for the appointment of a commission to select and acquire by donation or purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to Committee on Ways and Means.

CROSBY, Chairman.

The above reported bills ordered on file for second reading, and referred to Committee on Ways and Means.

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. SPEAKER Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 3.

Also: Assembly Constitutional Amendment No. 4.

Also: Assembly Constitutional Amendment No. 7.

Also: Assembly Constitutional Amendment No. 8.

Also: Assembly Constitutional Amendment No. 10.

Also: Assembly Constitutional Amendment No. 19.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Direct Legislation, to be re-referred to this committee after consideration by the Committee on Direct Legislation.

SUTHERLAND, Chairman.

The above constitutional amendments referred to Committee on Direct Legislation

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills.

Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 4085½, authorizing the boards of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same

Assembly Bill No. 418—An Act relating to the bouds of irrigation districts, providing under what circumstances, such bonds may become legal investments for the funds of banks, banking associations, trust and other companies, and corporations, and the state school funds, providing for a commission for approving such bonds and for a report thereon, for the filing of such report and the registration of such bonds in the office of the State Controller.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626g thereof, relating to tree squirrels.

Assembly Bill No. 17—An Act to amend section one of an Act entitled "An Act to promote the agricultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the boards of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," approved February 20, 1901, relating to the appointment and dismissal of inspectors of apiaries, and adding to the said Act one new section to be numbered and designated as section twelve, relating to the appointment and to the term of office of the Board of Examiners of the California State Bee Keepers' Association

And report that the same have been correctly engrossed

RANDALL, Chairman

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911

MR. SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 25—An Act to add a new section to the Penal Code, to be known as section three hundred and ninety-seven a thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors, or any admixture thereof, in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold, and providing the punishment for the violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Judiciary.

CRONIN, Chairman

The above reported bill ordered on file for second reading, and re-referred to Committee on Judiciary.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1911.

MR. SPEAKER Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 239—An Act to amend Section 2 of "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905, and as amended by Act approved March 15, 1909, and relating to the employment of minors under certain ages.

Also, Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment, and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended

TELFER, Chairman.

The above reported bills ordered on file for second reading.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Schmitt (by request of Code Commissioner): Assembly Bill No. 731—An Act to add a new section to be numbered seven to chapter two, title eight, part four, division three of the Civil Code of the State of California, containing four new sections, numbered twenty-two hundred and ninety, twenty-two hundred and ninety-one, twenty-two hundred and ninety-two, and twenty-two hundred and ninety-three.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Joel (by request): Assembly Bill No. 732—An Act to amend section eighteen hundred and fifty-five *a* of the Code of Civil Procedure, relating to secondary evidence of public records or documents lost or destroyed by conflagration or other public calamity.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 733—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four *a*, providing for the formation of religious corporations.

Bill read first time, and referred to Committee on Corporations.

Also (by request): Assembly Bill No. 734—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations.

Bill read first time, and referred to Committee on Corporations.

By Mr. Clark: Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power appropriated, and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such license; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented, or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said board of control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control; providing for the appointment and compensation of

employees and assistants to said board of control; limiting the expenses of said board of control and providing for the payment thereof; fixing the place of business of said board of control; declaring the diversion of use of water for generating electricity or electrical or other power otherwise than provided in this Act to be a misdemeanor, and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to the Committee on Conservation.

By Mr. Walsh: Assembly Bill No. 736—An Act to provide for alterations and repairs in the building of the State Normal School at San Francisco, and to make appropriation for same.

Bill read first time, and referred to the Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 737—An Act to provide for the purchase of an additional lot for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 738—An Act to provide for the construction of a new building upon the grounds of the State Normal School at San Francisco, and to make appropriation for same.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Nolan: Assembly Bill No. 739—An Act to amend Sections 626, 626a, 626d, 626f, 626k, and 627b of the Penal Code of California, relating to the protection and preservation of fish and game

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Jones: Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906, amended, approved March 19, 1907, amended, approved March 20, 1907, amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also (by request): Assembly Bill No. 741—An Act establishing and fixing and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

By Mr. March (by request): Assembly Bill No. 742—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Claims.

By Mr. Beckett: Assembly Bill No. 743—An Act to amend section thirty-eight hundred and seventeen of an Act of the Legislature of the

State of California entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of real property for delinquent taxes and the redemption and resale of such property.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also: Assembly Bill No. 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Walker (by request): Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Randall: Assembly Bill No. 746—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said Act to widows of all such honorably discharged soldiers, sailors, and marines who served in the army or navy of the United States.

Bill read first time, and referred to Committee on Public Charities.

Also: Assembly Bill No. 747—An Act to amend Section 2714 of the Political Code, relating to the construction, repair, and maintenance of bridges.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 748—An Act to provide for, insure, and maintain preference in the appointment, employment, and retention in the public service, and upon public works of the State of California, of honorably discharged soldiers, sailors, and marines of the United States.

Bill read first time, and referred to Committee on Commissions and Public Expenditures.

By Mr. Beatty: Assembly Bill No. 749—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Malone: Assembly Bill No. 750—An Act to amend Sections 3, 4, 7, 13, 14, 15, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 751—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections 8*a* and 8*b* to, an Act entitled "An Act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 752—An Act to regulate the business of advertising to treat with, or to sell, drugs or herbs, with intent to cure or mitigate disease, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 753—An Act to amend Section 1515 of the Penal Code, relating to the taking, filing, and preservation of evidence taken before coroners.

Bill read first time, and referred to Committee on Judiciary

Also: Assembly Bill No. 754—An Act for the prevention of the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded drugs, regulating the traffic in drugs, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Medical and Dental Laws

Also: Assembly Bill No. 755—An Act making an appropriation for the California State Board of Pharmacy for the enforcement of an Act regulating the sale and use of poisons in the State of California, and for the enforcement of the provisions of an Act creating said California State Board of Pharmacy and Acts amendatory thereof

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Mendenhall: Assembly Bill No. 756—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and make an appropriation therefor.

Bill read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

By Mr. Stuckenbruck: Assembly Bill No. 757—An Act to establish a State Board of Embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 758—An Act to provide for maintenance of county highways improved under bond issues in the counties of the State, and empowering the boards of supervisors to levy taxes therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Chandler (by request): Assembly Bill No. 759—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

By Mr. Benedict: Assembly Bill No. 760—An Act to amend Sections 4093, 4097, 4101, and 4102 of the Political Code, in relation to the duties of county auditors, county treasurers, district attorneys, and chairmen of boards of supervisors.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 761—An Act to add a new section to the Civil Code to be numbered section five hundred and eighty-five, relating to the issuing and selling of shares of stock in mining corporations and to the designation of promotion stock thereof.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 762—An Act to add a new section to the Civil Code to be numbered section five hundred and eighty-four, relating to the issuing and selling of shares of stock in mining corporations and to the designation of treasury stock thereof.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 763—An Act to amend Section 287 of the Code of Civil Procedure of the State of California, relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 764—An Act to amend Section 292 of the Code of Civil Procedure of the State of California so as to provide for service by publication of a citation requiring the accused to answer in proceedings for the removal or suspension of attorneys and counselors at law.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 765—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Young: Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Wilson: Assembly Joint Resolution No. 6—Relating to the establishment and operation of postal savings banks in California by the United States Government.

Read, and referred to Committee on Banks and Banking.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Rogers of Alameda:

Resolved, That the Sergeant-at-Arms of the Assembly be and he is hereby directed and required to take charge of the members' cloak room, and to install therein competent, reliable, and honest employees to guard the coats, hats, and umbrellas of the members of this Assembly, said employees to remain in charge as long as any of said property remains in said room, and said employees shall not permit any person or persons to take, or carry away any of said property from said cloak room other than his own.

Resolution read and on motion adopted

By Mr. Crosby:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure for each of the pages of the Assembly a metal badge shaped in the form of a shield, the cost of the total 5 badges not to exceed \$5.00.

Resolved further, That the Controller be and he is hereby authorized to draw his warrant on the contingent fund of the Assembly in payment for the same, not to exceed \$5.00, and the Treasurer is hereby authorized to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

RE-REFERENCE OF BILL.

On motion of Mr. Cronin, Assembly Bill No. 579—An Act to prohibit the business of barbering on Sunday and providing a penalty for the violation thereof, was recalled from the Committee on Public Morals and referred to Committee on Labor and Capital.

THIRD READING OF BILLS.

Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health, for the sixty-first and sixty-second fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 342 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gerdes, Griffiths, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—Mr. March—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in appropriation for support of the State Normal School at Los Angeles for the sixty-second fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 344 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin,

Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Nolan, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—71.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 328 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Hall, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Report of Committee on Rules relative to San Francisco delegation

WITHDRAWAL OF MOTION.

By unanimous consent of the Assembly, Mr. Coghlan withdrew the motion to amend rules.

THIRD READING OF BILLS—RESUMED.

Assembly Bill No. 346—An Act transferring money from the general fund to the San Diego Harbor Improvement Fund to meet the expenses of the publication of the San Diego Seawall Act, under the provisions of Chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego Harbor Improvement Fund to the general fund.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 346 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Suth-

erland, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 347—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act, under the provision of Chapter 383, Statutes of 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 347 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rumlenger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 348—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act, under the provisions of Chapter 407, Statutes of 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 348 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rumlenger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—69.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the sixtieth and sixty-second fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 327 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Hall, Harlan, Held, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rumlenger, Rodgers of San Francisco, Rosendale, Rutherford, Shragin, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22—An Act to amend the Penal Code by amending Section 626 $\frac{1}{2}$ thereof, relating to the use of animals as blinds.

During the third reading of the bill Mr. Mendenhall moved that the Speaker appoint a select committee of one to amend the bill as follows:

AMENDMENT No. 1.

In line 6 of the printed bill, after the words "shore-birds" insert the words "except geese".

AMENDMENT No. 2.

In line 7 of printed bill, after the words "shore-birds" insert the words "except geese".

AMENDMENT No. 3.

In line 8 of the printed bill, after the words "shore-birds" insert the words "except geese".

Motion carried.

The Speaker appointed Mr. Mendenhall as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 22, with instructions, do now report that the instructions of the Assembly have been carried out.

MENDENHALL, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

RE-REFERENCE OF BILL.

On motion of Mr. Chandler, Assembly Bill No. 108 was referred to Committee on Judiciary, retaining its place on file.

Assembly Bill No. 45—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 45 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hall, Harlan, Haves, Held, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—72.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the

assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 255 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohuett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Griffiths, Hall, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—65

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by repealing Section 626g thereof, relating to tree squirrels.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 98 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Willie, Young, and Mr. Speaker—70.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 418—An Act relating to the bonds of irrigation districts; providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust and other companies, and corporations, and the state school funds; providing for a commission for approving such bonds, and for a report thereon, for the filing of such report and the registration of such bonds in the office of the State Controller.

RE-REFERENCE OF BILL.

On motion of Mr. Griffin, Assembly Bill No. 418 was re-referred to the Committee on Irrigation and Drainage, retaining its place on file.

SECOND READING OF BILLS.

Assembly Bill No. 279—An Act to amend Section 2924 of the Civil Code of the State of California, relating to mortgages.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 465—An Act to amend Section 1474 of the Code of Civil Procedure, relating to rights of survivor to homesteads.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No 7—An Act entitled "An Act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order and jurisdiction over the same.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 3, of the printed bill, strike out the word "Section"

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 12, of the printed bill, strike out comma, and insert in lieu thereof the "semicolon"

Amendment adopted.

AMENDMENT No. 3

On page 1, Section 1, line 12, of the printed bill, strike out "and", and insert in lieu thereof "providing that, in all cases,."

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 2, line 3, of the printed bill, strike out the word "section".

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 2, line 5, of the printed bill, strike out the word "and", and insert in lieu thereof "or".

Amendment adopted.

AMENDMENT No. 6.

On page 2 of the printed bill, strike out all of Section 3.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 470—An Act to amend section fourteen hundred sixty-nine of the Code of Civil Procedure, relating to the administration and setting apart of estates which do not exceed fifteen hundred dollars in value.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, line 23, of the printed bill, insert after the word "shall" a comma.

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 24, of the printed bill, after the word "purpose" insert a comma.

Amendment adopted.

AMENDMENT No. 3.

On page 2, line 24, of the printed bill, after the word "deceased" insert a comma.

Amendment adopted.

AMENDMENT No. 4.

On page 2, line 25, of the printed bill, after the first word "widow" insert a comma.

Amendment adopted.

AMENDMENT No. 5.

On page 2, line 26, of the printed bill, after the word "deceased" insert a comma.

Amendment adopted.

AMENDMENT No. 6.

On page 2, line 26, of the printed bill, after the second word "children" insert a comma.

Amendment adopted.

AMENDMENT No. 7.

On page 2, line 27, of the printed bill, after the word "estate" insert a comma.

Amendment adopted.

AMENDMENT No. 8.

On page 2, line 27, after the word "hens" insert a comma.

Amendment adopted.

AMENDMENT No. 9.

On page 2, line 31, of the printed bill, strike out the word "rest", and insert in lieu thereof "vest".

Amendment adopted.

AMENDMENT No. 10.

On page 2, line 36, of the printed bill, after the word "demonstration" insert a comma.

Amendment adopted.

AMENDMENT No. 11.

On page 1, Section 1, line 12, of the printed bill, strike out the words "two thousand", and insert in lieu thereof "fifteen hundred".

Amendment adopted.

AMENDMENT No. 12.

On page 2, line 23, of the printed bill, strike out the words "two thousand", and insert in lieu thereof "fifteen hundred".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 171—An Act to amend Section 1322 of the Code of Civil Procedure of the State of California, relating to wills.

During second reading of bill, the following amendment was submitted by the committee:

On page 1 of the printed bill, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 369—An Act to provide for the establishment and maintenance of county free libraries in the State of California.

During second reading of bill, the following amendments were submitted by Mr. Benedict:

AMENDMENT No. 1.

Amend by striking out of Section 8, in lines 6 and 7 on page 4 of printed bill, the words "including incorporated cities and towns therein", and insert in lieu thereof the following: "and may locate said branches and stations in incorporated cities and towns wherever deemed advisable".

Amendment adopted.

AMENDMENT No. 2.

Amend Section 12, in line 30, on page 7, of the printed bill, by adding the word "as" immediately following the word "manner" and just preceding the word "are".

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of Section 15, in line 1, on page 8, of the printed bill, the word "librry", and inserting in lieu thereof the word "library".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 5—An Act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers.

During second reading of bill, the following amendment was submitted by the committee:

On page 1 of the printed bill strike out all of Section 1, and in lieu thereof insert the following:

SECTION 1. Section four thousand and fourteen of the Political Code of the State of California is hereby amended to read as follows:

4014. The officers of a township are two justices of the peace, two constables, and such subordinate officers as are provided by law. In townships containing cities, or parts of cities, of the second, third, fourth, and fifth classes, in which city justices or recorders are elected or appointed, there shall be but one justice of the peace, and in townships having a population of less than seven thousand seven hundred fifty, there shall be but one justice of the peace and one constable, *provided, however*, that in townships containing cities of the one and one-half class there shall be four justices of the peace and four constables. For the purpose of this section the population of townships in the State of California is hereby determined to be the population of such townships as shown by the Federal census taken in the year A. D. nineteen hundred and ten.

Upon the approval of this section the board of supervisors must appoint competent persons to fill the additional offices of justices of the peace and constables by this section created, provided that such appointments shall not be made except upon the presentation of a petition therefor to said board signed by not less than forty per cent of the qualified electors residents of such townships whose names appear upon the great register of the county at the last general election.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

RUSH ORDER.

On motion of Mr. Chandler, Assembly Bill No. 5 was ordered to reprint with a rush order.

SECOND READING OF BILLS—RESUMED.

Assembly Bill No. 21—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No 38—An Act to amend section three hundred and thirty-seven *a* of the Penal Code, relating to gaming and gambling by pool-selling, bookmaking, bets, and wagers, and providing the punishment for the violation thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 46—An Act to amend Section 629 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 518—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Amend by striking out the word "other", in line 14 of the printed bill.

Amendment adopted.

AMENDMENT No. 2

Amend by striking out the word "regularly", in line 6 of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of line 16.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

SECOND READING OF SENATE BILL.

Senate Bill No. 115—An Act to amend the Political Code by adding to Article XIII, of Chapter IV, Title II, Part IV thereof, a new section to be numbered section four thousand and eighty a, relating to the issuance of county bonds.

Bill read second time, and ordered on file for third reading

SENATE MESSAGES.

The following messages from the Senate were taken up and read.

SENATE CHAMBER, SACRAMENTO, January 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 9—Relative to the Klamath reclamation project

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, January 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 110—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital, and to make appropriation for the same.

Senate Bill No. 18—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Senate Bill No. 76—An Act to amend the Code of Civil Procedure of the State of California by amending Section 1639 thereof, concerning accounts to be rendered by representatives of deceased executors, administrators, and guardians.

Senate Bill No. 297—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, January 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Joint Resolution No. 3—Relative to the cession by the United States to the State of California of certain public lands in the Big Basin, in Santa Cruz and San Mateo counties, California, as additions to the California Redwood Park.

Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

Senate Joint Resolution No. 2—Ratifying and approving the proposed amendment to the Constitution of the United States relative to income tax.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Joint Resolution No. 9 read, and referred to Committee on Federal Relations.

Senate Bill No. 110 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 426 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 18 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 76 read first time, and referred to Committee on Judiciary.

Senate Bill No. 297 read first time, and referred to Committee on Judiciary.

Senate Joint Resolution No. 3 read, and referred to Committee on Federal Relations.

Senate Joint Resolution No. 1 read, and referred to Committee on Federal Relations.

Senate Joint Resolution No. 2 read, and referred to Committee on Federal Relations.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 174—An Act to pay the claim of A. G. Lafferty against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

WALKER, Chairman.

The above reported bill ordered on file for second reading:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Concurrent Resolution No. 3—Approving the charter of the city of Modesto, State of California, voted for and ratified by the qualified voters of the said city at a special municipal election held therein for that purpose on the 14th day of September, 1910—and report that the same has been correctly engrossed

RANDALL, Chairman.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Schmitt, the Assembly was declared adjourned until 10 o'clock A. M. of Wednesday, January 25, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Wednesday, January 25, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polesley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wythe, Young, and Mr. Speaker—80.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Cattell, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR.

Through the courtesy of Mr. Rogers, Mr. Leon A. Clark was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Judson, Mr. Healy was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Joel, Rev. A. C. Bane was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Hewitt, Messrs Thomas Murphy, William McDonald and John T. Williams were granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Kehoe, Mr. Ralph W. Bull was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Hayes, Mr. Corliss was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Beckett, Mr. T. Johnson was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Hewitt, Mrs. Levitt and Messrs. C. E. Snook, Ralph Hawthorne and P. C. Griffin were granted the privileges of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 386—An Act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

Also: Assembly Bill No. 35—An Act to appropriate money to erect, construct, and equip an assembly hall at the San Jose State Normal School.

Also: Assembly Bill No. 73—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns, and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 148—An Act amending an Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship of the board of trustees, the appointment of a board of trustees the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

HINKLE, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Also: Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Also: Assembly Bill No. 617—An Act making an appropriation for the erection of a manual art school building for the use of the State Normal School at San Diego, California.

Also: Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 161—An Act providing for the purchase of a site for a State Printing Office, at the city of Sacramento, California, providing for the appointment of a commission to select and purchase said site, and providing for the erection of a building on said site, and appropriating money therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended, and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 594—An Act to amend section three thousand seven hundred and sixty-four of the Political Code of California, relating to the publication of the delinquent tax list.

Also, Assembly Bill No. 656—An Act to amend Section 1 of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection and to direct the disposition of its proceeds, to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass.

HELD, Chairman

The above reported bills ordered on file for second reading.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 360—An Act to confirm, validate and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for nonpayment of taxes, and of proceedings had for the sale of same by the State of California.

Also, Assembly Bill No. 371—An Act to confirm, validate, and legalize the tax levies made by county boards of supervisors for county, school, and other purposes.

Also, Assembly Bill No. 595—An Act to amend section three thousand seven hundred and sixty-six of the Political Code of California, relating to the manner of making publication of the delinquent tax list.

Have had the same under consideration, and respectfully report the same back and recommend that they be re-referred to Committee on Judiciary.

HELD, Chairman

The above reported bills ordered on file for second reading, and re-referred to Committee on Judiciary.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 256—An Act to establish a state training school for girls, to provide for the maintenance and management of the same, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and be re-referred to the Committee on Ways and Means.

GERDES, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 596—An Act creating a board to be known as the board of pardons, paroles and relief, whose duty shall be to hear and pass upon all applications for pardons, commutations and paroles and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been released by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks and other employes, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks and employes—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

GERDES, Chairman

The above reported bill ordered on file for second reading.

ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367c, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle, when the same collides with a person or vehicle containing a person, and prescribing a penalty for failure to perform such duty—have had the same under consideration, and respectfully report the same back without recommendation, and ask that the same be re-referred to the Judiciary Committee.

CHANDLER, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Judiciary.

ON RETRENCHMENT AND REFORM

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER: Your Committee on Retrenchment and Reform, to whom was referred Assembly Bill No. 515—An Act to repeal Article XVIII. of Chapter III. of Title I, of Part III of the Political Code, and to substitute therefor a new Article XVIII, relating to the State Board of Control, its powers and duties.

Also: Assembly Bill No. 516—An Act to repeal Section 364 of the Political Code, and to substitute therefor a new Section 364.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

LAMB, Chairman.

The above reported bills ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 662—An Act to prohibit minors under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning, and providing penalties for violations thereof—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 312—An Act regulating the placing, erection, use, and maintenance of electric poles, wires, cables, and appliances, and providing the punishment for the violation thereof.

Also: Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Have had the same under consideration, and respectfully report the same back with recommendation that they be re-referred to Committee on Labor and Capital.

JOEL, Chairman.

The above reported bills re-referred to Committee on Labor and Capital.

ON PUBLIC CHARITIES AND CORRECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 381—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and be re-referred to the Committee on Ways and Means.

WILLIAMS, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 185—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10, relating to probation officers in counties of the eighth, tenth, sixteenth, and seventeenth classes, and providing for an assistant probation officer in counties of the eighth class.

Also: Assembly Bill No. 199—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

Also: Assembly Bill No. 433—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding a new section thereto to be numbered 10j.

Also: Assembly Bill No. 363—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the words "dependent child," as established in said Section 1.

Also: Assembly Bill No. 335—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding a new section thereto to be numbered 10f.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

WILLIAMS, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 186—An Act to amend section sixteen hundred and fifty-eight, sixteen hundred and sixty-one and sixteen hundred and sixty-five of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to the Committee on Judiciary.

WILLIAMS, Chairman.

The above reported bill re-referred to Committee on Judiciary

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

Also: Assembly Bill No. 393—An Act to amend Section 65 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, relating to sheriffs, clerks and constables, and their deputies.

Also: Assembly Bill No. 577—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

ROGERS of Alameda, Chairman

The above reported bills ordered on file for second reading

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 481—An Act to amend Section 634 of the Penal Code of the State of California, relating to taking and selling salmon.

Also: Assembly Bill No. 578—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo

Also: Senate Bill No. 102—An Act to amend the Penal Code by amending Section 626a thereof, relating to the use of animals as blinds

Have had the same under consideration, and respectfully report the same back and recommend that they do pass

GRIFFITHS, Chairman

The above reported bills ordered on file for second reading

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools

Also: Assembly Bill No. 406—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Also: Assembly Bill No. 141—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIE, Chairman

The above reported bills ordered on file for second reading

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Ways and Means.

LYNCH, Chairman

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred Mr. Crosby's resolution regarding badges for the Pages, respectfully report that they have had the same under consideration and have amended same to read as follows, and recommend that the same be adopted:

Resolved, That the Sergeant-at-Arms, together with the Chairman of the Committee on Contingent Expenses and Accounts, be and they are hereby directed to

procure for each of the Pages of the Assembly a metal badge shaped in the form of a shield, the cost of the total five badges not to exceed \$10.00.

Resolved further, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly in payment for the same, not to exceed \$10.00, and the Treasurer is hereby authorized to pay the same.

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feelev, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumlunge, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Willie, Young, and Mr. Speaker—61.

NOES—Mr. Telfer—1.

ON ATTACHÉS AND EMPLOYÉS.

MR. SPEAKER: Your Committee on Attachés and Employés, respectfully beg leave to report that, pursuant to the resolution adopted on January 24th, the Sergeant-at-Arms has advised this committee that he has employed J. P. Whyte and F. U. Galleher as Assembly cloak room attendants, and we therefore respectfully recommend the adoption of the following

Resolved, That the following named persons be and they are hereby appointed and employed for the positions, and at the per diem set opposite their respective names, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointment to date from and include the 25th day of January, 1911; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the said following named persons for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz.

J. P. Whyte, cloak room attendant-----	\$3 00
F. U. Galleher, cloak room attendant-----	\$3 00

BLISS, Chairman.

Mr. Bliss moved the adoption of the report and resolution

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Feeley, Fitzgerald, Gerdes, Griffiths, Harlan, Hinkle, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, Mullally, Nolan, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Tibbits, Walker, Walsh, Williams, and Mr. Speaker—43

NOES—Messrs. Chandler, Crosby, Farwell, Fhnt, Freeman, Hall, Hamilton, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Maher, Mendenhall, Mott, Polsley, Preisker, Randall, Rosendale, Slater, Stuckenbruck, Sutherland, Telfer, and Wylie—27.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 23, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed the following, as a case of urgency:

Senate Bill No. 480—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Bill read first time, and ordered on file without reference.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Cogswell:

Resolved, That Senate Bill No. 480 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Cogswell moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hushaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—68.

NOES—None.

SECOND READING OF SENATE BILL.

Senate Bill No. 480—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 480 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 480, and do now report the same back and recommend that it do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILL.

Senate Bill No. 480—An Act making an appropriation to pay for furnishing, cleaning, repairing, renovating, and improving the Governor's residence. -

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 480 finally passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Deneen, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Freisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—72.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Lynch: Assembly Bill No. 767—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the manufacturers' building, and to build an addition thereto equal in its dimensions to the present structure, providing for its equipment, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 768—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and erect thereon a new and modern combination grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 769—An Act authorizing and directing the directors of the State Agricultural Society to plow, check, and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 770—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a building to be known as the woman's building, providing for its equipment, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 772—An Act authorizing and directing the directors of the State Agricultural Society to move the building now on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as poultry building, and building an addition thereto, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 773—An Act authorizing and naming the permanent employees of the State Agricultural Society, fixing their compensation, and providing how extra help may be employed and paid.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 774—An Act authorizing and directing the State Agricultural Society to purchase additional land adjoining the state fair grounds, at Agricultural Park, near the city of Sacramento, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 775—An Act authorizing owners of land, or their grantees or assigns to sue the State of California for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties," and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Fitzgerald: Assembly Bill No. 776—An Act to amend section nine and also Section 20 of an Act entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up in whole or in part any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March 6, 1889, and amended April 21, 1909.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Mullally: Assembly Bill No. 777—An Act to amend Section 628 of the Penal Code of the State of California, and to add to said Penal Code a new section to be numbered 628½.

Bill read first time, and referred to Committee on Fish and Game

By Mr. Jasper: Assembly Bill No. 778—An Act to amend Sections 632½ and 634 of the Penal Code of California, relating to fishing.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Telfer: Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and eradication of thrip and sim-

ilar diseases infesting the horticultural industry of Santa Clara and adjoining counties.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

By Mr. Griffin: Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 of said Act, relative to the levying of assessments.

Bill read first time, and referred to Committee on Irrigation and Drainage.

Also: Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report, and for the registration of such bonds in the office of the State Controller.

Bill read first time, and referred to Committee on Irrigation and Drainage

Also: Assembly Bill No. 782—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Bill read first time, and referred to Committee on Irrigation and Drainage

Also: Assembly Bill No. 783—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Bill read first time, and referred to Committee on Irrigation and Drainage

Also: Assembly Bill No. 784—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Bill read first time, and referred to Committee on Irrigation and Drainage

By Mr. Slater: Assembly Bill No. 785—An Act to amend an Act to establish a Political Code, approved March 12, 1872, by amending Section 4412 thereof, relating to contracts for gas and water.

Bill read first time, and referred to Committee on Municipal Corporations

By Mr. Sutherland: Assembly Bill No. 786—An Act to amend Section 3499 of the Political Code, relating to the time in which contests of application to purchase state school lands, orders of approval, and certificates of purchase may be made and filed.

Bill read first time, and referred to Committee on Judiciary.

By Mr. McDonald: Assembly Bill No. 787—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Clark: Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Bill read first time, and referred to Committee on Conservation.

Also: Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reframing the laws of this State upon, concerning, regarding, or appertaining to these said subjects; providing for the appointment of said commission to be known as the Conservation Commission of the State of California; prescribing the powers and duties of said commission and its members, and providing for the expenses of said commission and appropriating money therefor.

Bill read first time, and referred to Committee on Conservation.

By Mr. Jones (by request): Assembly Bill No. 790—An Act to amend section three hundred and seventy-seven of the Code of Civil Procedure, relating to actions for the death of one not a minor caused by the unlawful act of another.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beatty (by request): Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned as public streets or highways.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 792—An Act to amend the Political Code of California, and Sections 3197, 3198, and 3199 thereof, relating to the recordation of trade-marks and trade names.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Clark: Assembly Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors of public officials.

Read, and referred to Committee on Direct Legislation.

Also: Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights.

Read, and referred to Committee on Conservation.

By Mr. Rutherford: Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Sub-division F, of Section 14, Article XIII thereof, relating to the reimbursement of counties for loss of revenue sustained by the withdrawal of property from county taxes.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Young: Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 13, of Article XX thereof, relating to the manner of electing officers of cities, and the number of votes necessary to constitute a choice

Read, and referred to Committee on Constitutional Amendments.

By Mr. Bohnett: Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 1, 5, 11, and

15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts.

Read, and referred to Committee on Constitutional Amendments.

NOTICE OF INTENTION TO AMEND RULES.

Mr. Preisker gave notice that on the next legislative day he would move to amend the standing rules of the Assembly as follows:

Amend Rule 24 of the Standing Rules of the Assembly by inserting after the word "stenographers," in line 5 of said rule as the same appears printed in the Assembly Journal of January 5, 1911, the following: "Bill Clerks, Bill Filers, Journal Clerk, and his Assistants".

RE-REFERENCE OF BILLS.

On motion of Mr. Kehoe, Assembly Bill No. 719—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties, and compensation of a Débris Commissioner and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven—was

recalled from the Committee on Judiciary, and referred to Committee on Roads and Highways.

On motion of Mr. Telfer, Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any females to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect, or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman, or other agent of any such employer to violate the provisions of this Act—was re-referred to the Committee on Labor and Capital.

THIRD READING OF BILLS.

Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 4085½, authorizing the boards of supervisors of the several counties of this State to declare innavigable streams highways for the purpose of fishing, and providing for the use of the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 28 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Cogan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polslev, Preisker, Randall, Runlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wylie, and Mr. Speaker—67

NOES—Messrs. Brown, Crosby, Hamilton, Held, Jones, Slater, Smith, and Young—8.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 17—An Act to amend section one of an Act entitled "An Act to promote the agricultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the boards of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," approved February 20, 1901, relating to the appointment and dismissal of inspectors of apiaries, and adding to the said Act one new section to be numbered and designated as section twelve, relating to the appointment and to the term of office of the board of examiners of the California State Bee Keepers' Association.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 17 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlin, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 3.—A resolution approving the charter of the city of Modesto, State of California, voted for and ratified by the qualified voters of the said city at a special municipal election held therein for that purpose on the 14th day of September, 1910.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 3 finally passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—66.

NOES—None.

Assembly Concurrent Resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION No. 3.

Approving the charter of the city of Modesto, State of California, voted for and ratified by the qualified voters of the said city at a special municipal election held therein for that purpose on the 14th day of September, 1910

WHEREAS, The city of Modesto, a municipal corporation, of the county of Stanislaus, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) but less than ten thousand (10,000) inhabitants; and

WHEREAS, At a general election duly held in said city on the 11th day of April, 1910, under and in accordance with law and the provisions of Section 8 of Article XI of the constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city and by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Modesto; and

WHEREAS, Said charter was on the 8th day of July, 1910, signed in duplicate by the members of said board of freeholders and was thereupon on said day duly returned and filed, one copy with the president of the board of trustees of said city of Modesto, and the other copy with the county recorder of the said county of Stanislaus and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Modesto Morning Herald," being a daily newspaper of general circulation, printed and published in said city of Modesto, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Modesto to the qualified electors of said city of Modesto at a special election previously duly called and therein held on the 14th day of September, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Modesto, voting at such special municipal election, voted for and in favor of the ratification of such proposed charter as proposed as a whole; and

WHEREAS, Said Board of city trustees of the city of Modesto, after canvassing

said returns, duly found and declared that the majority of said qualified electors voting at such special municipal election had voted for ratifying said proposed charter; and

WHEREAS, The same is now submitted to the legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the constitution of the State of California: and

WHEREAS, Said proposed charter was ratified in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF MODESTO BY THE BOARD OF FREEHOLDERS, ELECTED ON THE ELEVENTH DAY OF APRIL, A. D. 1910.

CHARTER OF THE CITY OF MODESTO.

CONTENTS.

ARTICLE	I.	Name and rights of the city.
ARTICLE	II.	Boundaries.
ARTICLE	III.	Powers of the city.
ARTICLE	IV.	Elections.
ARTICLE	V.	Elective officers.
ARTICLE	VI.	The mayor.
ARTICLE	VII.	The council.
ARTICLE	VIII.	Executive and administrative departments.
ARTICLE	IX.	Finance and taxation.
ARTICLE	X.	Public work and supplies.
ARTICLE	XI.	Franchises.
ARTICLE	XII.	The recall.
ARTICLE	XIII.	The initiative.
ARTICLE	XIV.	The referendum.
ARTICLE	XV.	Police court.
ARTICLE	XVI.	Educational department.
ARTICLE	XVII.	Amendments.
ARTICLE	XVIII.	Miscellaneous.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

Name of the City.

SECTION 1. The municipal corporation now existing and known as the city of Modesto shall remain and continue a body politic and corporate in name and in fact, by the name of the city of Modesto.

Rights and Liabilities.

SEC. 2. The city of Modesto shall remain vested with, and continue to have, hold, and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality. All ordinances of said city, not in conflict with this charter, shall be continued in force until amended or repealed; and all proceedings providing for any public improvement pending and uncompleted shall be continued in accordance with the law under which such proceedings were commenced.

ARTICLE II.

BOUNDARIES.

SEC. 3. The boundaries of the city of Modesto shall be the same as now constituted and more particularly described as follows

Beginning at the corner common to sections 31, 32, 5 and 6, townships 3 and 4 south, range nine (9) east, Mount Diablo base and meridian in the county of Stanislaus, State of California; thence north along the section line between sections 31 and 32, 29 and 30 to the quarter quarter corner between the northeast quarter of section 30 and the northwest quarter of section 29, township three (3) south, range nine (9) east, Mount Diablo base and meridian; thence east along the quarter quarter line through the center of the north half of sections 29 and 28 to the mid-quarter quarter corner of the northeast quarter of section 28 in township three (3) south, range nine (9) east, Mount Diablo base and meridian; thence south on the quarter quarter line to the center of the channel of Dry Creek; thence meandering down stream along the center line of the channel of Dry Creek to a point where the said center line of Dry Creek intersects the center line of the channel of the Tuolumne River; thence meandering down stream along the said center line of the Tuolumne River to a point where said center line intersects the township line between townships 3 and 4 south, range nine (9) east, Mount Diablo base and meridian; thence along said township line to the corner common to sections 31, 32, 5 and 6, townships 3

and 4 south, range nine (9) east, Mount Diablo base and meridian, being the point of beginning, all lying and being in the county of Stanislaus, State of California.

The boundaries above described may be altered and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

ARTICLE III

POWERS OF THE CITY.

General Powers of the City.

SEC. 4. Without denial or disparagement of other powers held under the constitution and laws of the State, the city of Modesto shall have the right and power:

Perpetual Succession.

- (1) To have perpetual succession.

Official Seal.

- (2) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

Sue and Defend.

- (3) To sue and defend in all courts and places in all matters and proceedings.

Property for Public Purposes.

- (4) To purchase, receive, have, take, hold, lease, use, and enjoy property of every kind and description, both within and without the limits of said city, and to control and dispose of the same for the public benefit.

Bequests and Donations.

- (5) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable or for other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise dispose of the same, in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust, be unconditional.

Public Works, Buildings and Institutions.

- (6) To acquire by purchase, condemnation, or otherwise, and to establish, maintain, equip, own and operate, libraries, reading rooms, art galleries, museums, such schools and kindergartens as are not provided for in the public school system of the state, public hitching racks and hitching and automobile enclosures, aviation landings, parks, play grounds, places of recreation, gymnasiums, theaters, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and street sprinkling plants, wharves, waterways, canals, and all other public buildings, places, works, and institutions.

Telephone, Telegraph and Transportation.

- (7) To acquire by, purchase, condemnation or otherwise and to establish, maintain and equip, own and operate telephone and telegraph systems, cable and electric or other railways and transportation service of any and every kind.

Water, Light, Heat and Power.

- (8) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms, or corporations outside the city, with water, gas, heat and electricity.

Sale of Products of Public Utility.

- (9) To sell gas, water, electric current and all products of any public utility operated by the city.

Land for Public Utilities.

- (10) To acquire by purchase, condemnation, suit, or otherwise within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose; and to sell, convey, and dispose of the same for the public benefit.

Leases of Property.

- (11) To lease to corporations or individuals, for the purpose of maintenance and operation of any public utility owned by the city, and to provide for the lease of any lands now or hereafter owned by the city, except lands donated, purchased, acquired, or used for public parks.

Joint Ownership of Water Supply.

(12) To join with one or more cities or irrigation districts incorporated or organized under the constitution and laws of the state, in order to acquire and develop jointly the source or sources of water supply for municipal and domestic purposes, and to construct or join in constructing the works necessary for their joint and several purposes and needs, and to unite with such organization in bond issue therefor; to enter into contracts of any and every nature with persons, firms or corporations to effectuate the acquisition and development of such source or sources of water supply and the distribution, sale or disposal of such water.

Trusts.

(13) To provide for the execution of all trusts confided to the city.

Eminent Domain.

(14) To exercise the right of eminent domain, for the purpose of acquiring real and personal property of every kind for any public use

Municipal Ownership.

(15) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

To Borrow Money.

(16) To borrow money for any of the purposes for which the city is authorized to provide, and for carrying out any of the powers which the city is authorized to enjoy and exercise, and to issue bonds therefor; provided, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed

Special Tax.

(17) To raise money by special tax, in addition to the annual tax levy provided in Section 51 of this charter. To authorize such special tax, the provisions of Section 89 of Article XIII to the initiative, or of Section 90 of Article XIV relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two-thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to issue warrants therefor and provide in the next succeeding tax levy for their payment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended for such permanent municipal improvement each year after the same is collected and available.

Police Power.

(18) To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof

Improvement of Streams.

(19) To improve the rivers, streams, inlets and channels flowing through the city or adjoining the same: to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to control and improve the water front of the city; to construct and maintain embankments and other works to protect the city from overflow; and to acquire, own, construct, maintain, and operate on any lands bordering on any navigable river, creek, or slough within the limits of the city or contiguous thereto, wharves, chutes, piers, or bath houses.

Grading, Opening Streets.

(20) To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, repave, or otherwise improve all public streets and highways and public places, construct sewers, drains and culverts, to plant trees, construct parking, and to remove shrubs and weeds; to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places.

Fire Department.

(21) To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

Permits to Use Streets.

(22) To grant permits to use the streets or public property, revokable at any time without notice.

Regulation of Rates.

(23) To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the town or city or other authority.

Violation of Charters and Ordinances

(24) To prescribe fines, forfeitures, and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed a fine of five hundred dollars or six months' imprisonment, or both.

Nuisances.

(25) To declare what constitutes a nuisance and to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing or maintaining such nuisance.

Rewards

(26) To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

Engines and Boilers.

(27) To regulate the use of steam engines, gas engines, steam boilers, electric motors, motor cycles, automobiles, and flying devices, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Fire Limits.

(28) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building Regulations.

(29) To regulate the construction and the location of, and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in, and the method of construction of foundations and foundation walls, the materials, manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escapes.

(30) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Precautions Against Fires.

(31) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city, to regulate or prohibit the carrying on of manufacturing liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

Provisions for Safety in Theatres, Halls, Etc.

(32) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles, or open places therein.

Provisions for Safety in Streets.

(33) To regulate the speed of railroad trains, engines, and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates, or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, motor cycles, automobiles, or other vehicles along or upon any of the streets or highways of the city.

Improper Use of Streets.

(34) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks, to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

Weeds and Rubbish on Sidewalks.

(35) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds therefrom and from the alley and sidewalk thereof and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

Billboards and Signs.

(36) To regulate, license or prohibit the construction and use of billboards and signs.

Dogs.

(37) To regulate and prevent the running at large of dogs, to provide for the killing of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

Public Pound.

(38) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Preservation of Health.

(39) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Dangerous and Offensive Occupations; Disagreeable Noises.

(40) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order, of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who may permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

Inspection of Food Products.

(41) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

(42) To provide for the regulation and inspection of all dairies, slaughter-houses and creameries that offer for sale or sell any of their products in the city.

Lodging, Tenement and Apartment Houses.

(43) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer Connection.

(44) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

Garbage.

(45) To provide for the treatment of and the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, offal, rubbish and waste matter.

Licensing Business.

(46) To license for purposes of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city, and all shows, exhibitions and lawful games carried on therein; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Weights and Measures

(47) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Taxation.

(48) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously Collected Taxes.

(49) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

(50) To fix the fees and charges for all official services not otherwise provided for in this charter.

Purchase of Property Under Execution.

(51) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of Useless Personal Property.

(52) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Street Grades.

(53) To establish or change the grade of any street or public place.

Light and Water.

(54) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

Boulevards.

(55) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in Section 89 or Section 90 of this charter.

Closed or Abandoned Streets.

(56) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the land adjacent thereto in such wise as the council shall deem that equity requires,

Regulation of Public Utility Rates.

(57) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city for the use of water, heat, light, power or telephonic service, supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Regulation of Street Railroads.

(58) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Railroads to Keep Streets in Repair.

(59) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company, and to sprinkle the same.

Spur Tracks.

(60) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or a portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restriction as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of Poles and Wires.

(61) To cause the removal and placing under ground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and Location of Pipes.

(62) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

(63) To make all rules and regulations governing elections not inconsistent with this charter.

Civil Service Commission.

(64) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Park Commission.

(65) To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

National Independence

(66) To allow not to exceed five hundred dollars in any one year for the celebration of the anniversary of our national independence.

Music and Promotion.

(67) To expend such sum as the council shall deem proper, not to exceed five per centum of the property tax levy in one fiscal year for music and promotion.

General Grant of Power.

(68) To exercise such other powers as are now or may be hereafter granted by the Legislature to the municipalities within the State, unless the exercise of such powers is contrary to the provisions of this charter; to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not; and to enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or of any of the provisions of this charter.

Liberal Construction

(69) Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

General Laws Followed.

(70) In the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this State where applicable and where not inconsistent with any express provision of this charter shall prevail and shall be followed.

Direct Legislation by People.

(71) The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the State, to enact appropriate legislation to carry out and enforce any of the general or implied powers of the city.

ARTICLE IV.**ELECTIONS.**

SEC. 5. A municipal election shall be held in the city on the first Tuesday in June in the year 1911, and on the second Tuesday in April in 1913, and on the second Tuesday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in Subdivision 20 of Section 6 on the second Tuesday after said general municipal election, and shall be known as the second general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and Election of City Officers.

SEC. 6. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise:

Condition of Candidacy.

(1) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of Nomination Petition.

(2) The petition of nomination shall read substantially as follows; and shall contain the name of one candidate and no more; and shall be signed by at least twenty-five qualified and registered electors of the city:

PETITION OF NOMINATION.

STATE OF CALIFORNIA.

COUNTY OF STANISLAUS.

CITY OF MODESTO.

Precinct-----

I, the undersigned, certify that I do hereby join in a petition for the nomination of ----- whose residence is at No. ----- street, Modesto, or (if candidate for office of member of board of education) ----- Modesto city school district, for the office of ----- to be voted for at the municipal election to be held in the city of Modesto on the ----- day of ----- 19____, and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence and occupation is as placed opposite my name.

NAME

ADDRESS

OCCUPATION

Forms to be Supplied by the City Clerk.

(3) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of the above character of uniform size.

Requirements of Certificate.

(4) The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the city shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters and conforms to all other legal requirements. Each signer of said petition shall add to his signature his place of residence, giving the street and number, if any, or a description which will enable his place of residence to be determined, and his occupation. In case an elector has signed two or more conflicting petitions, such signatures shall be disregarded.

Date of Presenting Petition.

(5) Such petition may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall indorse thereon the date upon which the petition was presented to him.

Examination of Petitions by City Clerk.

(6) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same and ascertain whether it conforms to the provisions of this section and is signed by the requisite number of electors. If found not to conform thereto or not to be signed by the requisite number of electors, he shall there and then in writing designate on said petition the defect or omission or reason why such petition cannot be filed and shall return such petition to the person presenting the same. The petition may then be amended and again presented to the clerk, within five days, as in the first instance. If the clerk's certificate shall show the petition to be again insufficient, it shall be returned to the person presenting the same without prejudice, however, to the presenting of a new petition to the same effect, provided said petition be presented not later than thirty days before the election. The clerk shall forthwith proceed to examine the same as hereinbefore provided, and if found to be insufficient, it shall be by the clerk rejected. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of Signature.

(7) Any signer to a petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of Candidate.

(8) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor, in writing and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of Petitions.

(9) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same in his office twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to, and no signature shall be revoked thereafter.

Preservation of Petitions.

(10) The city clerk shall preserve in his office for a period of two years all petitions of nominations and all certificates belonging thereto filed under this section.

Election Proclamation.

(11) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of Modesto, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least ten successive days before the election in not more than two daily newspapers of general circulation published in the city of Modesto. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required, and shall be signed by the mayor and city clerk.

Form of Ballots.

(12) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF MODESTO.

(Inserting date thereof.)

Instructions to Voters. To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Requirements of Ballot.

(13) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Every Nominee to be on Ballot.

(14) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot

Arrangement of Offices on Ballot.

(15) The offices to be filled shall be arranged in separate columns in the following order:

"For mayor (if any) vote for one."

"For councilman (if any) vote for (giving number)."

"For member of board of education (if any) vote for (giving number)."

Space for Voting Cross.

(16) Half-inch squares shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank Spaces for Additional Candidates.

(17) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample Ballots.

(18) The clerk shall cause to be printed sample ballots in form identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote Necessary for Election.

(19) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected: *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one-half the number of ballots cast at such election.

Second Election.

(20) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election, *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office.

The candidates equal in number to the persons to be elected who shall receive the highest number of votes as such second election shall be declared elected to such office.

Date of Election.

(21) The said second election, if necessary to be held, shall be held on the second Tuesday after the first election.

Rules Governing Second Election.

(22) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that proclamation of election need be published twice only, and provided also that the same precincts and polling places shall, if possible, be used.

Failure of Person Elected to Qualify.

(23) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

Informalities in Election.

(24) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General Election Regulations.

(25) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, provided that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election, except as otherwise in this charter provided.

Qualifications of Voters.

(26) No person shall be entitled to vote at any election held under the provisions of this charter, unless he shall be a qualified elector of the county, enrolled upon the great register thereof and in the precinct in which he votes at least twenty-five days next preceding said election and shall have resided in the city of Modesto for at least thirty days preceding such election. At any election held under the provisions of this charter, the last printed great register of the county shall be used and any elector whose name is not upon such printed register shall be entitled

to vote upon producing and filing with the board of election a certificate under the hand and official seal of the county clerk showing that his name is registered and uncanceled upon the great register of the county; provided that he is otherwise entitled to vote.

Voting Machines.

SEC. 7. In case voting machines shall be used at municipal elections, the council shall have power, by ordinance, to modify the provisions of Section 6 so far as may be necessary to adapt them to the use of voting machines

ARTICLE V.

ELECTIVE OFFICERS.

SEC. 8. The elective officers of the city of Modesto shall be a mayor, four councilmen, and five members of the board of education.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

Elected at Large.

SEC. 9. The mayor and councilmen shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of Mayor and Councilmen.

SEC. 10. To be eligible for the office of mayor, or councilman, a person must be a citizen of the United States and a qualified elector of the State of California and of the city of Modesto for at least three years next preceding his election.

Vacancy in Council.

SEC. 11. If a vacancy shall occur in the office of mayor or councilman, the council shall forthwith appoint a person to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are set forth in Section 10 of this article and shall hold office until his successor is duly elected and qualified. Such successor shall be chosen at the next general municipal election, or at the first succeeding special municipal election called for any other purpose, or as otherwise provided in recall proceedings for the recall of an officer, which election shall not take place less than forty (40) days after such vacancy occurs.

The person so elected shall hold office for the unexpired term. All the provisions of Section 6, Article IV shall apply to all elections held under this section.

Mayor's Term of Office.

SEC. 12. The mayor shall hold office for a term of four years from and after the first Monday in May after his election, and until his successor is elected and qualified, *provided*, that a mayor shall be elected at the first municipal election held under this charter, and said mayor shall take office on the first day of July succeeding his election, and his term of office shall cease and determine upon the election and qualification of the mayor elected at the general municipal election in 1915.

Councilmen's Term of Office.

SEC. 13. The councilmen shall hold office for a term of four years and after the first Monday in May after their election and until their successors are elected and qualified, *provided*, that four councilmen shall be elected at the first general municipal election held under this charter and shall take office on the first day of July succeeding their election, and *provided, further*, that the councilmen first elected under this charter shall so classify themselves by lot that the terms of two of said councilmen shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1913, and that the terms of office of the other two of said councilmen elected at the first general municipal election held under this charter shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1915.

At each general municipal election after the first, held under this charter, there shall be elected two councilmen, and at every alternate general municipal election after the first held under this charter, a mayor shall be elected.

Official Bonds.

SEC. 14. The council shall fix the amount of the bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except the clerk's bond, which shall be filed with the mayor, when approved, shall be filed with the city clerk. All the provisions of any law of this State, relating to officials bonds, not inconsistent with this charter, shall be complied with.

Oath of Office.

SEC. 15. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the city clerk.

Compensation of Mayor and Councilmen.

SEC. 16. The mayor and councilmen shall receive no compensation unless the electors by ordinance proposed and adopted in accordance with Section 89 or Section 90 of this charter shall otherwise provide.

Administering Oaths Subpoenas.

SEC. 17. Every elective officer, every chief official and every member of any board or commission provided for in this charter, or by ordinance, adopted according to the provisions of this charter, shall have the power to administer oaths and affirmations, and every such board or commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such board or commission, or to answer any question which a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board or commission shall have the power to take the proceedings in that behalf provided by the general laws of this State. The chief of police must, on request of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

ARTICLE VI.

THE MAYOR.

The Chief Executive

SEC. 18. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

Mayor Pro Tempore.

SEC. 19. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's Reports.

SEC. 20. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to Have City's Books Examined.

SEC. 21. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least once each year the books, records and reports of the auditor and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor, and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant, and fix the time at which such report shall be made and filed.

Supervision of Public Utility Companies

SEC. 22. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation, which have become forfeitable in whole or in part, or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute in the name of the city the necessary actions to enforce the provisions of this section.

Powers and Duties Prescribed by Ordinance.

SEC. 23. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or by ordinance, or by resolution of the council.

ARTICLE VII.

THE COUNCIL.

The Council, the Governing Body.

SEC. 24. All powers herein granted to and vested in the city of Modesto shall, except as herein otherwise provided, be exercised by a council to be designated the council of the city of Modesto. Said council shall be the governing body of the city and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State.

President and Vice-President.

SEC. 25. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of Council.

SEC. 26. The council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to be Public.

SEC. 27. All legislative sessions of the council, whether regular or special, shall be open to the public.

Quorum.

SEC. 28. A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

Rules of Proceeding.

SEC. 29. The council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the council meetings.

Ordinances and Resolutions.

SEC. 30. (1) The council shall act only by ordinance or resolution.

Ayes and Noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present must vote.

Majority Vote of Council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

Title

(4) Every ordinance shall be preceded by a brief title which shall indicate the subject and purport thereof.

Enacting Clause of Ordinances.

(5) The ordaining clause of all ordinances adopted by the council shall be, "The council of the city of Modesto do ordain as follows", and the ordaining clause of all ordinances adopted in accordance with the provisions of Article XIII shall be, "The people of the city of Modesto do ordain as follows".

Requirements of Ordinances.

(6) No ordinance shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the city of Modesto at least three days before its adoption, and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended.

Ordinance Required in Certain Cases.

(7) No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than two hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance, *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the State.

Reconsideration.

(8) When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council, held not less than one week after the meeting at which such motion was made.

Signing and Attesting.

(9) All ordinances shall be signed by the mayor and attested by the city clerk.

Revision and Amendment.

(10) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Record of City Ordinances.

(12) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of Absent Commissioner.

SEC. 31. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

When Offices Become Vacant.

SEC. 32. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in Section 88 of Article XIII, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this charter, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

ARTICLE VIII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The Four Municipal Departments.

SEC. 33. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:

- 1 Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works.
- 4 Department of public supplies.

Council to Assign Duties to the Departments

SEC. 34. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section, shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations, not inconsistent with this charter, as may be necessary or proper for the efficient and economical conduct of the business of the city.

The Four Commissioners.

SEC. 35. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation, whenever it determines that the public service will be benefited thereby.

The Chief Officials.

SEC. 36. The chief officials of the city shall be city clerk, auditor, assessor, treasurer, collector, attorney, engineer, chief of police, fire chief, street superintendent, building inspector, sewer inspector, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in the charge of one such officer the functions and duties of

two or more such officers. The council shall by ordinance or by resolution prescribe the duties of all the chief officials.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties, as provided in this section.

Subordinate Officers and Employees.

SEC. 37. The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships, boards and commissions, and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Compensation of Officers and Employees

SEC. 38. The compensation of all city officers provided for by Section 36 of this charter, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by ordinance. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Reports of Departments.

SEC. 39. Each department and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all operations of such department or commission for the year.

Reports to be Published.

SEC. 40. The council shall provide for the publication of the annual reports of the mayor and the several departments and commissions.

Councilman to Hold no Other Office.

SEC. 41. No member of the council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys, or be elected or appointed to any office created or the compensation of which is increased by the council, while he was a member thereof, until one year after the expiration of the term for which he was elected.

No member of the council during the term for which he shall have been elected shall be eligible to fill a vacancy in the office of mayor.

Officers Not to be Interested in Contracts or Franchises.

SEC. 42. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer or employee of the city shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void.

Any violation of the provisions of this section by such officer or employee of the city shall be deemed a misdemeanor.

The council shall enforce the provisions of this section by appropriate legislation.

Political and Religious Tests.

SEC. 43. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or service.

ARTICLE IX.

FINANCE AND TAXATION.

The Fiscal Year.

SEC. 44. The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Tax System.

SEC. 45. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof

whereby assessments may be made by the assessor of the county in which the city of Modesto is situated and taxes collected by the tax collector of said county for and on behalf of the city of Modesto.

Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department Estimates of Annual Requirements.

SEC. 46. On such date in each year as shall be fixed by the council, the heads of departments, offices, boards and commissions shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Annual Estimate of City's Requirements and Revenue.

SEC. 47. On such date in each year as shall be fixed by the council, the commissioner of finance and revenue shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual Budget.

SEC. 48. The council shall meet annually prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and items thereof allowed to each department, office, board or commission as the council may deem advisable.

Board of Equalization.

SEC. 49. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for at least five days. They shall have power to hear complaints, and to correct, modify, strike out or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

Annual Tax Levy.

SEC. 50. The council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Limit of Tax Levy.

SEC. 51. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. Such levy shall be placed in the General Fund, which may be apportioned by the council, except as otherwise provided in this charter.

Bond Tax. Library Tax.

SEC. 52. The council shall have power to levy and collect taxes, in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city, and to levy not exceeding twenty cents on each one hundred dollars of the assessed value of all real and personal property within the city for the support and maintenance of free public libraries and reading rooms.

Tax Liens.

SEC. 53. All taxes and assessments levied together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed, every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under

such regulations as may be prescribed by ordinances, *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the Auditor.

SEC 54. Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city, from whatever source, including the free public library, when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allow it, he shall indorse upon the warrant the word "allowed," and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the auditor to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money thereon, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officers, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall at the first regular meeting of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and business-like manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

Disposition of Money Collected.

SEC 55. Every officer collecting or receiving any moneys belonging to or for the use of the city shall on the day of the receipt thereof settle for the same with the auditor and immediately pay all the same into the treasury, on the order of the auditor, for the benefit of the funds to which such moneys severally belong. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Uniform Accounts and Reports.

SEC 56. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an Act shall be passed by the State Legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE X.

PUBLIC WORK AND SUPPLIES

Form of Contracts.

SEC 57. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Modesto by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive Payments on Contracts.

SEC 58. Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public Work to be Done by Contract.

SEC 59. In the erection, improvements and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, or water front or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of two hundred dollars, the same shall be done by contract, and shall be let to the

lowest responsible bidder, after advertising for sealed proposals for the work contemplated, in five successive issues of the official newspaper of the city of Modesto. Such notice shall distinctly and specifically state the work contemplated to be done; *provided, however*, the council may reject any and all bids and readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for Official Advertising.

SEC. 60. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for one day, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city, which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year, *provided*, that the council may reject any or all bids and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper of the city of Modesto."

Contracts for Lighting.

SEC. 61. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Hours of Labor

SEC. 62. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion with Bidder.

SEC. 63. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, materials or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the materials or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of materials or supplies than has been actually received shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by Bidder.

SEC. 64. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

ARTICLE XI.

FRANCHISES.

Property Rights of the City Inalienable

SEC. 65. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No Use of Streets Without a Franchise.

SEC. 66. No person, firm, or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article.

Franchise to Use Streets.

SEC. 67. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over, or under any street, highway, or other public place, or to lay pipes or conduits or to erect poles or wires or other structures

in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Applications for Franchise

SEC. 68. An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council, if it propose to grant the same, shall, or on petition signed by qualified and registered electors equal in number to twenty per centum of the entire vote cast at the last preceding general municipal election, requesting it to grant the same, must advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the city. Said advertisement shall contain a copy of the proposed ordinance making such grant. The publication of such advertisement must be run in the said paper in ten successive issues and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application. The form of such petition, signatures, and verification and duties of the clerk in respect thereto, provided in Section 89 (for petitions for recall) shall apply to petitions for grant of franchise referred to in this section.

Conditions of Grant.

SEC. 69. The advertisement must state the character of the franchise or privilege proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, provided that such percentage be not less than two per cent of said gross annual receipts during the first five years, not less than three per cent during the next five years, not less than four per cent during the third five years, and not less than five per cent for the rest of the life of the franchise.

Bidding for the Franchise.

SEC. 70. At the time of opening the sealed bids, any responsible person, firm, or corporation, present in person, or represented, may bid for such franchise or privilege not less than one-fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one-fourth of one per cent of the gross annual receipts, by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; provided, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as Guarantee of Good Faith.

SEC. 71. Every application and bid for franchise under this article shall be accompanied by a cash deposit of five hundred dollars (\$500), or a certified check therefor, as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposits of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Open Competition.

SEC. 72. No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another in bidding for the purchase thereof.

Bond.

SEC. 73. The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum to be prescribed by the council and set forth in the advertisement for bids conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise is awarded and within thirty days after the filing and approval of such bond such

franchise shall by the council be granted by ordinance (subject to the provisions of Section 87 of this article) to the persons, firm or corporation to whom it shall have been struck off, sold or awarded, and, in case such bond shall not be filed, the award of such franchise shall be set aside, and any money deposited in connection with the awarding of the franchise shall be forfeited, and the franchise shall, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of Franchises.

SEC. 74. The maximum length of time for which a franchise or privilege to use the streets, highways, waters, or other places of the city may be granted to any person, firm or corporation, shall be twenty-five (25) years.

Beginning and Completion of Work.

SEC. 75. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within no more than four months from the date of the final adoption of the ordinance granting such franchise, and, if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final adoption of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited; *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months.

Regulation of Grants, Franchises and Privileges.

SEC. 76. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and Charges.

SEC. 77. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Right of the City to Assume Ownership.

SEC. 78. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city without any compensation to the grantee.

No Conveyance Necessary for City Ownership

SEC. 79. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance and in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

Lease or Assignment of Franchise.

SEC. 80. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such

consent, provided, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street Sprinkling, Cleaning and Paving.

SEC 81. Every grant of any franchise or privilege in, over, under or along any of the streets highways or public places in the city for railway purposes, shall be subject to the conditions that the persons, firm or corporation exercising or enjoying the same shall sprinkle clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway, as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of Company's Books. Audit.

SEC 82. The city of Modesto by its auditor, deputy auditor, or accountants authorized by the auditor, or by the council, shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city, or such persons, firm or corporation arising from this charter, or from the ordinance granting the franchise, and may audit the same at the end of each year.

Annual Reports of Company.

SEC 83. Every person, firm or corporation operating any business under a franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council, of all the gross receipts arising from all the business done by said person, firm or corporation, within the city of Modesto for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

Payment of Gross Receipts.

SEC 84. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to the payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Forfeiture for Non-Compliance

SEC 85. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

Franchise Not in Use Forfeited.

SEC 86. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Manner of Granting and Renewing Franchises.

SEC 87. No exclusive franchise shall ever be granted, and no franchise shall be renewed prior to one year before its expiration. No franchise shall be granted, renewed or extended except by ordinance, and no such grant or franchise, or renewal or extension thereof shall be of any validity until the same shall have been approved by a majority of the electors voting thereon at a general or special election. Said election shall be held not less than fifteen and no more than thirty days from and after the final passage of such ordinance by the council, granting such franchise, or a renewal or an extension thereof. It shall be the duty of the council to provide for said election. Said election shall be held in all respects as are other elections under this charter, relating to the submission of ordinances to a vote of the electors. The ballots used at such election shall read as follows

For the Franchise, Yes.

For the Franchise, No.

Stating the nature of the franchise ordinance in terms sufficient to identify it. If a majority of the qualified electors voting on said proposed franchise ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the city, and said franchise shall thereupon become valid and effective.

ARTICLE XII.

THE RECALL.

SEC. 88. The holder of any elective office may be removed by the qualified electors.

Method of Procedure.

(1) The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors qualified to vote at a municipal election in said city, if held at the date of the filing of said petition, equal in number to at least fifteen per centum of the entire vote cast at the last preceding general municipal election, demanding an election to determine whether or not said officer shall be removed from office, shall be addressed to and filed with the city clerk, and said petition shall contain a general statement of the grounds for which the removal is sought, in not more than two hundred (200) words, which statement shall not be open to review.

Signatures to Petition.

(2) The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the city shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the purported owner thereof, shall be presumed to be genuine. Until it be proven otherwise by official investigation, it shall be presumed that the petition presented, contains the signatures of the requisite number of qualified signers and conforms to all other legal requirements. Each signer of said petition shall add to his signature his place of residence, giving the street and number, if any, or a description which will enable his place of residence to be determined and his occupation.

(3) Said petition shall be presented to the city clerk for filing, and, within ten days from the date of the presentation of such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors qualified to sign said petition, and if necessary the clerk may employ extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient as to the number and genuineness of signatures, it may be amended by additional signatures, within five days from the date of said certificate. The clerk shall within five days after such amendments, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient in the same particulars, it shall be returned to the person presenting the same without prejudice, however, to the presentation of a new petition to the same effect.

Recall Election.

(4) If the petition shall be found to be sufficient as to the number and genuineness of signatures, the clerk shall forthwith file the same in his office and a special election shall be held within twenty days from said filing to determine whether the electors will recall said officer. All arrangements for said election shall be made and the same shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections provided for in this charter, except as in this section otherwise provided, and except also that the clerk shall give and sign the notice or proclamation of election, appoint the election officers, and designate the polling place in each election precinct.

Officer's Justification.

(5) In the published call for the election there shall be printed in not more than two hundred (200) words the reasons for demanding the recall of the officer as set forth in the recall petition and in not more than two hundred (200) words the officer may justify his course in office.

Voting. Canvass of Returns.

(6) At such recall election, the ballots shall read

"Shall ----- (naming the officer) be recalled? Yes."

"Shall ----- (naming the officer) be recalled? No."

If a majority of the electors voting on the recall of the officer sought to be removed, shall vote in favor of such recall, said officer shall thereupon be deemed removed from office and his incumbency thereof shall terminate upon the declaration of this result of said election by the canvassing board thereof. In the published call for said election the clerk shall name three disinterested electors who shall act as a canvassing board thereof. It shall be the duty of said canvassing board to

canvass the returns of said election and to declare the result thereof in the same manner and with the same force and effect as otherwise herein provided for the canvassing boards of general municipal elections.

Election of Successor.

(7) Within three days after the canvass of the vote of said election, the clerk shall issue the call for the election for the purpose of electing a successor to the officer so removed. Said election shall be called and held in all respects as hereinbefore provided for the election for the recall. The power and duties of the clerk shall be the same as in said recall election. Said election shall be held upon notice of not less than twenty and not more than twenty-five days, and said election shall be held within thirty days from the date of the canvass of the vote of the recall election. Nominations shall be made in the manner provided in Section 6 relating to the nomination of councilmen, except that petitions for nominations shall be filed in the office of the city clerk at least ten days prior to the date of the holding of said election, and shall contain the requisite number of signatures when filed, without power of amendment. The clerk shall forthwith determine the sufficiency as to the number and genuineness of signatures of the petition. If the same be insufficient in these particulars, it shall be rejected, and if sufficient, the name of the person nominated therein shall be placed upon the official ballot as a candidate for the office for which he was nominated.

All the provisions of Subdivisions 19, 20, 21 and 22 of Section 6, of Article IV of this charter shall be applicable to all elections held under this section to fill vacancies caused by a recall of an officer, except that the second election, if necessary, shall be held one week after the first election and except also in case such second election is held that notice of the same shall be given, and the same shall be held in all respects as hereinbefore provided in this section for the election for the recall. In the event that, by reason of the recall, there shall not remain in office a majority of the city council, it shall be the duty of the city clerk to appoint qualified persons to fill such vacancies until the election and qualification as herein provided, of the successors to the officers recalled. In the event that by reason of the recall, there shall not remain in office a majority of the board of education, it shall be the duty of the superintendent of schools of Stanislaus County to appoint qualified persons to fill such vacancies until the election and qualification as herein provided, of the successors to the officers recalled.

Disqualification of Recalled Officer.

(8) No person recalled under the provisions of this section shall be eligible for election or appointment to any office in the city of Modesto for a period of one year from and after the date of his recall.

New Officer. When to Qualify.

(9) Every person elected to fill a vacancy caused by the recall of an elective officer, as in this section provided, shall within four days from the declaration of the result of the election at which he was elected, qualify and assume the powers and duties of the office to which he was elected.

ARTICLE XIII.

THE INITIATIVE.

SEC. 89. Any proposed ordinance may be submitted to the council by a petition signed by qualified electors of the city equal in number to the percentage herein-after required. The petition shall set forth a copy of the proposed ordinance.

Signatures to Petition.

(1) The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or taxpayer of the city shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the purported owner thereof, shall be presumed to be genuine. Until it be proven otherwise by official investigation, it shall be presumed that the petition presented, contains the signatures of the requisite number of qualified signers and conforms to all other legal requirements. Each signer of said petition shall add to his signature his place of residence, giving the street and number, if any, or a description which will enable his place of residence to be determined, and his occupation.

Filing and Examination of Petition.

(2) Said petition shall be presented to the city clerk, and, within ten days from the date of the presentation of such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the

requisite number of electors qualified to sign said petition, and, if necessary, the clerk may employ extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, as to the number and genuineness of the signatures, it may be amended by additional signatures within five days from the date of said certificate. The clerk shall, within five days after such amendment, make like examination of the amended petition, and, if his certificate shall show the same to be insufficient in the same particulars, it shall be returned to the person presenting the same without prejudice, however, to the presentation of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall forthwith file the same with the council.

Initiative Election.

(3) If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to fifteen per centum of the entire vote cast at the last preceding general municipal election, the council must, without alteration, submit the proposed ordinance to the electorate at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified electors equal in number to twenty-five per centum of said vote and contains a request that such proposed ordinance be submitted to a vote of the people at a special municipal election, then the council must, without alteration, submit the same to the electorate at a special municipal election to be called and held within sixty days from the filing of such petition.

Initiative Ballots.

(4) The ballots used when voting upon such proposed ordinance shall contain the word or words similar thereto "For the Ordinance," and "Against the Ordinance" (stating the nature of the proposed ordinance in terms sufficient to identify it). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such proposed ordinance shall become a valid and binding ordinance of the city.

Several Ordinances at One Election

(5) The council may also propose and submit at said election any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors, voting thereon, shall be deemed to have been adopted and shall be the valid and binding ordinance of the city. Any ordinance adopted by the electors under the provisions of this section cannot be repealed or amended, except by a vote of the electors obtained in the manner hereinbefore stated, unless such ordinance shall otherwise provide.

Limit to Special Elections.

(6) Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election at any period of twelve months.

Publication of Popular Ordinance.

(7) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter at least three days prior to the election, and the council may also order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published.

ARTICLE XIV.

THE REFERENDUM.

Mode of Protest Against Ordinances.

SEC. 90. No ordinance passed by the council shall go into effect before fifteen days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this charter, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifth vote of the council, *provided*, that no grant of any franchise shall be construed to be an urgency measure.

If, during said fifteen days, a petition signed by qualified electors of the city equal in number to at least fifteen per centum of the entire vote cast at the last preceding general municipal election, protesting against the passage of such ordinance be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and, if the same be not entirely repealed, the council shall submit the ordinance to the vote of the electors of the city, at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

The form of such petition, signatures, verification and duties of the clerk in respect thereto provided in Section 89 shall apply to petitions for the referendum.

All the proceedings relative to the submission of ordinances by initiative shall apply to ordinances submitted by a referendum petition, and the vote thereon shall be of the same force and effect as provided in Section 89.

Reference of Measures to Popular Vote

SEC 91. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Penal Election Laws Applicable.

SEC 92. All the penal laws of the State of California, relating to elections, shall apply to all elections held under this charter.

ARTICLE XV.

POLICE COURT

SEC 93. There is hereby created in and for the city of Modesto a court which shall be known as the police court of the city of Modesto. Said court shall consist of one judge, who shall be appointed by the council and who shall serve during its pleasure and who shall receive such compensation as the council shall determine.

SEC 94. Said court shall have exclusive jurisdiction:

(1) In all prosecutions for violations of the city ordinances.
(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed or created by the city ordinances and in which the sum sued for does not amount to three hundred dollars.

SEC 95. Within the city limits said court shall have concurrent and co-ordinate jurisdiction with township justice courts in all matters and things in which said justice courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of said justice courts.

SEC 96. Appeals may be taken to the superior court of the State of California, in and for the county of Stanislaus, from the judgments and orders of said police court, in all cases in which appeals now are or may hereafter be provided by law to be taken to said superior court from said justice courts and police courts.

SEC 97. In all proceedings in and appeals from said police court, the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justice or police courts, are hereby adopted and made applicable to said police court.

SEC 98. All fines and other moneys received or collected by the judge of said police court for or on account of the city of Modesto shall immediately be paid into the city treasury.

SEC 99. All actions and proceedings pending and undetermined in the existing recorder's court of the city of Modesto shall be proceeded with, heard, tried and determined in said police court hereby provided for, before said judge, the same as if said action or proceedings had been originally commenced in said police court.

SEC 100. Nothing in this charter shall be so construed as to prevent a justice of the peace from holding the office of police judge.

SEC 101. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.

SEC 102. The city shall furnish for said court a suitable court room and office and the necessary dockets and all blanks and other books and stationery necessary in the transaction of its business, and the said court shall always be open for the transaction of business except on Sundays and other non-judicial days.

SEC 103. The chief of police of the city of Modesto shall execute and return all process issuing from the police court and all orders of the police judge. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the law or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of this state, and shall in all respects be entitled to the same protection, and his lawful orders shall be executed by deputies, police officers and watchmen in the city of Modesto, and every citizen shall also lend aid when required for the arrest of offenders in the maintenance of public order. It shall be the duty of the chief of police to prosecute before the police judge all breaches or violations of or non-compliance with any city ordinance or law within the jurisdiction of the police judge, which has come to his knowledge. The chief of police

shall have charge of the city prison and prisoners and of any chain gang which may be established by the council. He shall devote his entire time to the discharge of the duties of his office, and subject to such rules and regulations as the council may prescribe, shall have control of the police force. He shall have power to suspend or remove any member of the police force for disobedience of any lawful order, for violation of rules and regulations of the police department, and for neglect of duty, or for conduct unbecoming a member of the police force. He shall immediately file with the mayor written charges, specifying the grounds upon which such suspension or removal is made. In addition to the duties in this charter specified, the chief of police shall discharge all the duties required of him by ordinance of the city or resolution of the council, or by law, or by the provisions of this charter.

ARTICLE XVI.

EDUCATIONAL DEPARTMENT

SEC 104. The school department of the city of Modesto shall comprise all the schools within the city of Modesto, the Modesto school district, and all territory that is now or may hereafter be annexed thereto for school purposes, and shall be known as "Modesto City School District," which shall succeed to all the obligations, property, rights, and privileges of the Modesto school district. It shall consist of primary, grammar, and high schools as now established or that may hereafter be established, and may, at the discretion of the board of education, include technical, industrial, kindergarten and night schools, *provided*, that no school money shall be used for technical, industrial, or night schools, or kindergarten when such use would prevent the board of education from maintaining primary, grammar and high schools for ten months in each school year.

SEC 105. All territory included within the limits of the Modesto city school district or that may hereafter be included within such limits, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the board of education and on questions submitted to a vote of the people at special or general elections pertaining to school matters, and said outside territory shall be deemed a part of said city for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

SEC 106. The government of the school department of the city shall be vested in a board of education which shall consist of five members, to be elected from the school district at large, as herein provided, to be called members of the board of education, who shall serve without compensation, *provided*, that the present Modesto school district as above named in Section 104 shall continue as such until the election and qualification of the first members of the board of education elected at large. The members of this board shall be elected at the first general municipal election held under this charter. At their first meeting the members so elected shall so classify themselves by lot that two of the members shall go out of office on the first Monday in May nineteen hundred thirteen, and three on the first Monday in May nineteen hundred fifteen, and thereafter said members shall hold office for a period of four years, and until their successors are elected and have qualified. At the second general municipal election held under this charter two members shall be elected, and at the third general municipal election three members, to fill the places of those members whose terms expire, and thereafter, alternating, two and three shall be elected at the succeeding general municipal elections.

SEC 107. No person shall be eligible to become a member of the board of education who is not at least twenty-five years of age and who has not been a resident of the Modesto city school district for the two years next preceding the day of his election.

SEC 108. The officers for all elections called by the board of education shall receive not more than three dollars each as compensation for their services.

SEC 109. Members of the board of education shall enter upon the discharge of the duties of office upon the first Monday in May after their election, and shall meet upon that day and organize by choosing one of their members as president who shall serve as president for one year, *provided* that the members of the board of education first elected under this charter shall take office on the first day of July succeeding their election.

Vacancies in the board of education shall be filled for the unexpired term by the remaining members of the board and, if there be less than a majority of such board remaining in office, then such appointment shall be made by the superintendent of schools of Stanislaus County.

The board of education shall hold a regular meeting at least once each month. Special meetings may be called by the president, or by the written request of three members, but no business shall be transacted at such meetings that has not been distinctly stated in the call.

A majority of the members of the board of education shall constitute a quorum, but a vote of three members shall be required for passing all orders for the expenditure of moneys, for the election of appointive officers, and for the election of teachers.

The sessions of the board shall be public and its minutes open to inspection. The board may determine its rules of procedure, but the ayes and noes shall be taken and

recorded when demanded by any member, and they shall be taken and recorded on all questions involving elections and appointments or the expenditure of money. All warrants shall be signed by the president, or the president pro tem when acting for him, and by the secretary of the board.

SEC. 110. The powers and duties of the board of education are as follows.

(1) To establish and maintain public schools as herein provided to change, consolidate and discontinue the same and to establish boundaries for each or any school building or any grade or grades in each or any school building, within which boundaries pupils must attend their respective buildings or grades.

(2) To manage and control the school property, including the power to grade, fence and improve all school lots and the sidewalks and the streets bordering the same, to select plans for school houses and erect, contract for and to supervise and control the construction of the same, to alter, repair, rent and provide schoolhouses and to furnish the same with proper school furniture, apparatus and appliances and to provide the same with fire escapes, fuel, lights, water and all necessary supplies to insure the same, including the contents, against fire, and to incur such other incidental expenses as may be deemed necessary.

(3) To take and hold in fee or otherwise, in trust for the Modesto city school district, any real estate and personal property that may have been acquired or may hereafter be acquired by purchase, bequest or donation, for the use and benefit of the public schools of said Modesto city school district or for any educational purpose, to dispose of, at public or private sale, such personal property as shall be no longer required by the department and to sell, exchange or lease any of such property; and to make in the name of said Modesto city school district, conveyances of real property sold under the provisions hereof, *provided*, that the proceeds of any such sale or exchange of real property shall be exclusively applied to the purchase of other lots for school purposes, or to the erection of schoolhouses, *and provided further*, that such sale or exchange of real property be ratified by a majority vote of the qualified electors of said Modesto city school district voting thereon at a general election or at a special election.

(4) To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose, or school property, including gymnasiums, museums, and athletic parks, or grounds.

(5) To sue for any and all property belonging to, or claimed by the board of education for the Modesto city school district, and to prosecute and defend all actions at law or equity necessary to recover and maintain the full enjoyment and possession of said property, and to require the services of the city attorney therefor without compensation, and, when desirable, to employ other or additional counsel. The city attorney shall be the legal adviser of the board without compensation.

(6) To discharge all legal incumbrances now existing, or which may hereafter exist, upon any school property within the Modesto city school district.

(7) The board of education shall, at the same meeting at which it elects its president in each year, appoint a secretary, who shall not be one of their number, and shall prescribe the duties and fix the salary of such secretary, who shall hold office during the pleasure of the board.

(8) The board of education shall determine annually the amount of school tax necessary for the maintenance of public schools and for carrying into effect all provisions of law regarding the same, and the amount so determined by said board of education shall be reported in writing to the board of supervisors of Stanislaus County on or before the first day of August in each year. This report shall specify the proper items and the amount of money required for each, in addition to state and county school money, to maintain primary and grammar schools, the amount required for high school purposes, and the amount required for other public schools of the Modesto city school district, as are then established, and the amount that will be required to pay all fixed and incidental expenses, including the repairing of school buildings and the improving of school grounds.

(9) The board of supervisors of Stanislaus County is hereby authorized and required to levy, and the tax collector of said county to collect as school tax the amount required by the board of education.

(10) The board of education may, when in their judgment it is advisable, call an election and submit to the electors of the Modesto city school district the question whether a tax shall be levied to furnish additional school facilities for said district, or for building one or more school houses, or for any or all of these purposes. Such elections shall be called and the moneys employed in accordance with the general laws of the state governing elections for district school tax.

(11) The board of education may, when in their judgment it is advisable, and must, when petitioned by a majority of the heads of families residing in the district as shown by the last school census, call an election and submit to the electors of the district whether the bonds of such district shall be issued and sold for the purpose of raising money to purchase school property, and for the building of one or more school houses, for insuring the same and supplying the same with furniture and necessary apparatus, and for improving the grounds, and for liquidating any indebtedness already incurred for such purposes, and for refunding any outstanding valid indebtedness evidenced by bonds or warrants thereof.

(12) All moneys raised for school purposes shall be paid into the county treasury of Stanislaus County to the proper school fund of said Modesto city school district and shall be drawn out in the same manner as state and county moneys apportioned to the Modesto city school district are drawn.

(13) To employ and dismiss the superintendent of schools and such teachers, janitors, school census marshals, truant officers, and such other persons as may be necessary to carry into effect the powers and duties of the board; to prescribe the duties to be performed by all such employees, and to fix, alter, allow and order paid their salaries or compensation, and to withhold for good and sufficient cause, the whole or any part of the salary or compensation of any person or persons employed as aforesaid; *provided*, that no teacher shall be dismissed during the school year without good and sufficient cause; and *provided further*, that the board shall notify in writing on or before the first day of June of each year all teachers whose services will not be required for the ensuing year.

(14) To prescribe the course of study for the several schools; to make suitable rules and regulations for the promotion of pupils from primary and grammar schools and high schools, and in the name of the Modesto city school district to grant diplomas to pupils who have completed the respective courses of study of the schools therein.

(15) To prohibit any child under six years of age from attending the public schools, except where kindergartens are established, and to fix the age at which children may attend the kindergarten at not less than five years.

(16) To admit non-resident children to any department of the schools at their discretion, on the payment within the school year at such time as the board may direct, of tuition fees not less in amount than the per capita cost per pupil per year, based on the average attendance for the previous year.

(17) To furnish books to children of parents unable to furnish them, but the books so furnished shall belong to the Modesto city school district and shall be returned to the superintendent at the end of each term of school.

(18) The board of education shall elect a superintendent of schools, who shall be a practical educator of not less than five years successful experience in teaching; such superintendent shall serve for a term of two years from and after the day of his election. He shall not engage in any occupation or undertaking that will interfere directly or indirectly with the performance of the duties of his office, and, while he holds said office, he shall not be a candidate for any elective office in Stanislaus County or the State of California.

(19) The superintendent shall be the executive officer of the board of education, and shall enforce all rules and regulations adopted by the board, and perform such other duties as the board shall designate. He shall have general supervision of the schools and direct the methods of instruction therein, and his decision in all school matters within his jurisdiction shall be final, unless formally overruled by the board of education.

The superintendent shall assign duly elected teachers to such grades and schools as he shall deem best for the schools and he shall designate the duties of the various teachers, but no such assignment or designated duty shall conflict with a general rule of the board, and, further, the board may, by a vote of four members, change any assignment. He shall have full direction of the classification and promotion of pupils and, under the rules of the board of the discipline of the schools. He shall call such general and special meetings of the teachers as he shall deem advisable for carrying into effect the directions of the board and superintendent, and for the instruction of the teachers in the science and art of teaching, and he shall enforce attendance on such meetings according to rules approved by the board. He shall, at the regular meeting in the month of June of each year, submit to the board a detailed statement of the amount, as nearly as may be ascertained, of fuel, blanks, school stationery, books for indigent children, library books, apparatus, and such other school supplies as may be necessary for the city schools and the board for the following year. He shall annually, and oftener when desired, make a full report of the condition of the schools under his jurisdiction, and shall make such recommendations as he shall deem best.

Sec. 111. The secretary of the board of education shall keep a true record of the proceedings of the board and a correct account of the expenditures allowed by it, and for what purpose, so that he can at any time make an exhibit, in the aggregate and in detail, of the outlays for the schools. He shall be the general custodian of all books, papers and documents belonging to the board. He shall, in June of each year, make to the board of education a full and detailed report of the receipts and expenditures of the department and the amounts paid respectively, for teachers, janitors, rents, repairs, lands, buildings, furniture, apparatus, stationery, fuel and other expenses. He shall perform such other duties as the board may require of him.

Sec. 112. All other matters pertaining to the school department of said Modesto city school district not specifically provided in this charter, shall be governed by the general school laws of the State of California.

ARTICLE XVII.

AMENDMENTS.

SEC. 113. This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in said city and ratified by a majority of the electors voting thereon, and approved by the legislature as provided in the constitution of the State of California. Whenever fifteen per centum of the qualified voters of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified voters thereof for approval the council must submit the same. In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to the others.

SEC. 114. The petition herein provided for must be made, presented, examined, and certified to in the manner and form required for petitions in Section 89, Article XIII of this charter.

SEC. 115. The council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SEC. 116. The ballot used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

ARTICLE XVIII.

MISCELLANEOUS

When This Charter Takes Effect.

SEC. 117. For the purpose of the qualification and of the nominating of candidates and electing mayor, councilmen and members of the board of education in accordance with this charter, this charter shall take effect from the time of the approval of the same by the Legislature, for all other purposes it shall take effect on the first day of July, 1911.

First Election Under This Charter.

SEC. 118. The board of trustees of the city of Modesto in office at the time this charter is approved by the Legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, and declare the result.

Terms of Incumbent in Office.

SEC. 119. The members of the board of trustees and all other elective officers of the city of Modesto in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, councilmen and members of the board of education, respectively, first elected under this charter.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing Ordinances Continued in Force.

SEC. 120. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Conduct of Legal Proceedings.

SEC. 121. The city attorney shall be the prosecuting attorney in behalf of the people of all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits and proceedings in which the city may be legally interested; provided, the council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

Violation of Charter and Ordinances.

SEC. 122. The violation of any provision of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of any ordinance may be imprisoned in the city jail, or, if the council by ordinance shall so prescribe, in the county jail of the county in which the city of Modesto is situated in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Modesto.

SEC. 123. The word "city" wherever it occurs in this charter, means the city of Modesto, and every commissioner, commission, department, board, officer, employee, wherever mentioned in this charter, means the commissioner, commission,

department, board, officer or employee, as the case may be, of the city of Modesto. The word "council" when used in this charter means the council of the city of Modesto.

SEC 124. After the result of an election is declared, or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate therefor and serve the same by registered mail through the United States post office in the city of Modesto, addressed to the person or persons elected or appointed.

SEC. 125. If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Modesto then in office must provide for the holding of such election as soon as possible thereafter.

CERTIFICATE.

WHEREAS, The city of Modesto, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants on the eleventh day of April, 1910, at a general election held under and in accordance with the provisions of section eight of Article XI of the Constitution of the State of California, did elect J. W. Bell, J. R. Broughton, L. L. Dennett, L. E. De Yoe, Thomas Downey, Z. E. Drake, John Dunn, Sr., S. P. Elias, C. W. Evans, E. I. Fisher, N. C. Hanscom, George Perley, Al Schmidt, B. J. Smith and G. A. Williamson a board of freeholders to prepare and propose a charter for said city:

BE IT KNOWN that pursuant to the provisions of the constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Modesto.

IN WITNESS WHEREOF, We have hereunto set our hands this 8th day of July, 1910

S. P. ELIAS,
President of the Board of Freeholders
J. W. BELL
J. R. BROUGHTON,
L. L. DENNETT
THOS. DOWNEY,
Z. E. DRAKE
L. E. DE YOE.
C. W. EVANS,
JOHN DUNN, Sr.
E. I. FISHER
N. C. HANSCOM
GEO. PERLEY,
AL. SCHMIDT,
B. J. SMITH
G. A. WILLIAMSON.

Attest

L. E. DE YOE.

Secretary of the Board of Freeholders

Filed this 8th day of July, 1910, at 11 A. M.

C. A. POST,

President of the Board of Trustees of the City of Modesto, California.

STATE OF CALIFORNIA,
COUNTY OF STANISLAUS,) ss
CITY OF MODESTO {

I, C. A. POST, president of the board of trustees of the city of Modesto, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 11th day of April, 1910, at a general municipal election held in said city of Modesto, on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five (5) years previous to said election; that said charter was on the 8th day of July, 1910, completed by said board of freeholders, and signed in duplicate by all of said freeholders and on said day one copy thereof returned to me as president of the board of trustees of said city of Modesto and the other copy thereof returned to the recorder of the county of Stanislaus and filed in the office of said county recorder; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election, to wit, on said 8th day of July, 1910, as required by Section 8 of Article XI of the Constitution of this State; that said proposed charter was thereafter published in the "Modesto Morning Herald" which then was a daily newspaper of general circulation printed and published in said city, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter, that within thirty (30) days after the publication of said charter as aforesaid, as required in said Section 8, to wit, on the 14th day of September, 1910, said charter was submitted to the qualified electors of said city at a special election duly

called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election were duly canvassed by the board of trustees of said city of Modesto on the 15th day of September, 1910, and the result thereof found and declared as above set forth; that at all the times herein mentioned the said city of Modesto was and now is a city containing a population of more than three thousand five hundred (3500) but less than ten thousand (10,000) inhabitants, and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Modesto to be affixed this 15th day of December, 1910.

[SEAL]

C. A. POST,

President of the Board of Trustees
of the City of Modesto.

Attest W. O THOMPSON,

City Clerk.

AND WHEREAS, Said proposed charter so ratified has been duly presented and submitted in the Legislature of the State of California for approval or rejection, without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) that said charter of the city of Modesto as presented to, adopted and ratified by the qualified electors of said city be, and the same is hereby approved as a whole as and for the charter of the said city of Modesto

SECOND READING OF BILLS.

Assembly Bill No. 239—An Act to amend section two of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905, and as amended by Act approved March 15, 1909, and relating to the employment of minors under certain ages.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 8, of printed bill, strike out the "dash", and insert in lieu thereof the figure "9".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 174—An Act to pay the claim of A. G. Lafferty against the State of California, and making an appropriation therefor.

Bill read second time, and re-referred to Committee on Ways and Means.

THIRD READING OF SENATE BILL.

Senate Bill No 115—An Act to amend the Political Code by adding to Article XIII, of Chapter IV, Title II, Part IV thereof, a new section, to be numbered section four thousand and eighty a, relating to the issuance of county bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 115 finally passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin, Griffiths, Hall, Hamilton, Harlan,

Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

NOTICE OF INTENTION TO AMEND RULES.

Mr Coghlan gave notice that on the next legislative day he would move to amend the Standing Rules of the Assembly as follows:

No person except Senators, State officers, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme, Appellate and Superior courts, ex-Senators and ex-Assemblymen, members of the press when accredited by their respective journals, ladies when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House, but a majority may have the floor of the House cleared of any or all such persons. The Speaker is charged with the enforcement of this rule. *Provided, however,* any other guest of any member may be admitted to the floor of the House by written permission of any member, such permission being good for the sessions of the day on which it is given.

RE-REFERENCE OF BILL.

On motion of Mr Kehoe, Assembly Bill No. 349—An Act to regulate the operation of motor vehicles in the air, and making provisions for the purpose of the carrying out of this Act, was recalled from the Committee on Judiciary, and referred to Committee on Commerce and Navigation.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads, by compelling common carriers by railroad to properly man their trains.

Also: Senate Bill No. 48—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Also: Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to home-steads and exemptions.

Also: Senate Bill No. 268—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 221 read first time, and referred to Committee on Common Carriers.

Senate Bill No. 48 read first time, and referred to Committee on Judiciary.

Senate Bill No. 134 read first time, and referred to Committee on Judiciary.

Senate Bill No. 268 read first time, and referred to Committee on County and Township Governments.

ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Schmitt, the Assembly was declared adjourned until 10 o'clock A. M. of Thursday, January 26, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Thursday, January 26, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Walker, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stovenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wylhe, Young, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Young, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR.

Through the courtesy of Mr. Rogers, Mr. Leon A. Clark was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon, Mr. John Johnson was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Polsley, Mr. John L. Huntoon was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Coghlan, Mr. J. J. Conlin was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Messrs. Wm. McDonnell and William Cahill were granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Gaylord, Mr. J. H. Stineman was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Stuckenbruck, Mr. J. W. Paukett was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Wilson, Mr. Chas. W. Thomas was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Hewitt, Messrs. J. B. Tisdale, Edgar Luce, and E. L. Hardy were granted the privileges of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911

MR. SPEAKER. Your Committee on Fish and Game, to whom was referred Assembly Bill No. 131—An Act to amend an Act entitled "An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, by amending Section 3 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

GRIFFITHS, Chairman.

The above reported bill ordered on file for second reading.

ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Also: Assembly Bill No. 580—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter

Also: Assembly Bill No. 409—An Act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the justice courts

Also: Assembly Bill No. 1—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use

Also: Assembly Bill No. 308—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or track by two lines of railway

Also: Assembly Bill No. 62—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 623—An Act to amend Section 274a of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the Superior Court

Also: Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water

Also: Assembly Bill No. 277—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions

Also: Assembly Bill No. 317—An Act to amend section nine hundred and twenty-eight of the Penal Code of the State of California, relative to the examination of the books, records, and accounts of county officers, and the appointment of experts by grand juries

Also: Assembly Bill No. 653—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or county in said State," approved March twentieth, nineteen hundred and nine.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

KEHOE, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 671—An Act creating and establishing a public service commission of the State of California, defining its powers and duties, and the powers and duties of persons and corporations engaged in certain public service business.

Also Assembly Bill No. 672—An Act to amend the Civil Code by adding to Part IV, of Division First, of the Civil Code a new title to be numbered XXIII, relating to corporations engaged in the public service business.

Also, Assembly Bill No. 250—An Act prescribing when the fact of the injury or death of an employee, apprentice or workman shall not be taken into consideration by the law, providing in what cases, and to whom, employers or masters shall be liable in damages for injuries or death of their employees, servants, apprentices and workmen; providing that contributory negligence and imputable contributory negligence shall not bar recovery; providing when the injured or killed employees, servant, apprentice, or workman, shall not be held guilty of assumption of risks; prohibiting contracts, rules, regulations, and devices in derogation of this act; forbidding the introduction of certain evidence in cases between master or employers and employees; providing for set offs and actions between employer or master, and employees, servants, apprentices and workmen; providing what the terms employer and master shall include, providing what duties and what rights this Act shall not limit and impair; providing how this Act shall be construed, and repealing all Acts and parts of Acts in conflict herewith.

Have had the same under consideration, and respectfully report the same back, and recommend that Assembly Bill No. 250 be re-referred to the Committee on Labor and Capital, and that Assembly Bills Nos. 671 and 672 be re-referred to Committee on Corporations.

KEHOE, Chairman.

Assembly Bills Nos. 671 and 672 re-referred to Committee on Corporations, and Assembly Bill No. 250 referred to Committee on Labor and Capital.

ON AGRICULTURE, FRUIT AND VINE INTERESTS

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911

MR SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Assembly Bill No. 280—An Act appropriating five thousand dollars for the investigation and eradication of diseases and insect pests infesting the hop and hop vine.

Also Assembly Bill No. 40—An Act to amend Section 8 of an Act entitled "An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

JUDSON, Chairman.

The above reported bills ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 611—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

COGSWELL, Chairman.

The above reported bill ordered on file for second reading

ON MANUFACTURES AND INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911.

MR SPEAKER: Your Committee on Manufactures and Internal Improvements, to whom was referred Assembly Bill No. 547—An Act to amend an Act entitled "An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags or cast-off, or secondhand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor," approved March 18, 1909, by adding a new section thereto to be numbered Section 3, providing for the enforcement of this Act by the Commissioner of the Bureau of Labor Statistics.

Also. Assembly Bill No. 637—An Act to amend the title and sections one, two, three, four, and six of an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages," approved March 31, 1891, amended March 5, 1903.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CUNNINGHAM, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1911.

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RODGERS of San Francisco, Chairman

The above reported bill ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 321—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fireboats David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Also: Senate Joint Resolution No. 4—Relating to certain recommended appropriations by Congress for the improvement of navigation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SCHMITT, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

Senate Joint Resolution No. 4 ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Joint Resolution No. 4—Relative to the appointment of committee on aeral navigation by Congress—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same be adopted as amended.

SCHMITT, Chairman.

Assembly Joint Resolution No. 4 ordered on file for adoption.

ON BANKS AND BANKING

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 684—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act in relation to the office and term of office of the Superintendent of Banks—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JONES, Chairman.

The above reported bill ordered on file for second reading

ON FEDERAL RELATIONS

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911

MR. SPEAKER: Your Committee on Federal Relations to whom was referred Assembly Joint Resolution No. 1—Relating to defense of the Pacific seaboard by the National Government.

Also. Senate Joint Resolution No. 2—Ratifying and approving the proposed amendment to the Constitution of the United States relative to income tax.

Also. Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the

United States calling for the election of United States Senators by the direct vote of the people.

Also, Senate Joint Resolution No. 3—Relative to the cession by the United States to the State of California of certain public lands in the Big Basin, in Santa Cruz and San Mateo counties, as additions to the California Redwood Park

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FREEMAN, Chairman.

The above reported joint resolutions ordered on file for adoption.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No. 21—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Assembly Bill No. 46—An Act to amend Section 629 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat.

Assembly Bill No. 279—An Act to amend Section 2924 of the Civil Code of the State of California, relating to mortgages.

Assembly Bill No. 465—An Act to amend Section 1474 of the Code of Civil Procedure, relating to rights of survivor to homestead.

Assembly Bill No. 7—An Act to amend the Penal Code by amending Section 626*n* thereof, relating to the use of animals as blinds.

Assembly Bill No. 22—An Act to amend the Penal Code by amending Section 626*n* thereof, relating to the use of animals as blinds.

Assembly Bill No. 171—An Act to amend Section 1322 of the Code of Civil Procedure of the State of California, relating to wills.

Assembly Bill No. 369—An Act to provide for the establishment and maintenance of county free libraries in the State of California

Assembly Bill No. 518—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation

Assembly Bill No. 5—An Act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers.

Assembly Bill No. 38—An Act to amend section three hundred and thirty-seven of the Penal Code, relating to gaming and gambling by pool-selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

And report that the same have been correctly engrossed

RANDALL, Chairman.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 25, 1911

MR. SPEAKER, I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 237—An Act to add a new section to the Political Code to be numbered 4041*b*, relating to state conventions of boards of supervisors.

Also: Senate Bill No. 244—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 237 read first time, and referred to Committee on County and Township Governments

Senate Bill No. 244 read first time, and referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Gerdes: Assembly Bill No. 793—An Act to add a new section to the Penal Code of California to be designated 599*g*, relating to the subject of cruelty to animals.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No. 794—An Act to amend Section 599e of the Penal Code of California, relating to the subject of cruelty to animals.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Beckett: Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles, under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Brown: Assembly Bill No. 796—An Act to amend the Civil Code of the State of California by adding three new sections thereto to be numbered 3474, 3475, and 3476, requiring all assignments of wages to be earned in the future to be recorded in the county in which said wages are to be earned, and prescribing the effect thereof, and the fees therefor; and requiring all assignments of wages to be earned in the future when the assignor thereof is a married man or woman to be signed by the wife or husband of the assignor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bennink: Assembly Bill No. 797—An Act to provide permanent headquarters in the Capitol building for the Grand Army of the Republic, and to designate the purposes for which the same shall be used.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Jones: Assembly Bill No. 798—An Act to add a new section to the Civil Code of the State of California to be numbered 292a, relating to articles of incorporation, and requiring that the signature of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Bill read first time, and referred to Committee on Corporations.

By Mr. Freeman: Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school district.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 800—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Gaylord: Assembly Bill No. 801—An Act providing for making it the duty of telegraph companies to receive and transmit dispatches, and creating their liability for mistakes, errors, or delays in the transmission, delivery, or nondelivery of any repeated or non-repeated message.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 802—An Act to amend the Political Code of the State of California by adding a new section thereto to be known and numbered as Section 4043a, relating to indexes of county records.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. McGowen: Assembly Bill No. 803—An Act entitled "An Act to amend Section 594 of the Political Code, relating to the classification

of insurance, and the capital stock insurance companies are required to have."

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 804—An Act entitled "An Act to amend Section 596 of the Political Code, relating to certificates of authority to insurance companies and insurance in unauthorized companies."

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Bishop (by request): Assembly Bill No. 805—An Act to amend Section 4300f of the Political Code of California, relating to fees of jurors in superior and justice courts.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 806—An Act to amend Section 1143 of the Penal Code of California, relating to jurors' fees, and the payment of the same in the superior courts of the State in criminal cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 807—An Act entitled an Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations."

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Wilson: Assembly Bill No. 808—An Act defining commission merchants, requiring such merchants to give bond, imposing a penalty for pursuing the occupation of commission merchant when bond has not been made, providing that suit may be brought on such bonds, and fixing the venue of such suits.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Young: Assembly Bill No. 809—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 810—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Butler: Assembly Bill No. 811—An Act to add a new section to the Penal Code of California, to be numbered 306, relating to the advertisement of medicines and medical treatment, and providing for violations thereof.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Gerdes: Assembly Bill No. 812—An Act providing for a reformatory department of the State penitentiary, and for the establishment, maintenance, and control of a state reformatory; for the confinement in such reformatory of certain persons committed to the state penitentiary; for the employment of persons confined in such reformatory; providing for the term of imprisonment of persons con-

victed of felonies, and for the paroles of prisoners in the state penitentiary; repealing conflicting Acts, and authorizing the appropriation of moneys for carrying into effect the provisions of this Act.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Sbragia: Assembly Bill No. 813—An Act entitled "An Act to regulate boxing or sparring contests or exhibitions, and to promote the science and skill of the art of self-defense within the State of California; creating a board of censors with full power and control over the same, and providing for the appointment, terms of office, powers, duties, and compensations of the members of said board; creating a fund to be known and designated as the "State Boxing Fund," and fixing a license tax on all public exhibitions of boxing and sparring held within the State of California, and providing for the collection of the same; providing for the enforcement hereof, and penalties for the violation hereof."

Bill read first time, and referred to Committee on Public Morals

By Mr. Mendenhall: Assembly Bill No. 814—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Live Stock, Dairies and Dairy Products

RESOLUTIONS.

The following resolutions were offered:

By Mr. Randall:

WHEREAS, There is a wide divergence in the form of bills introduced by members, as to the matters which have to do with typographical style, and

WHEREAS, It is desirable that engrossed bills should be uniform in this particular; now, therefore, be it

Resolved, That the Chief Clerk of this Assembly, in all bills and other printed matter ordered by this body, be directed to follow the usual typographical style at present in vogue in the State Printing Office, covering such items as capital letters, abbreviations, italicized words, hyphenating, and the like and further, be it

Resolved, That the Committee on Engrossed and Enrolled Bills of the Assembly be instructed to interpret Rule 32 of the Standing Rules of the Assembly in such manner as to recognize as a "true copy of the original" bill engrossment which may deviate from the original in these terms of typographical style

Resolution read and, on motion, adopted.

Also:

WHEREAS, Rule thirty-two (32) of the Standing Rules of the Assembly, in reciting the duties of the Committee on Engrossed and Enrolled Bills, provides that "said committee shall see that all bills are reported back in the order in which they were ordered engrossed"; and

WHEREAS, It is manifestly not desirable that a bill found by the committee to be incorrectly engrossed, and consequently sent to the printer for correction, should hold up the report of other bills correctly engrossed, now, therefore, be it

Resolved, That the Committee on Engrossed and Enrolled Bills be instructed so to interpret this rule as to require it to report back to the Assembly all correctly engrossed bills in the order in which they were ordered engrossed, and to report back all bills incorrectly engrossed and sent to the printer for correction as soon as such bills have been received from the printer correctly engrossed

Resolution read and, on motion, adopted.

Also:

WHEREAS, Bills are frequently introduced by members containing inadvertent and obviously careless errors in spelling and the like, which errors are sometimes overlooked in the printer's office and printed as if they had been written correctly; and

WHEREAS, Under our present custom it is necessary to get the bill reprinted so as to contain the original error, and afterward again get it reprinted so as to correct the error in conformity with the report of a select committee appointed to correct the same; and

WHEREAS, This procedure seems to involve a wholly unnecessary waste of time and money; therefore, be it

Resolved, That in such cases as those enumerated above, the bill be allowed to stand as received from the printer, provided that the introducer of the bill gives his consent to the printer's correction by signing or initialing his name on the margin of the printed bill opposite such correction this signed or initialed copy of the bill to be retained by the Committee on Engrossed and Enrolled Bills, and be it further

Resolved, That rule thirty-two (32) of the Standing Rules of the Assembly be interpreted in such manner as to permit the Committee on Engrossed and Enrolled Bills to recognize as a true copy of the original bill a printed bill which has had its obvious errors corrected by the printer, and O. K'ed by its introducer, as above provided.

Resolution read and, on motion, adopted

By Mr. Brown:

Resolved, That the Committee on State Prisons and Reformatory Institutions are hereby instructed and empowered to inquire whether prisoners confined in San Quentin and Folsom state prisons are now or have been within the last two years subjected to cruel and unusual punishments, and especially to what extent the strait-jacket is being used at said prisons upon prisoners confined in said prisons or in any of the reformatory institutions of this State for the purpose of discipline or punishment; that said committee make this inquiry during their first visit to said prisons; and said committee is hereby directed to report to the Assembly in writing the result of their investigations as soon as practicable. That said committee have full power to subpoena witnesses, administer oaths, take testimony, send for persons, books and papers, and that a stenographer be assigned to said committee, and authorized to accompany said committee when it visits said prisons, and that said committee have leave to sit at San Quentin and Folsom prisons.

Resolution read and, on motion of Mr. Brown, the consideration of the same was continued until the next legislative day.

By Mr. Schmitt:

WHEREAS, Pursuant to our rules there is provided an "Order of Business", and WHEREAS, It is extremely difficult to follow that order of business if the members persist in asking leave to take up some other order of business, out of place, and

WHEREAS, It creates much extra work at the desk when such procedure is permitted, now, therefore, be it

Resolved, That the members be requested not to ask leave to take up any matter out of order, until the entire "Order of Business" for the day be completed, unless in matters of urgency.

Resolution read and, on motion, adopted

MOTION.

In accordance with notice given on previous day, Mr. Preisker moved to amend the Standing Rules of the Assembly as follows:

Amend Rule 24 of the Standing Rules of the Assembly by inserting after the word "stenographers," in line 5 of said rule as the same appears printed in the Assembly Journal of January 5, 1911, the following "Bill Clerks, Bill Filers, Journal Clerk, and his Assistants".

The roll was called, and the motion adopted by the following vote:

AYES—Messrs. Reatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Fitzgerald, Flint, Gerdes, Griffin, Griffiths, Guill, Harlan, Hayes, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ruthertord, Sbragia, Schmitt, Slater, Smith, Stevnot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—Messrs. Cunningham and Ryan—2.

SECOND READING OF BILLS.

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers; to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act." approved March 20, 1905.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California relating to support of high schools.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 594—An Act to amend section three thousand seven hundred and sixty-four of the Political Code of California, relating to the publication of the delinquent tax list

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 596—An Act creating a board to be known as the board of pardons, paroles and relief, whose duties shall be to hear and pass upon all applications for pardons, commutations, and paroles and to have the oversight, guidance, and procuring employment of persons who have been convicted of crime and been released by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board and authorizing the employment of agents, clerks, and other employees, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks, and employees.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 516—An Act to repeal Section 364 of the Political Code, and to substitute therefor a new Section 364.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2.

Amendment adopted

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 515—An Act to repeal Article XVIII, of Chapter III, of Title I, of Part III of the Political Code, and to substitute therefor a new Article XVIII, relating to the State Board of Control, its powers and duties

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the title of the printed bill, and inserting in lieu thereof the following words

"An Act to repeal Article XVIII, of Chapter III, of Title I, of Part III of the Political Code, relating to the powers and duties of the Board of Examiners, and to substitute therefor a new article to be known as Article XVIII, relating to the

State Board of Control, prescribing its powers and duties and fixing the compensation of the members, officers and employees thereof, providing for the supervision and control by said board of the financial and business affairs of the State and the appointment of officers and employees for such purposes, and fixing their compensation; providing for the presentation and allowance of claims against the State; the investment of certain state funds, the creation and payment of deficiencies; the sale and exchange of property; the letting of contracts; the purchase and distribution of supplies; the count of all public money, and the supervision of all public accounts and records; and to repeal all Acts and parts of Acts in conflict with or inconsistent with this Act "

Amendment adopted.

AMENDMENT No. 2.

In line 64, Section 657, page 4, of the printed bill, amend by striking out all of line 64, also by striking out in line 65, the following words: "they approve it, must".

Amendment adopted.

AMENDMENT No. 3

In line 281, Section 676, page 9, of the printed bill, strike out the word "purpose", and in lieu thereof insert the word "purchase".

Amendment adopted.

AMENDMENT No. 4

In line 287, Section 676, page 9, of the printed bill, strike out the word "fiscal" and in lieu thereof insert the word "fi-cal".

Amendment adopted.

AMENDMENT No. 5.

In line 301, Section 677, on page 10, of the printed bill, after the word "shall" insert the word "each".

Amendment adopted.

AMENDMENT No. 6

In line 328, Section 678, on page 11, of the printed bill, after the word "and" (where it appears first), insert the word "that"

Amendment adopted.

AMENDMENT No. 7.

In line 343, Section 680, on page 11, insert a comma after the word "appointees".

Amendment adopted.

AMENDMENT No. 8

Strike out Section 3, on page 12, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 662—An Act to prohibit minors under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning, and providing penalties for violations thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 199—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 433—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age;

providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts." approved March 8, 1909, by adding a new section thereto to be numbered 10*g*.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 363—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the words "dependent child," as established in said Section 1.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 535—An Act to amend an Act entitled an Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909, by adding a new section thereto to be numbered 10*f*.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 185—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts." approved March 8, 1909, by amending Section 10*j*, relating to probation officers in counties of the eighth, tenth, sixteenth, and seven-

teenth classes, and providing for an assistant probation officer in counties of the eighth class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 393—An Act to amend Section 65 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to sheriffs, clerks, and constables, and their duties.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out of the title of the printed bill the words "65 of an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897," and inserting in lieu thereof the following "four thousand three hundred and sixteen of the Political Code of the State of California."

Amendment adopted.

Amend by striking out of Section 1, lines 1, 2, 3, 4, and 5 the words "Section 65 of an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, is hereby amended to read as follows Section 65", and inserting in lieu thereof the following "Section four thousand three hundred and sixteen of the Political Code of the State of California is hereby amended to read as follows: "4316".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 577—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge

Bill read second time, and re-referred to Committee on Ways and Means.

Assembly Bill No. 481—An Act to amend Section 634 of the Penal Code of the State of California, relating to taking and selling salmon

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 578—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 406—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 141—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Bill read second time, and ordered to engrossment and third reading

THIRD READING OF BILLS.

Assembly Bill No. 140—An Act to amend Section 1 of an Act entitled "An Act to provide for the investment of the moneys in the Estates of Deceased Persons Fund, and also to provide for payment of interest received into the State School Fund," approved February 22, 1909

Re-referred to Committee on Judiciary, and to retain its place on file

Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds

Re-referred to Committee on Judiciary, and to retain its place on file.

Assembly Bill No. 5—An Act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 5 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Malone, McDonald, McGowen, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbitts, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILL.

Senate Bill No. 102—An Act to amend the Penal Code by amending Section 626*n* thereof, relating to the use of animals as blinds.

Bill read second time, and ordered on file for third reading.

MOTION TO AMEND RULES.

In accordance with motion previously given, Mr. Coghlan moved to amend the standing rules of the Assembly as follows:

AMENDMENT No. 1.

Amend Rule 70 by striking out the word "Speaker," next to last line, and inserting in lieu thereof the following: "Any member".

The roll was called, and the amendment adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Young, and Mr. Speaker—65.

NOES—None.

AMENDMENT No. 2.

Also: Strike out all after the word "given", in last line of Rule 70

The roll was called, and motion lost by the following vote:

AYES—Messrs. Beckett, Brown, Callaghan, Chandler, Coghlan, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Hayes, Held, Jasper, Jones, Kehoe, Kennedy, Lamb, Lynch, March, McDonald, McGowen, Mott, Mullally, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbitts, Walker, Walsh, Williams, Wilson, and Mr. Speaker—48.

NOES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Clark, Cogswell, Farwell, Gaylord, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Joel, Judson, Lyon of Los Angeles, Maher, Malone, Mendenhall, Randall, Rosendale, Telfer, and Young—27.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 26, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 114—An Act to amend section three hundred and thirty-seven of the Penal Code, relating to gaming and gambling by pool-selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 114 read first time, and referred to Committee on Public Morals.

ADJOURNMENT.

At eleven o'clock and forty minutes A. M., on motion of Mr. Cogswell the Assembly was declared adjourned until 10 o'clock A. M. of Friday, January 27, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Friday, January 27, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Walker, and the following members answered to their names:

Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—73

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rogers of Alameda, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion, Mr. Griffiths was granted leave of absence for the day

GUESTS ADMITTED TO THE FLOOR.

Through the courtesy of Mr. Cattell, Messrs. John Braly, W. C. Austin, and J. L. Hadley were granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Kehoe, Messrs. Ralph W. Bull, and Thomas H. Selva were granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Sbragia, Mrs. R. M. Anderson and Mr. J. F. Paulding were granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Beatty, Mr. John B. Chase and Miss Eustice Collins were granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Lamb, Mr. Lee Gates was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Smith, Mr. Leon Clark was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Mr. F. B. Connolly was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Judson, Mr. Alfred Haines was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Beckett, Miss Gretchen E. Libby was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Stuckenbruck, Mr. H. F. Ellis and Professor Jich were granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Gaylord, Messrs. C. A. Tuttle and J. Dudley were granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon of Los Angeles, Mr. John Morris was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Hinshaw, Judge S. H. Underwood was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Tibbits, Mrs. G. V. Spencer was granted the privileges of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 27, 1911.

MR. SPEAKER. Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 1—Relative to the right of suffrage—have had the same under consideration and respectfully report the same back and recommend that it be adopted.

SUTHERLAND, Chairman

The above reported constitutional amendment ordered on file for adoption

ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 26, 1911

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No. 291—An Act to select and adopt the Bear flag as the State flag of California. Also, Senate Bill No. 32—An Act in relation to pandering, to define and prohibit

the same; to provide for punishment thereof, for the competency of certain evidence at the trial thereof.

Also: Assembly Bill No. 595—An Act to amend section three thousand seven hundred and sixty-six of the Political Code of California relating to the manner of making publication of the delinquent tax list

Also: Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions

Also: Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

Also: Assembly Bill No. 502—An Act to amend Section 671 of the Code of Civil Procedure, relative to entry of judgment

Also: Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX, Chapter I, relative to executions, by adding a new section thereto, to be known as Section 681a.

Also: Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Also: Assembly Bill No. 537—An Act to amend section six hundred forty-seven of the Penal Code of the State of California relating to vagrants

Also: Senate Bill No. 34—An Act in relation to pumping, to define and prohibit the same, and providing for punishment thereof, and for the competency of certain evidence at the trial thereof

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 558—An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal

Also: Assembly Bill No. 499—An Act to amend an Act entitled "An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal, or other public work," approved March 27, 1897.

Also: Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203, of the Code of Civil Procedure of the State of California and to repeal Sections 1183a, 1200 and 1303a of said code, all relating to the liens of mechanics and others.

Also: Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

Also: Assembly Bill No. 726—An Act to amend sections two hundred and sixty-nine a and two hundred and sixty-nine b of the Penal Code, relating to cohabitation and adultery.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended

KEHOE, Chairman

The above reported bills ordered on file for second reading

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911

MR. SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 37—An Act authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses—have had the same under consideration, and respectfully report the same back and recommend by majority report that it do pass, as amended. Minority report that it do not pass.

CRONIN, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911.

MR. SPEAKER Your Committee on Public Morals, to whom was referred Senate Bill No. 114—An Act to amend section three hundred and thirty-seven a of the Penal Code relating to gaming and gambling by pool-selling, bookmaking, bets and

wagers, and providing the punishment for the violation thereof—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CRONIN, Chairman.

The above reported bills ordered on file for second reading.

ON MINES AND MINING INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911.

MR. SPEAKER Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

RUTHERFORD, Chairman.

The above reported bill ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts has had the enclosed matter under consideration, and begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of six hundred sixty-seven and forty-five hundredths dollars (\$667.45) in favor of Ed Whyte, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached

Cunningham, Curtis & Welch	\$300 35
W. F. Purnell	113 35
Schneider, Chappell & Jones	4 50
Sacramento Glass and Crockery Co.	4 50
Henry E. Sleeper Co.	3 50
Walsh-Richardson Co.	17 15
Fred Warren Co.	6 00
Whiskey Hill Water Co.	51 00
Wm. Carragher	3 50
Capital Furniture Co.	23 50
John Breuner Co.	115 10
Wasserman-Gattman Co.	25 00
	\$667 45

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Clark, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Feeley, Freeman, Guill, Hall, Harlan, Hayes, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mott, Mullally, Nolan, Pol-ley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—57.

NOES—None

ON AGRICULTURE, FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911.

MR. SPEAKER Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Assembly Bill No. 195—An Act to provide for the registration of farm, ranch, and villa names in the several counties of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass, as amended.

JUDSON, Chairman.

The above reported bill ordered on file for second reading.

ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 747—An Act to amend Section 2714 of the Political Code, relating to the construction, repair and maintenance of bridges.

Also, Assembly Bill No. 419—An Act to add a new section to the Political Code to be numbered section twenty-six hundred forty-six, relating to highways.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CHANDLER, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 42—An Act to provide for the continuation of the highway known as Kings River highway, and to make an appropriation therefor.

Also: Assembly Bill No. 600—An Act to provide for the survey, location and construction of a state highway from Saratoga Gap, on the line between the counties of Santa Clara and Santa Cruz into the California Redwood Park in Santa Cruz County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and the same be re-referred to Committee on Ways and Means.

CHANDLER, Chairman.

The above reported bills ordered on file for second reading, and referred to Committee on Ways and Means.

ON LABOR AND CAPITAL

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees during strikes, lockouts and other labor troubles—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Hinkle: Assembly Bill No. 815—An Act to supplement an Act known as the "San Diego Seawall Act of 1909," approved April 16, 1909, by more fully providing for the payment of the principal and interest of the bonds of the State of California authorized by said Act.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Maher: Assembly Bill No. 816—An Act to amend Section 974 of the Code of Civil Procedure of California, relating to appeals from justices' or police courts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Freeman: Assembly Bill No. 817—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 359a, relating to the issuance of preferred stock by corporations.

Bill read first time, and referred to Committee on Corporations.

By Mr. Stuckenbruck: Assembly Bill No. 818—An Act to recognize, and declare valid all proceedings in south San Joaquin irrigation district.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Feeley: Assembly Bill No. 819—An Act to amend the law relating to the liability of employers for injuries to their employees.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Coghlan: Assembly Bill No. 820—An Act to amend Chapter I of title fifth of Part III of the Political Code, providing for the care of insane, feeble-minded and other incompetent persons, the management of state hospitals, and establishing a Board of Lunacy Commission.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Bliss: Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for investigation of its prevalence and making an appropriation therefor.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Polsley (by request): Assembly Bill No. 822—An Act to regulate the sale of intoxicating liquors in the State of California by the prohibition of treating and to provide a penalty for the violation thereof

Bill read first time, and referred to Committee on Public Morals.

By Mr. Hamilton: Assembly Bill No. 823—An Act providing for the employment of convicts confined in the state prisons on the public highways belonging to and under the control of the State of California, and providing for the care and control of such convicts during such employment.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Telfer: Assembly Bill No. 824—An Act to amend Section 397 of the Penal Code of the State of California, relating to the selling of intoxicating liquors to Indians.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Gaylord: Assembly Bill No. 825—An Act to amend Section 1388 of the Code of Civil Procedure of the State of California, relating to the giving of bonds by the widow in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 826—An Act to amend the Penal Code of the State of California by adding a new section to be numbered 626*p*, relating to the shooting of ducks and other waterfowl from tanks or sink boxes

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Kehoe (by request): Assembly Bill No. 827—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws

By Mr. Clark: Assembly Bill No. 828—An Act to amend Section 3493*m* of the Political Code, relating to land uncovered by the recession or drainage of the waters of inland lakes.

Bill read first time, and referred to Committee on Conservation.

Also: Assembly Bill No. 829—An Act prohibiting the unnecessary wasting of natural gas into the atmosphere; providing for the capping

or otherwise closing of wells from which natural gas flows; and providing penalties for violating the provisions of this act.

Bill read first time, and referred to Committee on Conservation.

Also: Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years

Bill read first time, and referred to Committee on Conservation.

By Mr. Cogswell: Assembly Bill No. 831—An Act making an appropriation for the maintenance of the exposition building in Exposition Park, Los Angeles, Cal.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Hewitt: Assembly Bill No. 832—An Act authorizing levee districts of the State to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals; or for any and all of said purposes.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Also: Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California and to repeal Sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements

By Mr. Hinkle: Assembly Bill No. 834—An Act to amend the Political Code by adding a new section to be numbered Section 2609.

Bill read first time, and referred to Committee on Commerce and Navigation

By Mr. Preisker: Assembly Concurrent Resolution No. 11—Increasing by twenty-five per cent the percentage and rates of taxes to be levied, assessed and collected entirely for state purposes, in accordance with Section 14 of Article 13, of the Constitution of the State of California.

Read first time, and referred to Committee on Revenue and Taxation.

By Mr. Coghlan: Assembly Bill No. 835—An Act to add a new section to the Code of Civil Procedure, to be known as Section 280c, relating to graduates of the San Francisco law school being admitted to practice without examination

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 836—An Act to amend Chapter 107 of the general laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets," etc., approved March 6, 1909.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Lyon of San Francisco: Assembly Bill No. 837—An Act appropriating money to pay the claim of R. A. Sarle against the State of California.

Bill read first time, and referred to Committee on Claims.

NOTICE OF INTENTION TO AMEND RULES.

Mr. Coghlan gave notice that on the next legislative day he would move to amend the Standing Rules of the Assembly as follows:

Amend Rule 70 of the Standing Rules of the Assembly by adding to the last words thereof, the words, "when requested by such members".

Also Amend Rule 70 of the Standing Rules of the Assembly, by striking out the period after the last word of said rule, and inserting in lieu thereof a comma.

Also:

By Mr. Telfer:

Mr. Telfer gave notice that on the next legislative day he would move to amend the Standing Rules of the Assembly in accordance with the following resolution:

WHEREAS, The Committee on Contingent Expenses and Accounts have brought before it the auditing of many accounts, the contracting of which bills have not been authorized by the Assembly or by the committee; therefore, be it

Resolved, That the following be added to the Standing Rules of the Assembly, and be known as No. 23a

"The Sergeant-at-Arms shall order only such supplies as are authorized by the Assembly, or upon requisition signed by a majority of the membership of Committee on Contingent Expenses and Accounts."

Also:

By Mr. Bohnett:

Mr. Bohnett gave notice that on the next legislative day he would move to amend Rule 14 of the Standing Rules of the Assembly in accordance with the following resolution:

Resolved, That all bills reported to this Assembly by the Committee of Revision and Reform of Laws, be printed in the general file under a separate heading to be entitled, "Special File Bills Reported by the Committee on Revision and Reform of Laws." Said bills shall be disposed of at such sessions and at such time as shall be determined by the Speaker.

MOTION.

Mr. Brown moved that the following resolution, offered by him on Thursday, January 26, 1911, be taken up for consideration:

Resolved, That the Committee on State Prison and Reformatory Institutions are hereby instructed and empowered to inquire whether prisoners confined in San Quentin and Folsom state prisons are now or have been within the last two years subjected to cruel and unusual punishments, and especially to what extent the strait-jacket is being used at said prisons upon prisoners confined in said prisons or in any of the reformatory institutions of this State for the purpose of discipline or punishment; that said committee make this inquiry during their first visit to said prisons, and said committee is hereby directed to report to the Assembly in writing the result of their investigations as soon as practicable. That said committee have full power to subpoena witnesses, administer oaths, take testimony, send for persons, books and papers, and that a stenographer be assigned to said committee, and authorized to accompany said committee when it visits said prisons and that said committee have leave to sit at San Quentin and Folsom prisons.

Motion carried.

POINT OF ORDER

Mr. Coghlan rose to the following point of order: That the resolution should be referred to the Committee on Rules.

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

Resolution read and, on motion of Mr. Brown, adopted.

MOTION.

Mr. Bohnett moved that when the Assembly adjourns this day it do so until ten o'clock A. M. of Saturday, January 28, 1911.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Mr. Farwell:

WHEREAS, There appears to be no end of confusion and loss of time to the members of this Assembly on account of a lack of system in the selection of hours for the meetings of the standing committees of this House, therefore, be it

Resolved, (1) That the Sergeant-at-Arms be required to secure a suitable and approved bulletin blackboard having the names of the standing committees of this House printed thereon, together with the names of the chairman thereof, the number of the room where the committee meets, and a column for the days of said meetings, and another column for the hour of the said day thereof, and to provide said bulletin board with proper supply of crayons and erasers. (2) That it be the duty of the chairman of each committee to see that the meetings of his committee are properly recorded on said bulletin board and without serious conflicts with other committees.

Resolution read and on motion adopted.

THIRD READING OF BILLS

Assembly Bill No 279—An Act to amend Section 2924 of the Civil Code of the State of California, relating to mortgages.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 279 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Griffin, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, Meudenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wythe, Young, and Mr. Speaker—64.

NOES—Messrs. Freeman, Jones, Lynch, Lyon of San Francisco, and March—5.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Mr. Schmitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 279 was this day passed.

Assembly Bill No 465—An Act to amend Section 1474 of the Code of Civil Procedure, relating to rights of survivor to homesteads.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 465 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Guill, Hall, Hamilton, Harlan,

Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Ryan, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—Messrs Brown, Clark, Rogers of Alameda, Rosendale, Rutherford, and Schmitt—4.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 7—An Act entitled "An Act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public cemeteries, sale of lots, keeping same in order and jurisdiction over the same.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 7 passed by the following vote

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Guill, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rumlunger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 171—An Act to amend Section 1322 of the Code of Civil Procedure of the State of California, relating to wills

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 171 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rumlunger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Willie, Young, and Mr. Speaker—67

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 369—An Act to provide for the establishment and maintenance of county free libraries in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 369 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Gaylord, Guill, Hall, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumlunger, Rogers of Alameda, Rosendale, Ruther-

ford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—58.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 21—An Act providing for the management of the California Redwood Park and creating a board of five commissioners with power to manage said California Redwood Park.

Bill read third time and passed on file.

Assembly Bill No. 46—An Act to amend Section 629 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 46 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Presker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 1—Relating to defense of the Pacific seaboard by the National Government.

During the consideration of the Assembly joint resolution, the following amendment was submitted by the committee:

Strike out all in lines 2, and 3, on page 1 of the printed resolution, also in line 4, page 1, the following words, "States by any enemy, and".

Amendment adopted.

Assembly joint resolution read, and ordered to reprint, engrossment, and on file for adoption.

SECOND READING OF BILLS.

Assembly Bill No. 1—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 62—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 277—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO 1

On page 1, Section 1, line 12, of the printed bill, strike out the word "clearly" before "appear."

Amendment adopted

AMENDMENT NO. 2.

On page 1, Section 1, line 12, of the printed bill, strike out the word "specific."

Amendment adopted.

AMENDMENT NO. 3

On page 1, Section 1, line 13, of the printed bill, strike out the word "will," and insert in lieu thereof the word "would."

Amendment adopted.

AMENDMENT NO. 4

Strike out all of section two.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 280—An Act appropriating five thousand dollars for the investigation and eradication of diseases and insect pests infesting the hop and hop vine.

Bill read second time, and referred to Committee on Ways and Means.

Assembly Bill No. 308—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 317—An Act to amend section nine hundred and twenty-eight of the Penal Code of the State of California, relative to the examination of the books, records, and accounts of county officers, and the appointment of experts by grand juries.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

On page 1, line 10, of the printed bill, strike out the word "are," and insert in lieu thereof, the word "is".

Amendment adopted.

AMENDMENT NO. 2.

Strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

During second reading of bill, the following amendment was submitted by the committee:

Strike out of the printed bill, on page 1, line 3, the parenthesis.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 409—An Act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the justices' court

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 623—An Act to amend section two hundred and seventy-four *a* of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the Superior Court.

During second reading of bill, the following amendment was submitted by the committee:

Strike out of the printed bill all of section two

Amendment adopted

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 683—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 8, of the printed bill, strike out the word "his" and insert in lieu thereof the word "its".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 580—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 547—An Act to amend an Act entitled "An Act providing for the labeling or stamping by the manufacturer, vender, or person offering for sale any article or hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags or cast-off, or secondhand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this act a misdemeanor," approved March 18, 1909, by adding a new section thereto, to be numbered Section 3, providing for the enforcement of this Act by the Commissioner of the Bureau of Labor Statistics

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 684—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act in relation to the office and term of office of the Superintendent of Banks.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 637—An Act to amend the title and sections one, two, three, four and six of an Act entitled "An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages," approved March 31, 1891, amended March 5, 1903.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 611—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest.

Mr. Rutherford moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 611 considered.

Mr. Rutherford moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 27, 1911

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 611, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Rutherford moved the adoption of the report.

Motion carried.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 131—An Act to amend an Act entitled "An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom, for game and fish preservation and restoration, approved March 22, 1909, by amending section three thereof.

Bill read second time, and ordered to engrossment and third reading.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, JANUARY 27, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 3—Relative to approving four certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, etc.—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

COGILAN, Chairman.

The above reported Senate concurrent resolution ordered on file for adoption.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911.

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills.

Assembly Bill No. 594—An Act to amend section three thousand seven hundred and sixty-four of the Political Code of California, relating to the publication of the delinquent tax list.

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

Assembly Bill No. 141—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Assembly Bill No. 578—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries in the counties of Solano and Yolo.

Assembly Bill No. 406—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Assembly Bill No. 656—An Act to amend Section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds, to provide for the enforcement of liens created by this act and for suits to quiet title against claims of lien arising hereunder, to repeal an Act entitled, "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all acts and parts of acts in conflict with this Act," approved March 20, 1905.

Assembly Bill No. 481—An Act to amend Section 634 of the Penal Code of the State of California, relating to taking and selling salmon.

Assembly Bill No. 190—An Act providing for the supervision and control by the State Board of Charities and Corrections, of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

Assembly Bill No. 470—An Act to amend section fourteen hundred sixty-nine of the Code of Civil Procedure relating to the administration and setting apart of estates which do not exceed fifteen hundred dollars in value.

Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

Assembly Bill No. 185—An Act to amend an Act entitled, "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age, providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10, relating to probation officers in counties of the eighth, tenth, sixteenth and seventeenth classes, and providing for an assistant probation officer in counties of the eighth class.

Assembly Bill No. 535—An Act to amend an Act entitled an Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909, by adding a new section thereto, to be numbered 10f.

Assembly Bill No. 363—An Act to amend an Act entitled, "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the words "dependent child," as established in said Section 1.

Assembly Bill No. 433—An Act to amend an Act entitled "An Act concerning

dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding a new section thereto, to be numbered 10 μ .

Assembly Bill No. 662—An Act to prohibit minors under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning, and providing penalties for violations thereof.

And report that the same have been correctly engrossed.

RANDALL, Chairman

LEAVES OF ABSENCE.

On motion, leaves of absence were granted until Monday, January 30, 1911, to Messrs. Beatty, Callaghan, Coghlan, Kennedy, Smith, Crosby, Fitzgerald, Walsh, Jones, and Sbragia.

ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Rogers of Alameda, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., {
Saturday, January 28, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs Beckett, Bishop, Bliss, Bohnett, Brown., Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Flint, Freeman, Gaylord, Griffin, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lynch, Lyon of Los Angeles, Maher, Malone, March, Mendenhall, Mott, Polsley, Freisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—56.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Smith, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR.

Through the courtesy of Mr. Bliss, Mr. E. Cullinian was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Bohnett, Mr. F. G. Varner was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Stevenot, Mr. George A. Burqou was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Cattell, Mr. J. N. Want was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Walker, Mr. Mulrohn F. McNie was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Wilson, Mr. E. H. Archer was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon, Mr. W. G. Van Pelt was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Wilson, Mr. Wilham A. Brinck was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Tibbits, Mrs. E. V. Spencer was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Malone, Mr. F. A. Johnson was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Sutherland, Mr. E. D. Crawford was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Wilson, Mr. Dan Jacobs was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Randall, Judge S. H. Underwood was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. March, Mr. W. V. Pierce was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Tibbits, Mrs. Helen Moore was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Walker, Mr. W. B. Hoskins was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon, Mr. John Johnson was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Rutherford, Mr. C. B. Keyes was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Hinshaw, Mr. E. A. Bonar was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Judson, Mr. J. H. Ferry was granted the privileges of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1911

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 230—An Act making an appropriation for the erection and construction of a building on the grounds of the Sonoma State Home to be used as a school and assembly hall, and for furnishing the same.

Also: Assembly Bill No. 231—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Assembly Bill No. 232—An Act authorizing and directing the construction and furnishing of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor

Also: Assembly Bill No. 235—An Act authorizing and directing the construction of a commissary building at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor

Have had the same under consideration, and respectfully recommend that they be re-referred to Committee on State Hospitals and Asylums.

HINKLE, Chairman.

The above reported bills re-referred to Committee on State Hospitals and Asylums.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano of the city of Sonoma, California.

Also: Assembly Bill No. 540—An Act appropriating the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and be re-referred to Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON FEDERAL RELATIONS

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 9—Relative to Klamath reclamation project—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FREEMAN, Chairman.

The above reported Senate joint resolution ordered on file for adoption.

ON IRRIGATION AND DRAINAGE

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1911

MR. SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller—have had the same under consideration, and respectfully report the same back and recommend that it do pass

LYON, Chairman

The above reported bill ordered on file for second reading.

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911

MR. SPEAKER: Your Committee on Common Carriers, to whom was referred Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this act and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers and employees, and defining offenses of railroad and transportation companies, their officers, employees and other

persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein' approved April 1, 1878" and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880," approved March 19, 1909, and also repealing "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act—have had the same under consideration, and respectfully report the same back with fifty-one amendments, and recommend that the same do pass as amended.

PREISKER, Chairman.

SECOND READING OF BILL.

Mr Bohnett asked for unanimous consent to have the above reported bill taken up for second reading.

Unanimous consent granted.

During second reading of bill, the following amendments were submitted by the committee:

ASSEMBLY COMMITTEE AMENDMENT No. 1

On page 3, Section 3, line 7, strike out the word "shall" and insert in lieu thereof the word "may".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 2.

On page 4, Section 5, line 5, after the word "determine", add the following: "All courts shall take judicial notice of such seal".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 3.

On page 6, Section 12, line 7, after the word "switching", insert the following: "carrying, transporting".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 4.

On page 6, Section 12, line 9, strike out the words "property, and transportation of passengers", and insert in lieu thereof the following: "freight and transportation or accommodation of passengers. The term 'freight' as used in this Act shall be deemed to mean and include every animate or inanimate thing or substance of whatsoever nature, except persons, capable of being transported by any railroad or other transportation company".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 5.

On page 6, Section 13, line 8, strike out all after the word "state" and insert in lieu thereof a period.

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 6

On page 6, Section 14, line 1, strike out all following "Sec. 14.", and insert in lieu thereof the following:

The term "rate" or "rates" or "rates of charges" as used in this act shall be deemed and held to mean and include all fares for transportation of passengers; all rates and charges for transportation, for demurrage, for dunnage, for receiving, storing, handling, delivering and switching freight and all classifications, and all charges to and demands upon the public of every kind and character direct or in-

direct that are demanded or made for any service whatsoever connected with or incidental to the transportation of freight or passengers, rendered or to be rendered, by any railroad or other transportation company subject to the provisions of this act, including any and all rules or regulations which in anywise change, affect or determine any part or the aggregate of any rates, fares or charges, or the value or cost of the service rendered to the passenger, shipper or consignee.

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 7.

On page 6, Section 15, line 1, strike out all following "Sec 15.", and insert in lieu thereof the following

The commission shall have the power and it shall be its duty to establish rates of charges, including joint rates over through routes, for the transportation of freight and passengers by all railroad or other transportation companies subject to the provisions of this Act. Likewise to prescribe and establish classifications of freight.

The commission shall also have the power to prescribe and establish, or modify or abrogate, from time to time, rules and regulations affecting the public of all such railroad and other transportation companies, for demurrage, dunnage and for receiving, storing, carrying, handling, delivering, switching, time of transit of freight and time of transit of passengers and affecting directly or indirectly the rendition to the public of any service connected with or incidental to the transportation of freight and passengers; likewise to prescribe from time to time forms of bills of lading, the same, however, to be as nearly as practicable in the form of bills of lading approved by the Interstate Commerce Commission of the United States; to establish through routes over connecting lines of such railroad or other transportation companies and the terms and conditions under which such through routes shall be operated and, in case the companies do not agree upon the divisions between them of the joint rates established by the commission over such through routes, to establish such divisions; *provided, however*, that where any railroad or other transportation company is made a party to a through route with another company, and such railroad or other transportation company has itself over its own line an equally satisfactory through route between the termini of the through route established, such railroad or other transportation company shall have the right to require as its division of the joint rate its local rate over the portion of its line comprised in such through route.

The commission shall likewise have the power to require any railroad company to construct, maintain and operate, upon reasonable terms which the commission shall have the power to fix, a switch connection or switch connections with the railroad of any other company or with any private sidetrack or spur of any shipper which may be constructed to connect with its railroad, where, in the opinion of the commission, such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same, and to furnish cars for the movement of such traffic to the best of its ability, without discrimination in favor of or against any shipper. The commission shall have the power to make rules, regulations and orders to prevent discrimination in the construction, operation or maintenance of industrial tracks.

The commission shall likewise have the exclusive power to determine and prescribe the manner, including the particular point of any crossing of a railroad or other transportation line by another such line, and also the terms of the installation, maintenance, use and protection of such crossing, and to require at any crossing of one railroad by another, where the same is practicable, a separation of their grades and to prescribe the terms upon which such separation shall be made and to prescribe, abolish or change any crossing of a railroad by a public road or highway, and to fix the terms of the construction, maintenance, use and protection of such crossing, and to require that such crossing be either at grade, or above or beneath the tracks of the railroad, and the proportions in which the expense of installing and maintaining such crossing shall be divided between the railroad company and the county or other public authority in charge of the public highway.

The commission shall likewise have the power to require one railroad company to switch to the industrial and team tracks upon its own line the cars of a connecting railroad and to prescribe the terms and compensation for such service.

The commission shall have the power under such uniform rules as it may make, to prescribe the amount of demurrage which shall be paid by any railroad or other transportation company for the failure on the part of any such company to furnish cars in accordance with such rules, and likewise the amount which any shipper shall pay to any such company for failure to use cars ordered by such shipper under such rules. Such charges shall be uniform, the commission being required to prescribe the same penalty for both shipper and company for an equal number of cars for each day for which such demurrage is charged. Any such penalty may be recovered by action therefor as provided in section twenty-eight of this Act.

Amendment adopted

ASSEMBLY COMMITTEE AMENDMENT No. 8.

On page 7, Section 16, line 4, strike out the word "and" and insert in lieu thereof the following: "and said record and certified copies thereof".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 9

On page 7, Section 16, lines 4 and 5, after the word "evidence," strike out the words "as well as certified copies thereof".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No 10

On page 7, Section 16, line 7, strike out the word "provided," and all following down to and including the word "commission", in lines 18 and 19 of said section, and insert in lieu thereof the following: "*Provided, however,* that except in those cases where the commission adopts and establishes as the legal rates of charges, the rates of charges filed with it by a railroad or other transportation company as hereinafter provided, no rates of charges for the transportation of freight or passengers shall be established by the commission, until the commission shall have given the railroad or other transportation company to be affected by said rates, a reasonable opportunity to be heard upon notice of not less than twenty days of said proposed action on the part of the commission."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No 11.

On page 8, Section 17, line 1, strike out all following "Sec 17.", and insert in lieu thereof the following:

"Within sixty days after this Act goes into effect, unless additional time be allowed by the commission after good cause shown each of the railroad and other transportation companies subject hereto shall file in triplicate with the commission full and complete schedules or tariffs of all of its rates of charges for the transportation of freight and passengers, including freight classifications as defined in section fourteen hereof which are in force and effect at the time this Act goes into effect together with any changes thereof, distinctly stated, which such railroad or other transportation company may desire to propose.

Each of such railroad or other transportation companies shall also file within the same time with the commission copies of all of its rules and regulations in force affecting the public and the rendition to the public of the service of transporting freight or passengers or of any service connected therewith or incidental thereto, and shall likewise file with the commission copies of any such rules and regulations thereafter made, at least ten days before it is proposed to make the same effective, unless a shorter time be allowed by the commission.

The railroad or other transportation companies who are parties to any agreement concerning joint freight or passenger rates and the divisions of the same in effect at the time this Act goes into effect shall likewise within the same time file a copy of such agreement with the commission, and shall likewise file with the commission a copy of any such agreement thereafter made, within thirty days after the execution of the same.

It is hereby made the duty of the commission within a reasonable time, not exceeding sixty days after the filing of the schedules or tariffs and classifications and proposed changes therein of any such railroad or other transportation company, to establish such of the rates and classifications included therein, as it may approve and as to those not so established to proceed with the establishment of others in lieu thereof after notice and opportunity for hearing given such company as provided in section sixteen of this Act, *provided, however,* that until the establishment of such rates and classifications or the establishment of other in lieu thereof the said railroad or other transportation company filing such schedules or tariffs and classifications, and parties thereto, shall charge and collect the rates and fares in effect at the time of the passage of this Act, and that with said exception no railroad or other transportation company subject to the provisions of this Act shall engage or participate in the transportation of freight or passengers except at rates of charges and classifications which have been established for it by the commission.

The names of the several railroad or other transportation companies which are parties to any joint rate shall be specified in the schedule or tariff setting forth the same filed with the commission as herebefore provided, and each of the parties to such joint rate other than the one filing the schedule or tariff setting forth the same shall file with the commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the commission, and where such evidence of concurrence or acceptance is so filed need not itself file with the commission a schedule or tariff setting forth such joint rate

The commission, as soon as any rate or rates, classification or classifications are established, shall give notice thereof to each of the railroad or other transportation companies affected thereby in such manner as may be prescribed by the commission, and such rate or rates, classification or classifications shall take effect at a date which shall be fixed by the commission, but in no case less than thirty days after the order of the commission establishing the same is made, unless with the consent of the railroad or other transportation companies affected thereby a less time be fixed. Each of said companies shall immediately upon receiving notice of such establishment of a rate or rates, classification or classifications cause the same to be printed and posted in accordance with such rules and regulations as may be prescribed by the commission.

Any railroad or other transportation company about to begin the operation of a new line after this act goes into effect shall, prior to the commencement of the commercial operation thereof, file in triplicate with the commission its proposed schedule or tariffs of all of its rates of charges, including freight classifications, over such line, and thereupon the commission shall proceed to establish such rates and classifications or others in lieu thereof in the manner hereinbefore provided."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT NO. 12.

On page 9, Section 18, line 1, after "Sec. 18.", strike out the remainder of the section and insert in lieu thereof the following:

"All rates of charges for the transportation of passengers and freight and all classifications established by the commission shall remain in effect until changed by the commission. Between the first and tenth days of July, 1912 and annually between the first and tenth days of July thereafter each railroad and other transportation company, subject to the provisions of this Act, shall have the right to file with the commission proposed changes in its rates for the transportation of freight and passengers or in its classifications, and it is hereby made the duty of the commission within a reasonable time, not exceeding sixty days after the filing of said proposed changes, to establish such of the rates or classifications included therein as it may approve, and as to those not so established to proceed to the establishment of others in lieu thereof after notice given to such railroad or other transportation company as provided in section sixteen of this Act.

Provided, however, that as to any change so proposed, of a rate or rates, classification or classifications which shall have been established by the commission within less than six months before the time of filing such proposed change, the commission shall have the authority either to establish such proposed rate or rates, classification or classifications, wholly or in part, or to reject the same without hearing.

Any complaint filed by any railroad or other transportation company concerning any rate or rates, classification or classifications that shall have been established within one year immediately preceding the time of the filing of said complaint or which shall not have been questioned by said railroad or other transportation company at the time of filing its proposed changes in its rates or classifications, in the preceding July may be dismissed by the commission without hearing unless there shall appear to be reasonable ground for investigating said complaint. This provision shall also apply to any person who shall have been a party either by intervention or otherwise to any hearing pursuant to which any such rate or rates, classification or classifications shall have been established.

In any proceeding before the commission, any person, firm, company or corporation, or any mercantile, commercial or traffic association or organization, or body politic may intervene with the consent of the commission.

The commission may at any time abolish, alter or in any manner amend any rate or classification upon notice and hearing or opportunity for hearing in the manner hereinbefore provided, and in that event each railroad or other transportation company affected thereby shall be notified thereof in such manner as shall be prescribed by the commission and thereupon the said action of the commission shall be immediately printed and posted by said company to take effect as hereinbefore provided. Nothing in this Act contained shall be construed to prohibit the commission from at any time approving and establishing any rate or rates, classification or classifications proposed by any railroad or other transportation company, and when the commission shall approve and establish any rate or rates, classification or classifications so proposed, the same shall be subject to change, amendment or abrogation only as provided herein. A substantial compliance by the commission with the requirements of this Act shall be sufficient to give effect to all the classifications, rates, charges, rules, regulations, requirements and orders made, approved and established by the commission and none of them shall be declared inoperative because of any omission of a technical or clerical character in the establishment, record or publication of the same."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 13.

Page 14, Section 21, line 5, after the word "and" insert the following. "either of the commissioners and each of the officers of the commission shall have power"

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 14.

On page 15, Section 22 between lines 8 and 9, insert the following: "The commission shall investigate the cause of all accidents on any railroad within this State which result in loss of life or injury to persons or property, and which in its judgment shall require investigation. Every railroad and other transportation company is hereby required to give immediate notice to the commission of every accident happening upon any line owned, operated, controlled or leased by it in such manner as the commission may direct."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 15.

Page 16, Section 22, lines 55 and 56, strike out the word "punishable" and insert in lieu thereof the following: "guilty of a misdemeanor and on conviction thereof shall be punished".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 16.

Page 16, Section 23, line 1, strike out all following "Sec. 23" down to and including the word "it," in line 3, and insert in lieu thereof the following:

"The commission shall have the power and it shall be its duty to prescribe a uniform system of accounts to be kept by all railroad and other transportation companies subject to the provisions of this Act, which system the commission shall have the power by order to change from time to time, and which shall conform as nearly as practicable to the system of accounts prescribed by the Interstate Commerce Commission of the United States."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 17.

On page 16, Section 24, line 1, strike out all following the words "Sec. 24." down to and including line 15, page 17, and insert in lieu thereof the following:

"The commission may, in its discretion, prescribe the forms of accounts, records and memoranda to be kept by any railroad or other transportation company, subject to the provisions of this act, including accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of money. The commission shall at all times have access to all accounts, records and memoranda kept by the companies subject to this act, and the commissioners and the officers and employees of the commission shall have authority to inspect and examine any and all accounts, records and memoranda kept by such companies"

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No 18

On page 18, Section 25, lines 1 and 2, strike out the following: "in making any examination or investigation provided for in this Act."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 19.

On page 18, Section 25, line 8, strike out the words "ordered paid" and all following to and including the word "and," in line 15, and insert in lieu thereof the following: "paid by the party at whose request such witness is subpoenaed. When any witness shall be subpoenaed whom the commission shall deem necessary, who has not been required to attend at the request of any party, the fees and mileage of such witness may be paid from the funds appropriated for the use of the commission as other expenses of the commission are paid. Any witness subpoenaed except those whose fees and mileage may be paid from the funds of the commission, may, at the time of service, demand the fee to which he is entitled to for travel to and from the place at which he is required to appear and one day's attendance. Unless such fees are tendered, or the witness fails to demand the same at time of service, such witness shall not be required to attend before the commission as directed in the subpoena. All fees or mileage to which any witness is entitled under

the provisions of this section may be collected by action therefor instituted by the person to whom such fees are payable.

In any proceeding before the commission where it is found that there is a wilful violation of any rule, regulation, order or decision of the commission, all fees for the payment of witnesses or the service of process and expense of stenographic reporters incurred by the commission or by any party in such proceeding may be assessed against the party guilty of such wilful violation and shall be collectible as herein provided."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 20.

On page 18, Section 25, line 15, strike out the word "no" and insert in lieu thereof the following "No"

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 21.

On page 19, Section 26, line 1, after the words "Sec. 26," strike out the remainder of the section and insert in lieu thereof the following. When an emergency exists warranting such action the commission shall have power upon the request of any railroad or other transportation company affected or upon the request of any other person, firm or corporation interested and the concurrence of such company to establish for a definitely limited period and make immediately effective over the lines of such company rates for the transportation of freight and passengers to be known as "emergency rates."

Emergency rates shall be immediately subject to revision according to the procedure in this Act provided for the case where rates have been in existence more than six months. Unless so revised the formerly existing rates shall revive and be in force from and after the expiration of the period fixed for such emergency rates.

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 22.

On page 20, Section 27, line 12, after the word "commission" insert the following "and all fines".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 23.

On page 20, Section 28, line 24, after the word "same," insert the following. "If such complaint is verified the answer shall also be verified."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 24.

On page 21, Section 28, line 29, strike out the word "willfull" and insert in lieu thereof "wilful".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 25.

On page 21, Section 28, line 30, strike out the word "willfull" and insert in lieu thereof "wilful".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 26.

On page 21, Section 28, line 42, strike out the word "willfull" and insert in lieu thereof "wilful".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 27.

On page 21, Section 28, line 60, strike out the word "shall" and insert in lieu thereof the following "may".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 28.

On page 22, Section 28, line 68, after the word "situated.", insert the following: "On the trial of such suit the findings or order of the commission shall be prima facie evidence of the facts therein stated."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 29.

On page 23, Section 29, line 21, after the word "complaint.", insert the following: "Any railroad or other transportation company subject to the provisions of this Act shall have a right to complain on any of the grounds upon which complaints are allowed to be filed under the provisions of section twenty-eight of this Act, and the same procedure shall be adopted and followed with reference to such complaint on the part of any such railroad or other transportation company as is provided in said section in the case of complaints filed under its provisions, except that the complaint filed by any railroad or other transportation company may be heard *ex parte* by the commission or may be served upon any parties designated by the commission, and that any parties interested may, when allowed by the commission, intervene and be allowed to be heard upon such complaint."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 30

On page 23, Section 29, line 22, strike out line 22 and all the remainder of the section and insert in lieu thereof the following

"The commission is hereby authorized, when public interest requires, to file petitions for investigations, or complaint or complaints, with the Interstate Commerce Commission and to file such suit or suits, in tribunals or courts of competent jurisdiction as are permitted under the provisions of an Act of Congress of the United States entitled "An Act to regulate commerce," approved February 4, 1887, and hereinafter designated as the Interstate Commerce Act, complaining of anything done or omitted to be done by any railroad or other transportation company or companies, subject to the provisions of the said Interstate Commerce Act, and to prosecute the same. The commission is also hereby authorized to file petitions for investigations, or complaint or complaints, and to commence and prosecute such suit or suits, in tribunals or courts of competent jurisdiction, complaining of any railroad or other transportation company or companies raising rates or entering into contracts or combinations or conspiracies to raise or maintain rates, or taking any action that will prevent or tend to prevent competition to and from, or to or from, California points, to or from points outside of California, or is in restraint of trade, and to commence and prosecute any other actions or suits against railroad or other transportation companies, under the Act of Congress of July 2, 1890, being the so-called Sherman Anti-Trust Act.

The commission is hereby empowered also to cooperate with the Interstate Commerce Commission in the investigation of the justice and reasonableness of, or discriminations in, charges or facilities for transportation of passengers or freight made by any railroad or other transportation company between places or persons or in the facilities for the transportation of the same classes of passengers or freight within this State, or coming from or going to points without this State, and to that end for either of said purposes may arrange for and hold joint meetings with the Interstate Commerce Commission or any section thereof."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No 31.

On page 24, Section 32, line 3, after the word "act", insert the following "or by the Constitution of this State.

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 32.

On page 24, Section 32, line 8, strike out the comma after the second word "dollars" and the remainder of that section and insert in lieu thereof a period.

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 33.

On page 25, Section 33, line 4, after the word "commission", insert the following "shall be public records and".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT NO 34.

On page 25, Section 33, line 6, strike out all of the section following the word "commission", and insert in lieu thereof the following "except as otherwise herein provided and shall continue in force until modified, suspended or abrogated by the commission as herein provided."

Amendment adopted

ASSEMBLY COMMITTEE AMENDMENT NO 35

On page 26, Section 37, line 1, strike out all of said section following "Sec 37.", and insert in lieu thereof the following:

No railroad or other transportation company subject to the provisions of this Act shall, directly or indirectly, issue, give or tender any free ticket, free pass or free or reduced-rate transportation for freight or passengers between points within this State except to its officers, agents, employees, surgeons, physicians, attorneys at law, and members of their families, to ministers of religion, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work, and persons and property engaged or employed in educational work when permitted by the commission, to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation, to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge, to necessary care-takers, going and returning, of live stock, poultry, milk, fruit and other freight under uniform and non-discriminatory regulations; to employees of sleeping car companies, express companies, telegraph and telephone companies, to railway mail service employees, United States internal revenue officers, post office inspectors, customs inspectors and immigration inspectors when traveling in the course of their official duty, to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the company is interested, persons injured in accidents or wreck, and physicians and nurses attending such persons; for the carriage, free or at reduced rates, of persons or property for the United States, state or municipal governments, or for charitable purposes, or of property to or from fairs and expositions for exhibit thereat. Nothing in this Act contained shall be construed to prohibit the interchange of free or reduced-rate transportation between common carriers subject to this Act or to the Acts of the Congress of the United States regulating interstate commerce, for their officers, agents, employees, attorneys, physicians, surgeons and members of their families, nor to prevent railroads or other transportation companies from entering into contracts with telegraph, telephone and cable companies for the exchange of services, nor to prohibit a carrier from transporting, free or at reduced rates, contractors or their employees, materials or supplies for use or engaged in the carrying out of their contracts, provided such arrangements for free or reduced-rate carriage are made a part of the specifications upon which the contract is based or of the contract itself, nor to prohibit the carriage of passengers or property, free or at reduced rates, with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation. Nothing in this Act shall be construed to prevent the issuance of mileage, excursion or commutation passenger tickets, or joint interchangeable mileage tickets with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand miles or more, *provided*, that the commission may put reasonable restrictions upon the issuance and terms of such mileage, excursion and commutation passenger tickets and joint interchangeable mileage tickets.

Provided, that the term "employees" as used in this section shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such company, ex-employees traveling for the purpose of entering the service of any such company, and the remains of persons dying while in the employment of any such company, and the term "families" as used in this section shall include the families of those persons heretofore named in this proviso, the families of persons killed, and the widows during widowhood and minor children during minority of persons who died while in the service of any such company.

Provided, that no free tickets, free passes or free or reduced-rate transportation shall be issued, given or tendered to an officer, agent or employee of a railroad or other transportation company, who is at the same time a shipper or receiver of freight, or an officer, agent or employee of a shipper or receiver of freight, unless such officer, agent or employee devotes substantially his entire time to the service of such railroad or other transportation company.

Provided further, that members of the Railroad Commission, their appointees and employees shall be entitled, when in the performance of their official duties, to free transportation over the lines of all railroad or other transportation companies within this State.

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 36.

On page 27, Section 38, line 1, after "Sec. 38.", strike out the remainder of the section and insert in lieu thereof the following:

"Every railroad or other transportation company which shall issue, give or tender any free ticket or free pass or any free or reduced-rate transportation for freight or passengers between points, within this State, except as authorized in section thirty-seven of this Act, shall for each offense be guilty of a misdemeanor; and upon conviction shall be punished therefor by a fine of not less than five hundred dollars nor more than one thousand dollars. Every officer, agent or employee of any railroad or other transportation company who shall issue, tender or authorize the issue or tender of any free ticket or free pass or any free or reduced-rate transportation for freight or passengers except as permitted by section thirty-seven of this Act, and every person soliciting, accepting or using any such free ticket, free pass or free or reduced-rate transportation, except as permitted by section thirty-seven of this Act, shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months nor for more than one year, or by both such fine and imprisonment; and in so far as any of the acts prohibited in this section shall be in violation of any order, rule or regulation of the Railroad Commission of this State, such act shall be a contempt of the commission, and shall be punishable by the commission as elsewhere in this Act provided."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 37.

On page 28, Section 40, line 14, after the period, insert the following

"Any person who shall solicit or procure any officer or agent of any railroad or other transportation company subject to the provisions of this Act, either by false representations or otherwise to do any of the acts which such officer or agent is forbidden by the provisions of this section from doing shall also be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not less than one hundred dollars or more than one thousand dollars or by imprisonment in the county jail not less than ninety days or more than one year or by both such fine and imprisonment."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 38.

On page 29, Section 41, line 11, strike out the word "willful" and insert in lieu thereof "wilful."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 39.

On page 29, Section 41, line 13, after the word "act" insert the following "or officer or agent thereof."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 40.

On page 29, Section 41, line 14, strike out the words "such rates," and insert in lieu thereof the following "Any rate, classification, rule or regulation established by the commission".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 41

On page 29, Section 41, line 16, after word "company" insert the following "or such officer or agent thereof".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT No. 42.

On page 29, Section 41, line 21, after the word "provided", insert the following: "And it is further provided that each day of such wilful failure upon the part of any such railroad or other transportation company or officer or agent thereof shall constitute a separate offense, and each such separate offense shall be punishable as in this section provided"

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT NO. 43.

On page 29, Section 41, line 20, after the word "thereof", insert the following: "so offending".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT NO. 44.

On page 30, Section 41, line 41, after the word "inquired", strike out "or" and insert in lieu thereof "into".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT NO. 45

On page 30, Section 41, line 45, strike out the words "railroad commission" and insert in lieu thereof the following: "commission".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT NO. 46.

On page 30, Section 42, line 1, after the word "fines", insert the following "and forfeitures".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT NO. 47.

On page 30, Section 42, line 8, after the word "fine", insert "or forfeiture".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT NO. 48.

On page 30, Section 43, line 12, strike out the word "pay" and insert in lieu thereof "be liable".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT NO. 49.

On pages 30 and 31, Section 43, lines 12 and 13, strike out the words "a penalty" and insert in lieu thereof "in punitive damages in the sum".

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT NO. 50.

On page 4, Section 7, line 4, after the period, insert the following "The assistant secretary shall have all the power conferred by law upon peace officers to carry weapons, make arrests and serve warrants and other process in any county or city and county of the State."

Amendment adopted.

ASSEMBLY COMMITTEE AMENDMENT NO. 51.

On page 24, Section 32, line 10, after the word "Act", insert the following: "The commission, in addition to any and all powers conferred upon it by this or any other Act or by the Constitution of this State, shall have the power to enforce any order or to enforce the performance of any duty enjoined upon any railroad or other transportation company, or officer or agent thereof, by proceedings for mandamus or injunction in any court of competent jurisdiction against any such railroad or other transportation company or officer or agent thereof. This method of enforcing orders or the performance of duties is cumulative of and in addition to any other method provided in this or any other Act or in the Constitution of this State."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 318—An Act to add a new section to the Political Code of the State of California, to be numbered 4261a, relating to and fixing the compensation of grand and trial jurors in the Superior Court in counties of the thirty-second class—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 639—An Act to amend section fifteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and the creation of ex officio boards of supervisors," approved March 20, 1909, said amendment referring to the levy of taxes.

Also: Senate Bill No. 268—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

ON UNIVERSITIES

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 56—An Act appropriating money for the erection of buildings on and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Also: Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

HARLAN, Chairman.

The above reported bills ordered on file for second reading and re-referred to Committee on Ways and Means.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No. 15—An Act providing for the management of the California Redwood Park and creating a board of five commissioners with power to manage said California Redwood Park—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

FLINT, Chairman.

The above reported bill ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1911

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Assembly Bill No. 559—An Act to create a reclamation district to be called "Reclamation District Number 900," and providing for the control and management thereof—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

LYNCH, Chairman.

The above reported bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared the following Senate bill with Assembly Bill No. 21:

Senate Bill No. 18—An Act providing for the management of the California Redwood Park and creating a board of five commissioners with power to manage said California Redwood Park.

And report that the same are identical.

RANDALL, Chairman

SUBSTITUTION OF BILL.

On motion of Mr. Maher, Senate Bill No. 18 was substituted on file for Assembly Bill No. 21.

WITHDRAWAL OF BILL.

Mr. Maher asked for and was granted unanimous consent to withdraw Assembly Bill No. 21.

Bill withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 239—An Act to amend section two of "An Act regulating the employment and hours of labor of children—prohibiting the employment of minors under certain ages—prohibiting the employment of certain illiterate minors—providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof", approved February 20, 1905, and as amended by Act approved March 15, 1909, and relating to the employment of minors under certain ages

Assembly Bill No. 637—An Act to amend the title and section one, two, three, four and six of an Act entitled "An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages," approved March 31, 1891, amended March 5, 1903.

Assembly Bill No. 611—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest.

Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing

Assembly Bill No. 131—An Act to amend an Act entitled "An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom, for game and fish preservation and restoration, approved March 22, 1909, by amending section three thereof

Assembly Bill No. 684—An Act to amend an Act entitled, "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act in relation to the office and term of office of the Superintendent of Banks

Assembly Bill No. 409—An Act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the justices' courts

Assembly Bill No. 62—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain

Assembly Bill No. 580—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16th, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter

Assembly Bill No. 1—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use

Assembly Bill No. 308—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway

Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to section one of article two of the Constitution in relation to the rights of suffrage.

Assembly Bill No. 393—An Act to amend section four thousand three hundred and sixteen of the Political Code of the State of California, relating to sheriffs, clerks and constables, and their deputies.

Assembly Bill No. 516—An Act to repeal Section 364 of the Political Code and to substitute therefor a new Section 364.

Assembly Bill No. 547—An Act to amend an Act entitled "An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags or cast-off or secondhand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor," approved March 18, 1909, by adding a new section thereto, to be numbered Section 3, providing for the enforcement of this Act by the Commissioner of the Bureau of Labor Statistics.

Assembly Bill No. 515—An Act to repeal Article XVIII of Chapter III of Title I of Part III of the Political Code, relating to the powers and duties of the board of examiners and to substitute therefor a new article to be known as Article XVIII, relating to the State Board of Control, prescribing its powers and duties and fixing the compensation of the members, officers and employees thereof; providing for the supervision and control by said board of the financial and business affairs of the State and the appointment of officers and employees for such purposes, and fixing their compensation; providing for the presentation and allowance of claims against the State, the investment of certain state funds, the creation and payment of deficiencies; the sale of exchange of property, the letting of contracts; the purchase and distribution of supplies, the count of all public money, and the supervision of all public accounts and records, and to repeal all Acts and parts of Acts in conflict with or inconsistent with this Act.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1911

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 112—An Act to amend an Act entitled "An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved March 4, 1907, and making an appropriation of \$150,000.00 for the purpose of purchasing a new site for the State Normal School at Los Angeles—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended, and that it be re-referred to Committee on Ways and Means.

WYLLIE, Chairman

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 114—An Act appropriating money for the purchase of books and library improvements at the Preston School of Industry.

Also: Assembly Bill No. 115—An Act appropriating money for the erection and equipment of a hospital at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and that they be re-referred to the Committee on Ways and Means.

WYLLIE, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, January 26, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 132—An Act to increase the number of judges of the Superior Court of the county of Tulare, and to provide for the appointment of an additional judge.

Also: Senate Concurrent Resolution No. 5—Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTHEWSON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Concurrent Resolution No. 8—Relative to Joint Rules of Senate and Assembly.

Also: Senate Joint Resolution No. 9—Relative to Klamath reclamation project.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTHEWSON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 375—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16th, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

Also: Senate Bill No. 272—An Act to amend Section 503 of the Civil Code of the State of California, relating to the incorporation of religious, social and benevolent corporations and other corporations not organized for pecuniary profit.

Also: Senate Bill No. 273—An Act to amend Section 509 of the Civil Code of the State of California, relating to the by-laws of corporations organized for purposes other than profit.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTHEWSON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 274—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

Also: Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

Also: Senate Bill No. 193—An Act to repeal section four thousand and forty-nine of the Political Code of California, relating to the annual statistical report prepared and published by boards of supervisors.

Also: Senate Bill No. 287—An Act to amend section ten hundred and ten of the Code of Civil Procedure, relating to service of notice or an order or ruling of court.

Also: Senate Bill No. 215—An Act to amend an Act entitled, "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Also: Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTHEWSON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, January 27, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 277—An Act to amend Section 1 of an Act entitled, "An Act concerning dependent and delinquent minor children, providing for their care, custody

and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1900," defining the words "dependent child."

Also: Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

Also: Senate Bill No. 289—An Act to amend an Act entitled, "An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts, the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein, and to create boards of library trustees," approved April 12, 1900.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 132 read first time, and referred to Committee on Judiciary.

Senate Concurrent Resolution No. 5 read, and referred to Committee on Municipal Corporations.

Senate Concurrent Resolution No. 8 read, and referred to Committee on Rules and Regulations.

Senate Joint Resolution No. 9 read, and referred to Committee on Federal Relations.

Senate Bill No. 375 read first time, and referred to Committee on Engrossment and Enrollment.

Senate Bill No. 272 read first time, and referred to Committee on Corporations.

Senate Bill No. 273 read first time, and referred to Committee on Corporations.

Senate Bill No. 274 read first time, and referred to Committee on Corporations.

Senate Bill No. 275 read first time, and referred to Committee on Education.

Senate Bill No. 193 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 287 read first time, and referred to Committee on Judiciary.

Senate Bill No. 215 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 26 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 277 read first time, and referred to Committee on Public Charities and Corrections.

Senate Bill No. 278 read first time, and referred to Committee on Judiciary.

Senate Bill No. 289 read first time, and referred to Committee on Municipal Corporations.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Sutherland (by request): Assembly Bill No. 838—An Act to amend Section 939 of the Code of Civil Procedure, relating to the time of taking appeals.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 839—An Act to amend the Code of Civil Procedure by adding thereto a section, to be numbered 1840, relating to evidence in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 840—An Act to amend the Code of Civil Procedure, by adding to Part II, Title X of said code a new chapter, to be numbered Chapter VII, relating to actions concerning orders, determinations or any acts of the Public Service Commission.

Bill read first time, and referred to Committee on Commissions and Public Expenditures.

Also (by request): Assembly Bill No. 841—An Act to amend Sections 1245, 1246, and 1248 of the Civil Code of the State of California, relating to proceedings on execution against homesteads.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 842—An Act to amend Section 410 of the Civil Code of the State of California, relating to foreign corporations and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

Bill read first time, and referred to Committee on Corporations.

By Mr. Bishop: Assembly Bill No. 843—An Act to adopt a state song for the State of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hall: Assembly Bill No. 844—An Act to amend Section 737 of the Political Code of the State of California, relating to the salaries of Judges of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cattell (by request): Assembly Bill No. 845—An Act to amend Section 4187 of the Political Code, relating to the powers and duties of constables.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 846—An Act to amend Section 1 of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damage resulting therefrom," approved March 23, 1907.

Bill read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

By Mr. Chandler: Assembly Bill No. 847—An Act making an appropriation to redeem the outstanding funded debt bonds of 1873, issued under the Act of 1870, now held as an investment for the benefit of the State School Fund and University Fund, providing for the proper transfers of such amount appropriated and for the cancellation of said bonds.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 848—An Act to amend Sections 1, 3 and 7 of an Act entitled "An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 23, 1907.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 849—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hinkle: Assembly Bill No. 850—An Act providing for the construction of a manual arts and avocational school building for the use of the state normal at San Diego, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Stuckenbruck: Assembly Bill No. 851—An Act to amend Section 1768 of the Political Code of the State of California, relating to county boards of education.

Bill read first time, and referred to Committee on Education.

By Mr. Young: Assembly Bill No. 852—An Act to add a new section to the Code of Civil Procedure to be numbered Section 1020 relating to the service of summons in actions for divorce or annulment of marriage.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 853—An Act to add a new section to the Political Code to be known and numbered as 4153a, providing for the powers and duties of district attorneys in actions for divorce or annulment of marriage.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Polsley: Assembly Joint Resolution No. 7—Relative to the pending treaty with Japan.

Read, and referred to Committee on Federal Relations.

By Mr. Malone: Assembly Bill No. 854—An Act to encourage and provide for a general vaccination for all public and private schools of the State of California, specifying the duties of certain officers and persons with relation thereto, making violations of its provisions a misdemeanor, providing penalties, and repealing an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Bill read first time, and referred to Committee on Medical and Dental Laws.

RESOLUTION.

The following resolution was offered.

By Mr. Telfer:

Resolved, That the Sergeant-at-Arms of the Assembly be and is hereby authorized and directed to purchase and have laid, canvas covering for aisles in Assembly.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

SPECIAL ORDER RE-SET.

On motion of Mr. Schmitt, the reconsideration of Assembly Bill No. 279 was continued until next legislative day.

MOTION TO AMEND RULES.

In accordance with notice previously given, Mr. Telfer moved to amend the Standing Rules of the Assembly in accordance with the following resolution:

WHEREAS, The Committee on Contingent Expenses and Accounts have brought before it the auditing of many accounts, the contracting of which bills have not been authorized by the Assembly or by the committee therefore be it

Resolved, That the following be added to the Standing Rules of the Assembly, and be known as No. 23a:

"The Sergeant-at-Arms shall order only such supplies as are authorized by the Assembly, or upon requisition signed by a majority of the membership of Committee on Contingent Expenses and Accounts."

On motion of Mr. Telfer, the above motion was referred to Committee on Rules and Regulations.

NOTICE OF MOTION TO AMEND RULES WITHDRAWN.

Mr. Bohnett asked for and was granted unanimous consent to withdraw his notice of motion to amend Rule 14 of the Standing Rules of the Assembly.

NOTICE OF INTENTION TO AMEND RULES.

Mr. Bohnett gave notice that on the next legislative day he would move to amend Rule 15 of the Standing Rules of the Assembly as follows:

By adding thereto the following:

The Clerk shall also cause all bills reported to the Assembly by the Committee on the Revision and Reform of Laws to be printed in the general file under a separate heading to be entitled, "Special File: Bills reported by the Committee on Revision and Reform of Laws;" said bills to be disposed of at such sessions and at such times as shall be determined by the Speaker.

MOTION.

On motion of Mr. Schmitt, the time for moving to amend Rule 70 of the Standing Rules of the Assembly, was continued until the next legislative day.

THIRD READING OF BILLS.

Assembly Bill No. 21—An Act providing for the management of the California Redwood Park and creating a board of five commissioners with power to manage said California Redwood Park.

In accordance with motion previously carried, Senate Bill No. 18 was ordered taken up in lieu of above bill.

Senate Bill No. 18—An Act providing for the management of the California Redwood Park and creating a board of five commissioners with power to manage said California Redwood Park.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 405 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Feeley, Flint, Freeman, Gaylord, Griffin, Guill, Hall, Harlan, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lynch, Lyon of Los Angeles, Maher, Malone, March, Mendenhall, Mott, Polsky, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 662—An Act to prohibit minors under the age of eighteen years to vend and sell goods, engage in, or conduct any busi-

ness between the hours of ten o'clock in the evening and five o'clock in the morning, and providing penalties for violations thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 662 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Freeman, Griffin, Guill, Harlan, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lynch, Lyon of Los Angeles, Maher, Malone, March, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 535—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding a new section thereto to be numbered 10f.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 535 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Freeman, Griffin, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lynch, Lyon of Los Angeles, Maher, Malone, March, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

Bill read third time, and, on motion of Mr. Kehoe, re-referred to Committee on Judiciary.

Assembly Bill No. 481—An Act to amend Section 634 of the Penal Code of the State of California, relating to taking and selling salmon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 481 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Denegri, Farwell, Flint, Freeman, Griffin, Guill, Hall,

Hamilton, Harlan, Hinkle, Jasper, Judson, Kehoe, Lyon of Los Angeles, Maher, Malone, March, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

During the third reading of the bill Mr. Schmitt moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 5, line 2, page 2 of the printed bill, after the word "home", insert the words, "or any officer or official thereof, acting for or on behalf of such home."

Motion carried.

The Speaker appointed Mr. Schmitt as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 199, with instructions, do now report that the instructions of the Assembly have been carried out.

SCHMITT, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 578—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 578 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Cunningham, Farwell, Flint, Freeman, Griffin, Gull, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lynch, Lyon of Los Angeles, Maher, March, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Sbragin, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Benedict gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 662 was this day passed.

SECOND READING OF BILLS.

Assembly Bill No. 595—An Act to amend section three thousand seven hundred and sixty-six of the Political Code of California, relating to the manner of making publication of the delinquent tax list.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license; providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the words "An Act" in the first line of the title insert the following: "To provide for the regulation of the traffic in alcoholic liquors by establishing local option".

Amendment adopted.

AMENDMENT No. 2.

In Section 6, line 3 of the printed bill, insert the word "general" between the words "or" and "municipal".

Amendment adopted.

AMENDMENT No. 3.

In Section 6, line 5 of the printed bill, after the word "general" insert the words "state or general municipal".

Amendment adopted.

AMENDMENT No. 4.

In Section 10, line 3, of the printed bill, strike out the word "sixty" and insert in lieu thereof the word "ninety".

Amendment adopted.

AMENDMENT No. 5.

In Section 11, line 7, on page 5 of the printed bill, strike out the period where it appears after the word "territory", and insert in lieu thereof the words "within the meaning of this Act".

Amendment adopted.

AMENDMENT No. 6.

In Section 16, line 43, of the printed bill, strike out the comma after the word "territory" and insert the following: "within the county in which such premises are located,"

Amendment adopted.

AMENDMENT No. 7.

Insert after Section 21 of the printed bill, a new section as follows.
"SEC 22. Nothing in this Act shall be construed as putting any limitations, except such as are positively stated herein, upon the police powers now possessed by cities, towns and counties."

Amendment adopted.

AMENDMENT No. 8.

Strike out all of Section 22 on page 9 of the printed bill.

Amendment adopted.

AMENDMENT No. 9

In Section 15, line 7, page 6, of the printed bill, strike out the words "vinous or malt" and insert in lieu thereof the word "alcoholic".

Amendment adopted.

AMENDMENT No. 10.

In Section 16, line 30, page 7 of the printed bill, strike out the words "vinous or malt" and insert in lieu thereof the word "alcoholic".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 40—An Act to amend Section 8 of an Act entitled "An Act to form agricultural districts, to provide for the formation, organization, and powers of agricultural associations therein, and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act."

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 8, line 9, strike out the words "and for installing and maintaining the", and on line 10, strike out the word "same" and the comma

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 8, line 24, strike out the words from the semicolon, all of line 25 and line 26 to the word "and".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 8, line 29, strike out the letters "min" in the first word in the line.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 502—An Act to amend Section 671 of the Code of Civil Procedure, relative to entry of judgment.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX, Chapter I, relative to executions, by adding a new section thereto, to be known as Section 681a.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil procedure, relative to exceptions.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 499—An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal.

During second reading of bill, the following amendment was submitted by the committee:

On line 4, of the printed bill, strike out the word "section"; also strike out the words "within what time appeal may be taken".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 537—An Act to amend section six hundred forty-seven of the Penal Code of the State of California, relating to vagrants.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 558—An Act to amend an Act entitled, "An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal or other public work," approved March 27, 1897.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 2, line 8, strike out the word "work" and insert in lieu thereof the word "contract".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203, of the Code of Civil Procedure of the State of California and to repeal Section 1183a, 1200, and 1203a of the said code, all relating to the liens of mechanics and others.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 8, page 1, Section 1, after the word "appliances", insert "teams and power".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 13, of the printed bill, after the word "bestow" insert the word "labor".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 15 of the printed bill, after the word "appliances" insert "teams or power".

Amendment adopted.

AMENDMENT No. 4.

On page 7, Section 7, line 6, of the printed bill, strike out "or of the agent managing the same or", and all of line 7, and the word "person" in line 8.

Amendment adopted.

AMENDMENT No. 5.

On page 7, Section 7, line 18, of the printed bill, strike out "five" and in lieu thereof insert "ten".

Amendment adopted.

AMENDMENT No. 6.

On page 7, Section 7, line 18, of the printed bill, strike out "or the said agent"; also all of line 19, and all of line 20 down to and including the word "person".

Amendment adopted.

AMENDMENT No. 7.

On page 7, Section 7, strike out all of line 11, and of line 12 down to and including the word "person".

Amendment adopted.

AMENDMENT No. 8.

Page 6, Section 5, line 26a, insert, after the semicolon, the following: "and, in all cases, any of the following shall be deemed equivalent to a completion for all the purposes of this chapter: the occupation or use of a building, improvement, or structure, by the owner, or his representative; or the acceptance by said owner or said agent, of said building, improvement, or structure; or".

Amendment adopted.

AMENDMENT No. 9

On page 6, Section 5, line 28, of the printed bill, strike out the words "shall be deemed" and all of lines 29 and 30.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 4, page 1 of the printed bill, strike out the words "and within ten", and in line 5, strike out the word "years".

Amendment adopted.

AMENDMENT No. 2.

In line 6, page 1, of the printed bill, strike out the word "the".

Amendment adopted.

AMENDMENT No. 3.

In line 9, page 1 of the printed bill, strike out the word "of", and insert in lieu thereof the word "to".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 726—An Act to amend sections two hundred and sixty-nine *a* and two hundred and sixty-nine *b* of the Penal Code, relating to cohabitation and adultery.

During second reading of bill, the following amendment was submitted by the committee:

Strike out of Section 2, of the printed bill, all of lines 7, 8, and 9.

Amendment lost.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 3, strike out the word "mining" and insert in lieu thereof the following: "milling".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, lines 12, 13 and 14, strike out the following: "in which mining operations are being carried on".

Amendment adopted.

AMENDMENT No. 3.

On page 6, Section 8, line 14, strike out the word "or" and insert in lieu thereof the following: "of".

Amendment adopted.

AMENDMENT No. 4.

On page 7, strike out all of Section 13.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 195—An Act to provide for the registration of farm, ranch, and villa names in the several counties of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In the title strike out the words "the several counties of".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, lines 2 and 3, in printed bill, strike out the words, "the county clerk of the county where said farm, ranch or villa is located", and insert in lieu thereof the following: "Secretary of State".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 4, strike out the word "recorded" and insert in lieu thereof the following: "Registered".

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, line 5, strike out the words "county clerk" and insert in lieu thereof the following: "Secretary of State."

Amendment adopted.

AMENDMENT No. 5.

On page 1, Section 1, line 11, strike out the words "the same county" and in lieu thereof insert the following: "this State".

Amendment adopted.

AMENDMENT No. 6.

On page 1, Section 1, line 12, add the words, "The Secretary of State shall register such name only for the person entitled thereto."

Amendment adopted.

AMENDMENT No. 7.

On page 1, Section 2, strike out all of Section 2, and insert in lieu thereof the following:

"Sec 2. Any person who shall register as his own, any such name already in use in this State, knowing such name to be adopted as the name of a farm, ranch or villa therein, or shall make use of such name when regularly registered and in use by any other person entitled thereto under the provisions of this Act, shall be guilty of a misdemeanor."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 747—An Act to amend Section 2714 of the Political Code, relating to the construction, repair and maintenance of bridges.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 419—An Act to add a new section to the Political Code to be numbered section twenty-six hundred forty-six, relating to highways.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees, during strikes, lockouts and other labor troubles.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 1 of the printed bill, after the word "employer", add the following: "either by himself or his agents".

Amendment adopted.

AMENDMENT No. 2

Section 1, line 4, after the word "advertises", add the following: "for employees".

Amendment adopted.

AMENDMENT No. 3

On page 1, Section 1, line 4, strike out the word "for".

Amendment adopted.

AMENDMENT No. 4.

On page 1, section 1, line 5, strike out the word "employees".

Amendment adopted.

AMENDMENT No. 5.

On page 1, Section 1, line 5, strike out the words "by himself or his agents".

Amendment adopted.

AMENDMENT No. 6

On page 1, Section 2, line 3, after the word "not" add the following: "less than twenty-five dollars and not".

Amendment adopted.

AMENDMENT No. 7.

On page 1, Section 2, line 3, strike out the words "one hundred" and insert in lieu thereof the following "two hundred and fifty".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

SECOND READING OF SENATE BILLS.

Senate Bill No. 34—An Act in relation to pimping; to define and prohibit the same, and providing for punishment thereof; and for the competency of certain evidence at the trial therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 291—An Act to select and adopt the Bear flag as the State flag of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 114—An Act to amend section three hundred and thirty-seven *a* of the Penal Code, relating to gaming and gambling by pool-selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 32—An Act in relation to pandering; to define and prohibit the same; to provide for punishment thereof; for the competency of certain evidence at the trial therefor

Bill read second time, and ordered on file for third reading.

THIRD READING OF SENATE BILLS.

Senate Bill No. 102—An Act to amend the Penal Code by amending Section 626*n* thereof, relating to the use of animals as blinds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 102 passed by the following vote:

AYES—Messrs. Bishop, Bliss, Bohnett, Brown, Butler, Clark, Cronin, Cunningham, Flint, Freeman, Griffin, Guill, Hall, Harlan, Hinkle, Hinshaw, Judson, Kehoe,

Lynch, Maher, Malone, March, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—43.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

LEAVES OF ABSENCE.

On motion, leaves of absence were granted to Messrs. Sutherland and Walker until Wednesday morning, February 1, 1911, and to Mr. Clark until Tuesday, January 31, 1911.

ADJOURNMENT.

At twelve o'clock and twenty-five minutes P. M., Mr. Brown moved that the Assembly adjourn until ten o'clock A. M. of Monday, January 30, 1911.

Mr. Schmitt moved to amend by making the hour eleven o'clock A. M. Motion lost.

The question being on the original motion, a vote was taken, and motion carried.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Monday, January 30, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbrana, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—71.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Lyon of Los Angeles, its further reading was dispensed with.

GUESTS ADMITTED TO FLOOR.

Through the courtesy of Mr. Kennedy, Messrs. W. Rhys and E. S. Hurley were granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon, Mr. John T. Williams was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Rogers, Mr. Leon A. Clark was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Stuckenbruck, Mr. E. G. Stuckenbruck was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Slater, Professor F. C. Woodward was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon, Mr. E. Dingle was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon, Mr. Wm. Kennedy was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Bohnett, Mr. Chas. R. Detrick was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Griffin, Mrs. Clio F. Edson was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Bliss, Mr. W. A. Lotta was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Beatty, Mr. Rolla V. Watt was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Randall, Mrs. Chas. F. Edson was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Ryan, Mr. H. H. Aldrich was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Tibbits, Mrs. Moore was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Lamb, Rev. A. B. Patten was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Rosendale, Mr. S. A. Clark was granted the privileges of the floor of the Assembly for this day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 268—An Act to appropriate money for the purchase of the Big Oak Flat and Yosemite turnpike toll road, leading from Big Oak Flat, Tuolumne County, to Yosemite Valley—have had the same under consideration, and respectfully report the same back with amendments and recommend that the same do pass as amended, and the same be re-referred to the Committee on Ways and Means.

CHANDLER, Chairman

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges—have had the same

under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CHANDLER, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 758—An Act to provide for maintenance of county highways improved under bond issues in the counties of the State, and empowering the boards of supervisors to levy taxes therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

CHANDLER, Chairman

The above reported bill ordered on file for second reading

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Kehoe: Assembly Bill No. 855—An Act to repeal Section 250 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 856—An Act to amend section ten hundred and fifty-six of the Code of Civil Procedure of the State of California, relating to corporations which may become sureties on undertakings and bonds.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Harlan: Assembly Bill No. 857—An Act to amend section two hundred and forty of the Penal Code of the State of California, defining the crime of assault.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Williams: Assembly Bill No. 858—An Act to amend Section 1521 of the Political Code, relating to the powers and duties of the State Board of Education.

Bill read first time, and referred to Committee on Education.

By Mr. Gerdes: Assembly Bill No. 859—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city, or county, or city and county in the State of California.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Hinkle: Assembly Bill No. 860—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen, and sixteen thereof, relating to officers and salaries in counties of the ninth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 861—An Act to amend Section 598 of the Civil Code of the State of California, relating to the formation of corporations where pecuniary profit is not their object.

Bill read first time, and referred to Committee on Corporations.

Also: Assembly Bill No. 862—An Act to amend Section 685 of the Code of Civil Procedure of the State of California, relating to executions in civil actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 863—An Act to add a new section to the

Political Code of the State of California, to be numbered 2606a, relating to San Diego harbor franchises.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Judson: Assembly Bill No. 864—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," by amending sections one, two, fifteen, fifteen and one half, seventeen, thirty, and fifty-five thereof.

Bill read first time, and referred to Committee on Irrigation and Drainage

SECOND READING OF BILL

Assembly Bill No. 639—An Act to amend section fifteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways; to provide for the formation, government, and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio board of supervisors," approved March 20, 1909, said amendment referring to the levy of taxes.

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF BILLS.

Assembly Bill No. 518—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 518 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Brown, Callaghan, Chandler, Cronin, Crosby, Cunningham, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hall, Hamilton, Harlan, Hinkle, Jones, Joel, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mullally, Nolan, Preisker, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Walsh, Williams, Wilson, and Mr. Speaker—43.

NOES—Messrs. Benedict, Bohnett, Butler, Cattell, Clark, Farwell, Gull, Hinchshaw, Jasper, Judson, Kehoe, Lamb, March, Mendenhall, Mott, Polsley, Randall, Rosendale, Smith, Stuckenbruck, Telfer, Tibbits, Wyllie, and Young—24.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 470—An Act to amend section fourteen hundred sixty-nine of the Code of Civil Procedure, relating to the administration and setting apart of estates which do not exceed fifteen hundred dollars in value.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 470 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Hamilton, Harlan, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 18—An Act providing for the management of the California Redwood Park, and creating a board of five commissioners with power to manage said California Redwood Park.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 18 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239—An Act to amend section two of "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905, and as amended by Act approved March 15, 1909, and relating to the employment of minors under certain ages.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 239 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Gerdes, Griffin, Guill, Harlan, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—Messrs. Bishop, Freeman, Gaylord, Hall, Hinshaw, Mott, Rogers of Alameda, and Slater—8.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 656—An Act to amend section one of the Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers; to provide for its collection,

and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises; to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 656 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hall, Hamilton, Harlan, Jasper, Jones, Joel, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—Messrs. Benedict, Bohnett, Cogswell, Farwell, Guill, Hinshaw, Judson, Lyon of Los Angeles, and Smith—9

Title read and approved.

Bill ordered transmitted to the Senate.

BILL TAKEN UP OUT OF ORDER.

On motion of Mr. Benedict, Assembly Bill 515 was taken up for consideration out of order.

Assembly Bill No. 515—An Act to repeal Article XVIII, of Chapter III, of Title I, of Part III of the Political Code, relating to the powers and duties of the Board of Examiners, and to substitute therefor a new article to be known as Article XVIII, relating to the State Board of Control, prescribing its powers and duties and fixing the compensation of the members, officers and employees thereof; providing for the supervision and control by said board of the financial and business affairs of the State and the appointment of officers and employees for such purposes, and fixing their compensation; providing for the presentation and allowance of claims against the State; the investment of certain state funds, the creation and payment of deficiencies; the sale and exchange of property; the letting of contracts; the purchase and distribution of supplies; the count of all public money, and the supervision of all public accounts and records; and to repeal all Acts and parts of Acts in conflict with or inconsistent with this Act.

Bill read third time.

SPECIAL ORDER SET.

On motion of Mr. Cronin, the consideration of Assembly Bill No. 515 was made a special order for Wednesday, February 1, 1911, at eleven o'clock A. M.

Assembly Bill No. 406—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 406 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, Mott, Mullally, Nolan, Polsley, Preisker, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—Messrs. Mendenhall and Stuckenbruck—2

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—Mr. Harlan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 62 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Freeman, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 308—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

On motion of Mr. Beatty, the above bill was re-referred to the Committee on Engrossment and Enrollment for the purpose of comparison with Senate Bill No. 244.

Assembly Bill No 409—An Act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 409 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Gerdes, Griffiths, Guill, Hall, Hinshaw, Jasper, Joel, Judson, Keboe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 547—An Act to amend an Act entitled "An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags, or cast-off, or secondhand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor," approved March 18, 1909, by adding a new section thereto to be numbered Section 3, providing for the enforcement of this Act by the Commissioner of the Bureau of Labor Statistics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 547 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Gerdes, Griffiths, Guill, Hall, Hamilton, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Valoue, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 684—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act in relating to the office and term of office of the Superintendent of Banks.

During the third reading of the bill, Mr. Flint moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert after the last word of the title the following:

The people of the State of California, represented in Senate and Assembly, do enact as follows.

Motion carried.

The Speaker appointed Mr. Flint as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 684, with instructions, do now report that the instructions of the Assembly have been carried out.

FLINT, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

RUSH ORDER.

On motion of Mr. Flint, Assembly Bill No. 684 was sent to the printer with a rush order.

Assembly Bill No. 611—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 611 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Fitzgerald, Freeman, Gaylord, Griffiths, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 131—An Act to amend an Act entitled "An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, by amending section three thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 131 was refused passage by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Callaghan, Cattell, Coghlan, Crosby, Cunningham, Farwell, Gerdes, Griffin, Guill, Judson, Kennedy, Lynch, Lyon of San Francisco, Maher, March, Mendenhall, Mullally, Nolan, Polsley, Preisker, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, and Wylie—36.

NOES—Beatty, Bliss, Brown, Butler, Chandler, Clark, Cogswell, Cronin, Fitzgerald, Flint, Gaylord, Griffiths, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Lyon of Los Angeles, Malone, McDonald, Mott, Randall, Rogers of Alameda, Rosendale, Rutherford, Young, and Mr. Speaker—31

SECOND READING OF BILLS.

Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for

the filing of such report, and for the registration of such bonds in the office of the State Controller.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 318—An Act to add a new section to the Political Code of the State of California to be numbered 4261a, relating to and fixing the compensation of grand and trial jurors in the Superior Court in counties of the thirty-second class.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 559—An Act to create a reclamation district to be called "Reclamation District Number 900," and providing for the control and management thereof.

Bill read second time, and ordered to engrossment and third reading.

CONSIDERATION OF SENATE RESOLUTIONS.

On motion of Mr. Young, the following Senate resolutions were taken up for consideration:

Senate Joint Resolution No. 4—Relating to certain recommended appropriations by Congress for the improvement of navigation.

On motion of Mr. Coghlan, passed on file.

Senate Joint Resolution No. 2—Ratifying and approving the proposed amendment to the Constitution of the United States relative to income tax.

On motion of Mr. Jones, passed on file.

Senate Joint Resolution No. 3—Relative to the cession by the United States to the State of California of certain public lands in the Big Basin, in Santa Cruz and San Mateo counties, California, as additions to the California Redwood Park.

On motion of Mr. Schmitt, passed on file.

Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

On motion of Mr. Schmitt, passed on file.

Senate Concurrent Resolution No. 3—Approving four certain amendments to the charter of the city of Santa Barbara, in the county of Santa Barbara, State of California, voted for and ratified by the qualified electors of the said city of Santa Barbara, at the general municipal election held therein on the 7th day of December, 1909.

The question being on the adoption of the Senate concurrent resolution

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Menden-

NOËS—None.

SENATE CONCURRENT RESOLUTION No. 3.

That the city council of the said city of Santa Barbara did by resolution adopted

by said city council on the 7th day of October, 1909, and approved by the mayor of said city on the 7th day of October, 1909, pursuant to section eight of article XI of the Constitution of said State of California, duly propose to the qualified electors of said city five certain amendments to the charter of such city to be submitted to said qualified electors at a general municipal election to be held in said city on the 7th day of December, 1909, and that the four of said amendments ratified as hereinafter set forth were and are in words and figures following, to wit:

AMENDMENT NUMBER ONE.

That Section 8. of Article 11. of said charter be amended to read as follows:

Section 8. The non-elective officers of said city shall consist of a chief of police, a city engineer, and a superintendent of streets.

AMENDMENT NUMBER TWO.

That Section 43. of Article IV. of said charter be amended to read as follows:

Section 43. The council shall have power

1. To establish or alter the widths and grades of, and to open, lay out, alter, extend, close, straighten, and otherwise regulate streets, avenues, alleys, lanes and sidewalks and crosswalks upon the same, and in or over any plaza, park or grounds belonging to or under the control of the city, and to provide for acceptance of the streets when constructed and completed in accordance with such regulations as the council may adopt

2. To regulate or prohibit traffic and sales in streets, highways and public places, and to regulate the use thereof by persons, associations and corporations, to prevent encroachment upon or obstructions to the same, and require the removal of such obstructions, and to regulate the construction of entrances to cellars and basements from sidewalks, and to regulate travel and the speed of vehicles upon or over the public streets, highways, alleys, lanes, courts and places in said city, and to prescribe penalties for the violation of such regulations.

3. To establish and maintain a pole line system, or system of underground conduits in the city: to compel all telegraph, telephone, electric light and other companies, corporations, firms, associations, or persons using wires to place and maintain their wires thereon, or therein, and to regulate the use and to fix the rental thereof, and to provide for the collection of the same from all corporations, companies, firms, associations or persons using the same.

4. To regulate the naming of streets, avenues, public places, and thoroughfares, and the numbering of houses thereon

5. To establish a general system of sewers, conduits and storm drains in the city and to regulate the building and repairing thereof, and connections therewith.

6. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers and cleaning and watering of streets.

7. To regulate dispensaries, hospitals, markets and other public institutions

8. To provide for the construction, maintenance, regulation and repair of bridges and public places.

9. To fix and regulate tolls and wharfage.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, and determining the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within or moved within or to come within such limits and for restricting the height of buildings or structures.

11. To abate and remove nuisances.

12. To provide and maintain a morgue.

13. To provide for conducting elections, establishing or changing election precincts, and appointing the necessary officers.

14. To try and for cause remove from office appointees against whom charges have been preferred.

15. To regulate or prohibit the sale, keeping, storage and use of powder, fireworks, dynamite, nitroglycerine, and other explosive materials, and substances, and the places of their manufacture, or storage and their transportation, and to regulate the storage of hay, straw, and other inflammable materials, and the use of steam boilers.

16. To regulate, restrict and supervise, and for the purpose of such regulation, restriction, and supervision, to specially tax the storage, manufacture and sale of explosives, acids, poisons, or inflammable materials; the manufacture of products giving rise to noxious odors or gases; the sale or furnishing of intoxicating liquors; the keeping or slaughtering of animals.

17. To regulate the keeping and use of animals, to prevent or regulate the running at large of any animal; to establish a pound; to authorize the impounding of animals found running at large; and to authorize the sale, disposition or destruction thereof.

18. To provide for the public printing.

19. To provide suitable rooms and buildings for the courts, boards and officers of the city, and such furniture, fuel, light, books, stationery, and other supplies of any kind as are or may be necessary for the convenient transaction of public business.

20. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools and vaults; to compel the connection, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done; to provide for the removal of all rubbish, garbage, refuse matter, and all material detrimental to the public health, and at such times as it will be best for the public good.

21. To license any and all vehicles used for hire, and to regulate their stands and rates of fare, and to license, regulate or suppress runners for railroads, steamboats, taverns or hotels, and to regulate and license the business of peddlers, and auctioneers, and to regulate and license the sale and furnishing, or sale or furnishing, of intoxicating liquors, and to regulate the conduct, keeping open and arrangement of places where intoxicating liquors are sold or furnished; and to license and regulate all shows and exhibitions of lawful games and to license either for the purpose of revenue or regulation, or for both such purposes, any or all business or occupations in said city; and to fix the rate and provide for and effect the collection, enforcement, suspension, limitation or revocation, of any or all the licenses authorized by this charter.

22. To regulate the entrance to and exits from theaters, lecture rooms, public halls, churches, and public buildings of every kind, and the manner and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches and other obstacles in the halls, aisles or open places therein.

23. To establish, maintain and regulate a fire alarm, police telegraph and police telephone.

24. To provide general regulations as to the quality, capacity and location of water and gas pipes, mains, and fire plugs, and to provide for and regulate the construction and repair of hydrants, fire plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water and gas in the streets, public places and public buildings.

25. To require every person, firm or corporation owning, operating or maintaining a track or tracks, upon any street or streets, or portion of street of said city, where cars or engines of any kind are drawn or propelled by mechanical or other means, to keep the portion of said street or streets which lies between such tracks, or between the rails thereof, and between any switch or switches, turnout or turnouts, and for two feet upon each side of the exterior rails of such tracks, switches or turnout or turnouts, in repair with the same material, and in the same manner as the portion of the street so occupied, and to provide, by ordinance, regulations for the erection and maintenance of gates and guards on any or all grade crossings in said city; provided, however, that such regulations may apply to any one, or more, or all classes of transportation companies, cars or engines.

26. To provide for the lighting of streets, alleys, public buildings and public grounds, and to construct, purchase, lease, own, control, maintain and operate a system of lighting by artificial means of illumination.

27. To determine and impose fines, forfeitures, and penalties for the violation of any ordinance or any of the provisions of this charter, and to appropriate the same.

28. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this charter, and to fix and regulate the charges and fees of all such officers, where the charges, fees and duties are not otherwise fixed, and to compel the payment of all such charges into the city treasury.

29. To create, control, regulate, abolish or prohibit cemeteries; to sell or lease lots in those created; to control and regulate interments within the city limits, and to provide for removing human remains from the city.

30. To provide and maintain a city prison, and to provide for the care, custody, feeding and clothing of city prisoners.

31. To provide for the proper employment upon any public work, or for the benefit of the city, of all persons convicted of crimes, vagrancy, or other misdemeanors.

32. To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within the city.

33. To provide for supplying the city and its inhabitants with water, and to construct, develop, purchase, lease, own, control, maintain and operate its own water supply.

34. To regulate the use and sale of gas and electric lights and other illuminants, and fix and determine the price of gas and electric lights, and other illuminants, and the rent of gas and electric light meters within the city, and regulate the inspection thereof; and to regulate telephone service and the use of telephones within the city, and to fix and determine the charges for telephones and telephone service and connections; and the removal and placing underground of any and all wires or telegraph, telephone, or electric light wires, or upon the pole line, or in the underground conduits established by the city.

35. To grant or extend for a period not exceeding twenty-five years, franchises for street railways, to the bidder therefor, of the greatest percentage of the gross receipts, payable monthly; bidders for such franchises may bid percentages to increase progressively with the lapse of time, and such increases may be made contingent on

increase in the population of the city: and to fix the rate of fare, not exceeding five cents for each passage on such railways, conditional that the rate of fare so fixed, shall provide, when desired by the person paying such fare, a continuous passage in one general direction through the whole territory of the municipality, by the requisite transfers with connecting lines, where such exist operated under franchises similarly conditioned: *provided, however*, that should the council, by resolution, determine that the public necessity or convenience so requires, they may grant or let a franchise, or franchises, for any public service, under the provisions of the general law which may exist at the time when such resolution is passed, without reference to, or compliance with the foregoing provisions of this subdivision, excepting the provisions fixing the rate of fare.

36. To provide and maintain all public buildings, parks or squares, necessary or proper, for the use of the city, and to acquire lands therefor, and for other public uses, within or without the city.

37. To provide for the execution of all trusts confided to the city.

38. To levy and collect taxes and assessments on all property within the city, both real and personal, made taxable by law for state and county purposes.

39. To regulate the custody, leasing and sale of all the property of the municipality, and such lost, stolen or unclaimed property as may be in the possession of the police or other officers of the city.

40. To regulate all parades and processions, and public assemblages upon the streets, and to determine what parades, processions and public assemblages thereon shall not be lawful, and to declare the same a nuisance.

41. To maintain and regulate, subject to the provisions of this charter, the fire, health and police departments hereby established.

42. To make or pass all ordinances, by-laws, resolutions, rules and regulations necessary and proper for carrying out or into execution the powers herein given, and all other powers vested by this charter, or by general law, in said city.

43. To make and enforce all such local, police, sanitary and other regulations as are not in conflict with general laws or provisions of this charter.

44. The council shall have power by ordinance, and it shall be its duty to fix and determine annually the rates of compensation to be collected by any person, firm or corporation in the city for the use of the water supplied to the city, or the inhabitants thereof, also to fix and regulate annually the tolls and wharfage to be charged for the use of any wharf within the city limits, and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

45. The council shall have power to provide music for public entertainment.

46. The council shall have power to provide for said city a public telephone system, and other means for the transmission of sounds, signals, conversations and intelligence, by electricity or otherwise: and to construct, purchase, lease, own, control, maintain, operate and collect tolls, or charges for the use of any such system or systems.

AMENDMENT NUMBER THREE.

That Sections 123 and 124 of Article XI, of said charter be amended by striking out the whole of said sections, and inserting in lieu thereof the following:

Section 123. The mayor shall by and with the consent of the council, appoint a competent city engineer for said city, who shall hold office during the pleasure of the mayor, and council. He shall take the oath, and execute to said city a bond in the sum of \$5,000.00, as required by Section 23, of this charter.

He shall receive such compensation as shall be fixed by ordinance.

In addition to the other duties required of him by the charter and ordinances of said city, said engineer shall:

1. Make all surveys, inspections and estimates required by the council.

2. He shall examine all public work done under contract, and report thereon, in writing, to the council.

3. He shall, on application of any person owning or interested in real property in said city for a survey or plat of such property, make and deliver the same upon the payment of his fees therefor.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes and other records and memoranda belonging to the city pertaining to his office, and the work thereof, all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

5. All maps, plats, profiles, field notes, estimates and other memoranda or surveys and other professional work, made or done by him, or under his direction or control, during his term of office, for the city, shall be the property of the city.

6. He shall examine the work done under, and materials used in the construction of all buildings, or improvements done by or under the authority of said city, and shall at once report to the council, in writing, all deviation from contracts, and the use of any improper material, or bad workmanship in such works.

AMENDMENT NUMBER FOUR.

That a new section be added to said charter to be known as Section 124.

Section 124. The mayor shall by and with the consent of the council, appoint a competent person as street superintendent, who shall hold office during the pleas-

ue of said mayor and council. He shall take the oath and execute a bond in the sum of \$5,000.00, as required by Section 23, of this charter. He shall receive such compensation as may be fixed by ordinance of said city. He shall have the general care of and frequently inspect the streets of said city, and shall see that all traveled streets are kept in good repair. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstruction. He shall superintend all public works pertaining to street improvements, while the same are in course of construction, whether done under contract or otherwise; and shall at once report to the council, in writing, all deviation from contracts, and the use of any improper material and bad workmanship in such works, and shall have power, pending investigation, to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or imposed by ordinance.

That said four proposed amendments were, and each of them was, published for twenty days, in a daily newspaper printed and published in said city and of general circulation therein, to wit: "The Morning Press," and that said publication ended on the 30th day of October, 1909;

That thereafter the city council of said city did, by ordinance No. 667, which was duly adopted on the 4th day of November, 1909, and approved by the mayor on the 5th day of November, 1909, order the holding of a general municipal election in said city of Santa Barbara, on the 7th day of December, 1909, which last named date was at least forty days after the publication of said proposed amendments which had been published twenty days as aforesaid, and did provide in said ordinance for the submission of said five proposed amendments, to the city charter to the qualified electors of said city for their ratification at said general municipal election, which said ordinance was passed and approved as aforesaid and was published as required by law and the charter of said city;

That at said election a majority of the qualified electors voting thereon voted in favor of the ratification and did ratify each and all of said five proposed amendments to the charter of said city of Santa Barbara, except such proposed amendment number five; and that said proposed amendment number five did not receive a majority of the votes of the qualified electors voting thereon in favor of the ratification of said proposed amendments at said election;

That the city council of said city of Santa Barbara, at a special meeting, and within ten days after said election, and within the time and in the manner required by law and the charter of said city, duly canvassed the returns of said election, and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said four proposed amendments to said charter;

We do further hereby certify and declare that the copy of said proposed amendments to the charter of the city of Santa Barbara hereinbefore set forth is a full, true and correct copy of the said four certain proposed amendments to the charter of the city of Santa Barbara, which were, in the manner prescribed by law, submitted to the qualified electors of said city for their ratification and by them ratified at a general municipal election duly called and held in said city on the 7th day of December, 1909.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of the city of Santa Barbara, this 10th day of August, 1910.

CLIO L. LLOYD,

Mayor of the City of Santa Barbara.

ALFRED DAVIS,

City Clerk of the City of Santa Barbara.

AND WHEREAS, The said four amendments so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article XI, of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of said State of California, the Assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the said four amendments to the said charter of said city of Santa Barbara, hereinbefore set forth as presented, and as submitted to, and adopted and ratified by the qualified electors of said city be, and the same are hereby approved as a whole for, and as amendments to the said charter of the city of Santa Barbara.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

CONSIDERATION OF SENATE BILLS.

Senate Bill No. 34—An Act in relation to pimping; to define and prohibit the same, and providing for punishment thereof; and for the competency of certain evidence at the trial therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Fitzgerald, Freeman, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—56

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 291—An Act to select and adopt the Bear flag as the State flag of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 291 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mott, Mullally, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 114—An Act to amend section three hundred and thirty-seven *a* of the Penal Code, relating to gaming and gambling by pool-selling, bookmaking, bets and wagers, and providing the punishment for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 114 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Willie, and Young—58

NOES—Messrs. Cunningham, Kennedy, Nolan, Ryan, and Sbragia—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 32—An Act in relation to pandering; to define and prohibit the same; to provide for punishment thereof; for the competency of certain evidence at the trial therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 32 passed by the following vote.

AYES—Messrs Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 9—Relative to Klamath reclamation project

The question being on the adoption of the Senate joint resolution, a vote was taken, and the resolution adopted.

Senate joint resolution ordered transmitted to the Senate.

SECOND READING OF SENATE BILL.

Senate Bill No. 268—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

Bill read second time, and ordered on file for third reading.

MOTIONS TO AMEND RULES.

In accordance with notice previously given, Mr. Coghlan moved to amend the Standing Rules of the Assembly as follows:

Amend Rule 70 of the Standing Rules of the Assembly by adding to the last words thereof the words, "when requested by such members."

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffin, Griffiths, Guill, Hall, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—56.

NOES—Messrs. Bliss and Wyllie—2.

Also:

In accordance with notice previously given, Mr. Bohnett moved to amend the Standing Rules of the Assembly as follows:

By adding thereto the following:

The Clerk shall also cause all bills reported to the Assembly by the Committee on the Revision and Reform of Laws to be printed in the general file under a separate heading to be entitled, "Special File. Bills reported by the Committee on Revision and Reform of Laws;" said bills to be disposed of at such sessions and at such times as shall be determined by the Speaker

The roll was called, and the motion carried by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—67.

NOES—None.

THIRD READING OF BILL—(OUT OF ORDER).

Mr. Flint asked for, and was granted, unanimous consent to have Assembly Bill 684 taken up for consideration.

Assembly Bill No. 684—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act in relation to the office and term of office of the Superintendent of Banks.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 684 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In accordance with notice previously given, Mr. Schmitt moved a reconsideration of the vote whereby Assembly Bill No. 279 was passed.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Benedict, Bishop, Butler, Cattell, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Fitzgerald, Freeman, Griffiths, Hall, Hamilton, Hinshaw, Jones, Kennedy, Lynch, Lyon of Los Angeles, Maher, March, Mullally, Nolan, Randall, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Stuckenbruck, Tibbits, and Mr. Speaker—33.

NOES—Messrs. Beatty, Beckett, Bliss, Bohnett, Brown, Callaghan, Chandler, Clark, Cronin, Flint, Gaylord, Gerdes, Griffin, Guill, Harlan, Jasper, Joel, Judson, Kehoe, Lamb, Malone, McDonald, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Slater, Smith, Telfer, Walsh, Wilson, Wyllie, and Young—34.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No. 537—An Act to amend section six hundred forty-seven of the Penal Code of the State of California, relating to vagrants

Assembly Bill No. 726—An Act to amend sections two hundred and sixty-nine *a* and two hundred and sixty-nine *b* of the Penal Code, relating to cohabitation and adultery.

Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Assembly Bill No. 595—An Act to amend section three thousand seven hundred and sixty-six of the Political Code of California, relating to the manner of making publication of the delinquent tax list.

Assembly Bill No. 502—An Act to amend Section 671 of the Code of Civil Procedure, relative to entry of judgment.

Assembly Bill No. 501—An Act to amend the Code of Civil Procedure Title IX, Chapter I, relative to executions, by adding a new section thereto, to be known as Section 681a.

Assembly Bill No. 419—An Act to add a new section to the Political Code to be numbered section twenty-six hundred and forty-six, relating to highways.

Assembly Bill No. 747—An Act to amend Section 2714 of the Political Code, relating to the construction, repair, and maintenance of bridges.

Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions.

Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

Assembly Joint Resolution No. 1—Relating to defense of the Pacific seaboard by the National Government.

Assembly Bill No. 683—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine.

Assembly Bill No. 277—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California relating to the granting of injunctions for the use of water.

And report that the same have been correctly engrossed

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 684—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act in relation to the office and term of office of the Superintendent of Banks—and report that the same has been correctly reengrossed.

RANDALL, Chairman.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 491—An Act to repeal an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909.

Also: Assembly Bill No. 654—An Act authorizing any municipal corporation using the word "town" in its corporate name to change such word to "city," and providing the procedure therefor.

Also: Senate Bill No. 256—An Act to amend section eight hundred and fifty-four of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, relating to the filling of vacancies.

Also: Assembly Concurrent Resolution No. 6—Approving one certain amendment to the charter of Salinas City, county of Monterey, State of California, voted for and ratified by the qualified electors of said Salinas City, at a regular municipal election held therein on the 7th day of June, 1909.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

COGHLAN, Chairman.

The above reported bills ordered on file for second reading, and Assembly Concurrent Resolution No. 6 ordered on file for adoption.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Senate Concurrent Resolution No. 8—Relating to joint rules—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

PREISKER, Chairman.

Senate Concurrent Resolution No. 8 ordered on file for adoption.

NOTICE OF MOTION TO RECONSIDER.

Mr. Cronin gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 131 was this day refused passage.

NOTICE OF MOTION TO RECONSIDER—(POSTPONED).

On motion of Mr. Benedict, the time for moving a reconsideration of the vote on Assembly Bill No. 662 was continued for one day.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, and referred as indicated:

By Mr. Hinkle: Assembly Bill No. 865—An Act to amend section one hundred and ninety-nine of the Code of Civil Procedure of California, relating to persons not competent to act as jurors.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 866—An Act to establish a state agricultural college and forestry school at San Diego, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Malone: Assembly Bill No. 867—An Act to provide for the location, construction and maintenance of public school buildings, rooms and grounds, in such a manner as not to endanger the health of children attending such schools, and specifying the powers and duties of certain boards and officers in relation thereto.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 868—An Act to provide for a physical examination of teachers in the public schools.

Bill read first time, and referred to Committee on Education.

By Mr. Coghlan: Assembly Bill No. 869—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California

Bill read first time, and referred to Committee on Education.

By Mr. Kennedy: Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California to be numbered section —, relating to the use of slot machines.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Bliss: Assembly Bill No. 871—An Act to amend Section 69 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Lamb (by request): Assembly Bill No. 872—An Act placing dependent children under the protection of public authority, and providing for the regulation of all corporations or societies engaged in caring for dependent children.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Stuckenbruck: Assembly Bill No. 873—An Act to validate the organization and incorporation of the city of Tracy, San Joaquin county, State of California.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cogswell: Assembly Bill No. 874—An Act making an appropriation of twenty thousand dollars for the purpose of paying the premium on bonds of State officials as provided to be paid in an Act entitled "An Act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official

bonds when given by surety companies," approved March 25, 1903, and to reimburse those who have paid premiums on surety bonds of State officials since said Act has been in effect.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 875—An Act to amend Sections 4175, 4176, and 4290 of the Political Code, relating to the per diem and expenses of sheriffs in transporting prisoners and insane, and repealing all Acts and parts of Acts in conflict therewith.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 876—An Act to appropriate the sum of eight thousand and ninety-one dollars for the use and benefit of the University of California, to supply a deficiency in the appropriation for printing at the State Printing Office for the fiscal years 1908 and 1909.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Gerdes: Assembly Constitutional Amendment No. 27—A resolution proposing to the people of the State of California an amendment to Section 14, Article II, of the Constitution of the State of California.

Assembly Constitutional Amendment read, and referred to Committee on Constitutional Amendments.

ADJOURNMENT.

At three o'clock and twenty-five minutes P. M., on motion of Mr. Beatty, the Assembly was declared adjourned until 10 o'clock A. M. of Tuesday, January 31, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Tuesday, January 31, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guilt, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Lyon of Los Angeles, its further reading was dispensed with.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Monday, January 23d, Tuesday, January 24th, Wednesday, January 25th, Thursday, January 26th, Friday, January 27th, and Saturday, January 28th, were approved as corrected by the Minute Clerk.

GUESTS ADMITTED TO FLOOR.

Through the courtesy of Mr. Farwell, Mr. J. J. Jenkins and party were granted the privileges of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

Also: Assembly Bill No. 407—An Act to amend Section 766 of the Code of Civil Procedure of California, relating to partition of real property.

Also: Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Also: Senate Bill No. 133—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estate.

Also: Senate Bill No. 10—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367c, concerning the duty of the drivers and persons in charge of an automobile, motor cycle, or other motor vehicle, etc.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one, relating to filing a copy of printed notice to creditors.

Also: Assembly Bill No. 488—An Act to provide for the regulation of the business of watchmen, guards and private detectives in the State of California; to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Also: Senate Bill No. 48—An Act to amend Section 757 of the Political Code, relating to the salary of superior judges.

Also: Assembly Bill No. 472—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five (b), relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Also: Assembly Bill No. 765—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Also: Assembly Bill No. 585—An Act to amend Sections 276, 277 and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and

counselors at law, and to add three sections to said Code to be known as Sections 276a, 276b, and 276c, relating to the same subject.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

SACRAMENTO, CAL., January 30, 1911

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No. 244, has compared the same with Assembly Bill No. 308, and find the bills to be identical.

KEHOE, Chairman.

Senate Bill No. 244 referred to the Committee on Engrossment and Enrollment

Also:

SACRAMENTO, CAL., January 30, 1911

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section fourteen of Article I thereof, relating to the rights of private property, and to the law of eminent domain—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted

KEHOE, Chairman

Senate Constitutional Amendment No. 17 ordered on file for adoption.

ON CONTESTED ELECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, January 26, 1911.

MR. SPEAKER. Your Committee on Contested Elections, to whom was referred the contest of *Follmer vs. Walsh*, for a seat in this Assembly from the Thirty-seventh Assembly District, report as follows:

That at a meeting of said committee held on this 26th day of January, 1911, the question of opening and counting ballots was considered, and after due consideration a vote was taken with the following result:

For opening and counting ballots, three (3).

Against opening and counting ballots, three (3)

Mr. Walsh, contestee, member of said committee, at his own request being excused from voting.

The committee being unable to come to a decision in the matter of opening and counting of ballots, on motion, concluded to refer matter to the Assembly for instructions as to advisability of opening and counting said ballots relative to above mentioned contest.

GAYLORD, Chairman

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 605—An Act to amend Section 4052b of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER. Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 202—An Act to add a new section to Title II, Part III, of the Penal Code of California to be numbered Section 1616, and relating to the care of female prisoners in county jails—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

ROGERS of Alameda, Chairman

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 381—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903.

Also: Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital, and to make appropriation for the same.

Also Assembly Bill No. 577—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 78—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital, and to make appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn.

COGSWELL, Chairman.

ON LABOR AND CAPITAL

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 388—An Act to amend section three hundred forty-nine *a* of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Also: Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653c, relating to black-listing.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TELFER, Chairman.

The above reported bills ordered on file for second reading.

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 539—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps, or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Also: Assembly Bill No. 573—An Act to regulate and license hunting of wild birds and animals and the vocation of fishing, and to provide revenue therefrom for fish and game preservation and restoration.

Also: Assembly Bill No. 574—An Act to provide for the propagation, distribution and protection of wild game and fish in the State of California, and defining the powers and duties of the State Forester, his deputies, and appointees in connection therewith.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

GRIFFITHS, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on and the protection and management of public and private lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the money in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act and making appropriation therefor," approved March 18, 1907, as amended March 22, 1909.

Also: Assembly Bill No. 576—An Act to repeal Sections 344, 642, and 643 of the Political Code relating to the State Board of Fish and Game Commissioners.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GRIFFITHS, Chairman

The above reported bills ordered on file for second reading

RE-REFERENCE OF BILLS.

On motion of Mr. Schmitt:

Assembly Bill No. 580—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

And: Senate Bill No. 375—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter—were re-referred to Committee on Engrossment and Enrollment, for the purpose of comparison.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Rogers of Alameda: Assembly Bill No. 877—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 878—An Act to amend section four thousand and five of the Political Code of the State of California, relating to the population of counties.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Fitzgerald: Assembly Bill No. 879—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and defining their duties, fixing their compensation and providing a special fund, and providing for licensing plumbers.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 880—An Act to amend section three and section seven of an Act entitled "An Act to provide for work upon streets, lanes, alley, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all amendments thereto.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Jones (by request): Assembly Bill No. 881—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to recla-

mation districts, and repealing all Acts and parts of Acts inconsistent therewith.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees, and River Improvements

By Mr. Lyon of Los Angeles: Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled “An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor.”

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work, or property.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beatty (by request): Assembly Bill No. 884—An Act to amend an Act entitled “An Act to define and regulate the business of banking,” approved March 1, 1909, by amending Section 21 thereof.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Rosendale (by request): Assembly Bill No. 885—An Act to amend Sections 2, 3, 13, and 21 of An Act entitled “An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof,” approved March 23, 1907.

Bill read first time and referred to Committee on Public Health.

By Mr. Brown: Assembly Bill No. 886—An Act to repeal section nineteen hundred and nineteen of the Civil Code of the State of California, relating to the compounding of interest.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Randall: Assembly Bill No. 887—An Act to divide the State of California into legislative districts, known as senatorial and assembly districts, and to provide for the election of Senators and Assemblymen therein.

Bill read first time and referred to Committee on Apportionment.

By Mr. Gerdes: Assembly Bill No. 888—An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the product of their skill and labor.

Bill read first time, and referred to Committee on State Prisons.

Also: Assembly Bill No. 889—An Act to amend Section 1 of an Act entitled “An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885” (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the “revolving fund” provided for in said Act.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions

Also: Assembly Bill No. 890—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin and of Folsom prisons, and the disposition thereof.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Jones: Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Cogswell: Assembly Bill No. 891—An Act making an appropriation to meet the expense of the collection of State revenues.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 892—An Act to amend Sections 439 and 440 of the Political Code, relating to the employees of the Controller's office and the salaries paid to such employees

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 893—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds.

Bill read first time, and referred to Committee on Ways and Means

By Mr. Gerdes: Assembly Bill No. 894—An Act to amend Section 2955 of the Civil Code, relating to what personal property may be mortgaged.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 895—An Act to amend Section 660 of the Civil Code, relating to fixtures.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 896—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Sections 1183b and 1183c, relating to liens of mechanics and others.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bliss: Assembly Concurrent Resolution No. 12—Approving an amendment to the charter of the city of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the 2d day of November, 1909.

Read, and referred to Committee on Municipal Corporations

RESOLUTIONS.

The following resolutions were offered:

By Mr. Brown:

WHEREAS, The Committee on Contested Elections has had referred to it the contests of *Volmer vs. Walsh* for a seat in this Assembly from the Thirty-seventh Assembly District, and said committee has reported to this Assembly that they can not agree as to whether the ballots should be counted or not, the said committee being equally divided upon the question; and,

WHEREAS, It is manifestly necessary for said committee, in order to properly pass upon said case, to subpoena witnesses and persons, and to have documents and papers, including ballots, before said committee for examination;

Resolved, That the Committee on Contested Elections is hereby authorized, empowered, and directed to send for persons and papers, including election ballots, as provided by law, and to count such ballots, and report the result to the Assembly.

SPECIAL ORDER SET.

On motion of Mr. Brown, the consideration of above resolution was made a special order for Friday, February 3, 1911.

By Mr. Schmitt:

WHEREAS, There has been referred to the Committee on Commerce and Navigation certain bills relative to improvements and expenditures in the harbors of San Diego, Monterey, and San Francisco; and

WHEREAS, It is necessary that said committee visit said harbors in order that

said committee may intelligently report on said bills to the Assembly; now be it by the Assembly

Resolved, That leave of absence be granted, as hereinafter stated, for the purposes above mentioned, namely, Messrs. Lyon of San Francisco, Kennedy and Schmitt, from February 2d to February 6th, both dates inclusive, for the purpose of visiting San Diego harbor; also Messrs. Wilson, Rosendale, and Callahan, from February 3d to February 6th, both dates inclusive, for the purpose of visiting the harbors of Monterey and San Francisco.

Resolution read, and referred to Committee on Rules and Regulations
By Mr. Rutherford:

ASSEMBLY JOINT RESOLUTION No. 8

WHEREAS, The Government of the United States has in contemplation the execution of a contract with the W P Hammon Truckee Electrical Company, by which it is agreed to allow the said company to construct an artificial outlet to Lake Tahoe by driving a tunnel from the Nevada side of said lake to tap the said lake beneath the water level and divert its waters through the State of Nevada, and

WHEREAS, The said lake and the watershed of the same lies most largely in the State of California, and the present natural outlet of said lake is in the State of California, and the Truckee River, through which the overflow and flood waters of said lake flow for a distance of over thirty-five miles through the State of California, is the source of millions of dollars in wealth to this State; and

WHEREAS, The diversion of the waters of said lake from their present course would result in great damage to this State even under the present condition, with the discouraging prospect of much greater loss in the future by surrendering one of its greatest and most valuable water supplies, which carries with it by far the greatest possibilities and probabilities for beneficial use in domestic irrigation and power purposes in this State, therefore, be it

Resolved by the Assembly and Senate, jointly, That his Excellency William H. Taft, President of the United States, be and he is hereby most earnestly and respectfully urged not to enter into the contract hereinbefore mentioned, nor to permit such a contract to be executed, nor to allow any change to be made in the outlet of said lake that would result in the diversion of the flood or overflow waters of said lake from their present course

RULES SUSPENDED.

Mr Rutherford moved that the rules be suspended, and the resolution taken up for immediate consideration.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Coghlan, Cronin, Crosby, Farwell, Fitzgerald, Flint, Gavlord, Gerdes, Griffiths, Hall, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—58.

NOES—None.

Resolution read and, on motion of Mr. Rutherford, adopted and ordered transmitted to the Senate.

RE-REFERENCE OF BILLS.

On motion of Mr. Young, Assembly Bill No. 594—An Act to amend section three thousand seven hundred and sixty-four of the Political Code of California, relating to the publication of the delinquent tax list.

And Assembly Bill No 595—An Act to amend section three thousand seven hundred and sixty-six of the Political Code of California, relating to the manner of making publication of the delinquent tax list—were re-referred to Committee on Revenue and Taxation.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, read, and on motion of Mr. Cattell, ordered printed in the Journal:

To the Legislature of the State of California:

There has been introduced to-day in the Senate and Assembly a bill designated "An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the products of their skill and labor," the design of which is to enable the prisoners in the state prisons to manufacture such articles, materials, and supplies as may be needed for any public use by the State, or any county or municipality, or that may be used or required in any state institution.

This message is sent that you may have before you the purpose of the bill and the reasons actuating Warden Hoyle, of San Quentin, in its preparation, and that have induced me to recommend it.

In the care and maintenance of convicts, the first problem that presents itself to the State is to furnish appropriate and rational employment, not only that prisoners may be kept from idleness, but that they may be taught during the period of their confinement useful trades, and may after the expiration of their terms be able to follow legitimate employment and to rehabilitate themselves. The most efficacious manner in which this humanitarian doctrine can be consummated is in regular hours of employment, in regular trades for those who are confined within the prisons, and by such regulations to provide the physical and mental activity necessary, and thus to afford the possibility, the hope, and the opportunity for ultimate regeneration.

The other reason why the proposed measure will be advantageous is upon the financial side. If permission to manufacture and produce the articles mentioned be accorded the state prisons in great measure will be self-supporting, and it is the hope of Warden Hoyle, based upon experience in other places,—and his hope seems to me justified,—that within a few years the state prisons of the State of California, under the plan suggested, will be wholly self-supporting, and will not require further aid of the government.

The objection to the manufacture of articles in the state prisons comes generally, and justly, I think, from the free labor of the State. The purpose of the bill that has been introduced is to permit only those articles to be manufactured which are used by the state, the county, or the municipality, and does not permit their sale privately.

The restrictions within the bill are such that prison labor shall not be brought in competition with free labor. The particular measure that has been introduced has been submitted to the San Francisco Labor Council, and has received the sanction of that body.

It is presented to you, therefore, with the full knowledge and approval of labor within the State of California.

The cost of maintaining the prisons of the State of California is, in round figures, something over half a million dollars per annum. If this cost can be met in any measure by the proposed plan, apparently it should commend itself to us all. Beyond this, if it meets the requirements first suggested, of furnishing the necessary activity physically and mentally to prisoners, and with the learning of useful trades or occupations, will enable prisoners better to care for themselves after their release an amply sufficient reason is presented for its passage. In order to carry out the proposed scheme, no appropriation is asked from the Legislature.

Two Acts are presented with the bill, which establish from the present earnings of the prison a fund which may be used in preparing for the manufacture and production of the articles named.

I might add that the scheme proposed, and indeed the bill as drawn, is fashioned upon the law that is now in force in the State of New York, and which has worked so beneficently there.

The bills and the facts set forth in this message are submitted for your consideration.

Respectfully,

HIRAM W. JOHNSON, Governor.

January 30, 1911.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in appropriation for the arrest of criminals without the State for the sixtieth and sixty-second fiscal years.

Also Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases.

Also Assembly Bill No. 332—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the sixtieth fiscal year.

Also Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, Secretary of State's office, for the sixty-second fiscal year.

Also Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office, for the sixty-second fiscal year.

Also Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for the Adult Blind, in Oakland.

Also Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Statutes 1907, Chapter 332).

Also Assembly Bill No. 341—An Act making an appropriation to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant General's office, for the sixty-first and sixty-second fiscal years.

Also Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health for the sixty-first and sixty-second fiscal years.

Also Assembly Bill No. 343—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School, at Los Angeles, for the sixty-first and sixty-second fiscal years.

Also Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Normal School, at Los Angeles, for the sixty-second fiscal year.

Also Assembly Bill No. 346—An Act transferring money from the General Fund to the San Diego Harbor Improvement Fund to meet the expenses of the publication of the San Diego Seawall Act, under the provisions of Chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego Harbor Improvement Fund to the General Fund.

Also Assembly Bill No. 347—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act, under the provisions of Chapter 383, Statutes of 1909.

Also Assembly Bill No. 348—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act under the provisions of Chapter 407, Statutes of 1909.

Also Assembly Bill No. 349—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage and telegraphing of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Also Assembly Bill No. 350—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above Assembly bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to section one of article two of the Constitution, relating to the rights of suffrage.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Constitutional Amendment No. 8 read, and referred to Committee on Engrossment and Enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, January 30, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 241—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations.

Also Senate Bill No. 220—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

Also Senate Bill No. 373—An Act to amend an Act entitled "An Act to define

and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

Also: Senate Bill No. 192—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by adding a new subdivision thereto to be known as Subdivision 1G.

Also: Senate Bill No. 372—An Act to amend section six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds, and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Also: Senate Concurrent Resolution No. 9—Approving eighteen certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special municipal election held therein on the fifteenth day of November, 1910.

Also: Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code, relating to certificates of partnership, and the execution and filing thereof.

Also: Senate Bill No. 460—An Act to amend Section 2466 of the Civil Code relating to the use of fictitious names, and duties of those using them.

Also: Senate Bill No. 459—An Act to amend Section 2470 of the Civil Code, relating to register of persons and firms to be kept by the county clerk.

Also: Senate Bill No. 447—An Act to add a new section to the Code of Civil Procedure to be numbered section eighteen hundred and ten *a*, relating to contracts for attorneys' fees made by and for the benefit of minors, to the fixing of such fees by the courts wherever judgments shall be recovered by or on behalf of minors, and to the payment of judgments for money to the guardian of minors.

Also: Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto to be known as section six hundred and four *a*, providing for the formation of religious corporations.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 241 read first time, and referred to Committee on Corporations.

Senate Bill No. 220 read first time, and referred to Committee on Judiciary.

Senate Bill No. 373 read first time, and referred to Committee on Banks and Banking.

Senate Bill No. 192 read first time, and referred to Committee on Judiciary.

Senate Bill No. 372 read first time, and referred to Committee on Education.

Senate Concurrent Resolution No. 9 read, and referred to Committee on Municipal Corporations.

Senate Bill No. 461 read first time, and referred to Committee on Judiciary.

Senate Bill No. 460 read first time, and referred to Committee on Judiciary.

Senate Bill No. 459 read first time, and referred to Committee on Judiciary.

Senate Bill No. 447 read first time, and referred to Committee on Judiciary.

Senate Bill No. 240 read first time, and referred to Committee on Corporations.

THIRD READING OF BILLS.

Assembly Bill No. 38—An Act to amend section three hundred and thirty-seven *a* of the Penal Code, relating to gaming and gambling by pool-selling, bookmaking, bets, and wagers, and providing the punishment for the violation thereof.

WITHDRAWAL OF BILL.

Mr. Young asked for and was granted unanimous consent to withdraw Assembly Bill No. 38.

Bill withdrawn, and ordered stricken from the file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared the following Assembly bills

Assembly Bill No. 308—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway—with Senate Bill No. 244.

And:

Assembly Bill No. 380—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912 but not thereafter—with Senate Bill No. 375.

And report that the same are identical.

RANDALL, Chairman.

SPECIAL ORDER SET

On motion of Mr. Benedict, the consideration of Assembly Bill No. 516 was made a special order for February 1, 1911 at eleven o'clock A. M.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 393—An Act to amend section four thousand three hundred and sixteen of the Political Code of the State of California, relating to sheriffs, clerks, and constables, and their duties.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 393 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Coghlan, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Gerdes, Griffiths, Guill, Hall, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Nolan, Preisker, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Joint Resolution No. 1—Relating to defense of the Pacific seaboard by the National Government.

The question being on the adoption of the Assembly joint resolution, a vote was taken, and the resolution adopted.

Assembly joint resolution ordered transmitted to the Senate.

ASSEMBLY JOINT RESOLUTION No 1

Relating to defense of the Pacific seaboard by the National Government

WHEREAS The defense of the Pacific seaboard by a fleet adequate in point of number and power to meet and repel if need be the attempted invasion of the territory of the United States by any enemy, and commensurate with the dignity, affluence and commercial importance of that portion of our country lying along the

Pacific Ocean, is necessary to the welfare of our country and the maintenance of peace on the Pacific Ocean; and

WHEREAS: The maintenance of such a fleet upon the waters of the Pacific would conduce to the establishment of confidence and the preservation of peace among the nations bordering on the Pacific; and

WHEREAS: We deem it to be the duty of the Federal Government to provide adequately for the protection of the people and states of this great nation; and

WHEREAS: The early completion of the Panama Canal imposes upon the United States an additional duty for the maintenance of peace and confidence among the nations of the earth in the proper fortification and defense of the canal so as to insure its peaceful and uninterrupted use for the commerce of the nations; therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That our Senators in Congress be instructed, and our Representatives in Congress be requested, to use all honorable means necessary to effect the immediate assignment to the waters of the Pacific of ships of war in such numbers and of such power as to place this nation on an equal footing on its western coast with all nations which maintain fleets of ships of war in the Pacific waters.

Resolved, That the Governor of the State of California be and he is hereby directed to transmit a certified copy of these resolutions to the President and Speaker, respectively, of the Senate and House of Representatives of the United States, and to each of our Senators and Representatives in Congress

Assembly Bill No. 277—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 277 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Cronin, Crosby, Cunningham, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—60.

NOES—Mr. March—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 365 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SUBSTITUTION OF BILL.

On motion of Mr. Schmitt, Senate Bill No. 375 was substituted on file for Assembly Bill No. 580, and ordered read the second time.

Senate Bill No. 375—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL OF BILL.

Mr. Schmitt asked for and was granted unanimous consent to withdraw Assembly Bill No. 580.

Bill withdrawn and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 502—An Act to amend Section 671 of the Code of Civil Procedure, relative to entry of judgment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 502 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Mullally, Preisker, Randall, Rosendale, Rutherford, Ryan, Sbraglia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX, Chapter I, relative to executions, by adding a new section thereto to be known as Section 681a.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 501 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Randall, Rosendale, Rutherford, Ryan, Sbraglia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 504 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Free-

man, Gaylord, Gerdes, Griffin, Guill, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsey, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Walsh, Williams, Wilson, and Mr. Speaker—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Mr. Beatty:

ASSEMBLY JOINT RESOLUTION No. 9

WHEREAS, The House of Representatives has officially recognized San Francisco as the proper place for the holding of an International Exposition to commemorate the opening of the Panama Canal in 1915; and

WHEREAS, This result has been effected in a large measure by the patriotic endeavors of many of the citizens of the State, who have unselfishly devoted themselves to the task, now, therefore, be it

Resolved, by the Senate and Assembly, jointly, That the thanks of the citizens of California, expressed by their representatives in the State Legislature, be and they are hereby tendered to the members of the Congress of the United States in both houses, and to all who have so generously aided California in securing official recognition for the Panama-Pacific International Exposition; further

Resolved, That the resolution be telegraphed to the Speaker of the House of Representatives and to the President of the Senate of the Congress of the United States

RECESS.

At eleven o'clock and thirty-five minutes A. M., the Assembly was declared at recess until eleven o'clock and forty minutes A. M. of this day.

REASSEMBLED.

At eleven o'clock and forty minutes A. M. the Assembly reconvened. Speaker Hewitt in the chair.

RULES SUSPENDED.

Mr. Beatty moved that the rules be suspended, and the resolution be taken up for immediate consideration.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Polsey, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63

NOES—None

The question being on the adoption of the joint resolution.

A vote was taken, the joint resolution adopted, and ordered transmitted to the Senate.

By Mr. Kennedy:

WHEREAS, We have received the gratifying information that San Francisco has been chosen as the place for holding the National Exposition, in 1915 in celebration of the completion of the Panama Canal; and

WHEREAS, The receipt of such information has been the cause of general rejoicing throughout our State; therefore, be it

Resolved, That our Sergeant-at-Arms be instructed to raise the National flag over the State Capitol to-day.

Resolution read and, on motion, adopted.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 505 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 497 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In accordance with notice previously given, Mr. Stuckenbruck moved a reconsideration of the vote whereby Assembly Bill No. 131 was refused passage.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Butler, Callaghan, Cattell, Coghlan, Cronin, Crosby, Cunningham, Farwell, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Hamilton, Held, Hinshaw, Judson, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—Messrs. Beatty, Bohnett, Brown, Chandler, Cogswell, Fitzgerald, Griffiths, Jasper, Joel, Kehoe, Lyon of Los Angeles, and Malone—12.

The question being on the passage of the bill.

Mr. Stuckenbruck moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "resides," add the following: "The person presenting such squirrel scalps in payment for a hunting license, shall make oath that the same were taken from squirrels actually killed by him in the county where the application for license is made, the county clerk shall issue a certificate showing same, and making return to the Fish and Game Commission of the issue of license for twenty squirrel scalps in lieu of cash, to wit, one dollar."

Motion carried.

The Speaker appointed Mr. Stuckenbruck as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 131, with instructions, do now report that the instructions of the Assembly have been carried out.

STUCKENBRUCK, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

SENATE MESSAGE—(OUT OF ORDER).

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 14—Relative to Panama-Pacific Exposition.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

TIME OF RECESS EXTENDED.

On motion of Mr. Coghlan, the time of recess was extended for further consideration of Senate Joint Resolution No. 14.

RULES SUSPENDED.

Mr. Coghlan moved that the rules be suspended, and the resolution be taken up for immediate consideration.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Benedict, Bishop, Brown, Butler, Callaghan, Cattell, Chaudler, Coghlan, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Griffiths, Guill, Hall, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Wilson, and Wyllie—54.

NOES—Messrs. Bliss, Polsley, and Mr. Speaker—3.

Resolution read, on motion of Mr. Coghlan adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 14.

WHEREAS, The House of Representatives of the Congress of the United States has, in its wisdom, this day selected the city of San Francisco as the place for holding the Panama-Pacific International Exposition in the year 1915; and

WHEREAS, The people of the State of California realize the great benefit and prestige which will accrue to the people of this State by reason of holding such exposition here; and

WHEREAS, *The result of the determination of such House of Representatives* has caused great rejoicing in the hearts of the people of this State; now, therefore, be it *Resolved by the Senate and Assembly of the Legislature of the State of California, jointly,* That this Legislature does sincerely thank the said House of Representatives upon their said action, and the President of the United States for his friendship, and we do further congratulate and thank our Representatives in Congress and the committee of citizens in attendance at Washington in San Francisco's interest, upon the brilliant and signal success which has crowned their untiring efforts, and be it further

Resolved, That a copy of this resolution be immediately transmitted by telegraph to the said House of Representatives.

LEAVE OF ABSENCE.

On motion of Mr. Rogers of Alameda, Mr. Rutherford was granted leave of absence for Wednesday, February 1, 1911.

RECESS.

At twelve o'clock and forty-five minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill 537—An Act to amend section six hundred forty-seven of the Penal Code of the State of California, relating to vagrants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 537 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Schmitt, Smith, Stuckenbruck, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 726—An Act to amend sections two hundred and sixty-nine *a* and two hundred and sixty-nine *b* of the Penal Code, relating to cohabitation and adultery.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 726 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosen-

dale, Ryan, Schmitt, Smith, Stevenot, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—Mr. Joel—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 747—An Act to amend Section 2714 of the Political Code, relating to the construction, repair, and maintenance of bridges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 747 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffin, Guill, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Walsh, Williams, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 419—An Act to add a new section to the Political Code to be numbered section twenty-six hundred forty-six, relating to highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 419 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 758—An Act to provide for maintenance of county highways improved under bond issues in the counties of the State, and empowering the boards of supervisors to levy taxes therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 491—An Act to repeal an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 654—An Act authorizing any municipal corporation, using the word "town" in its corporate name, to change such word to "city," and providing the procedure therefor.

Bill read second time, and ordered to engrossment and third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER SACRAMENTO, January 31, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared the following Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to section one of article two of the Constitution, in relation to the rights of suffrage—with Senate Constitutional Amendment No. 8, and report that the same are identical.

RANDALL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 639—An Act to amend section fifteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts, the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, said amendment referring to the levy of taxes.

Assembly Bill No. 40—An Act to amend Section 8 of an Act entitled "An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act."

Assembly Bill No. 499—An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal.

Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees, during strikes, lockouts and other labor troubles.

Assembly Bill No. 473—An Act to amend Section six hundred eighty-five of the Code of Civil Procedure, relating to the issuance of executions after five years.

Assembly Bill No. 317—An Act to amend section nine hundred and twenty-eight of the Penal Code of the State of California, relative to the examination of the books, records, and accounts of county officers, and the appointment of experts by grand juries

Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits therefor issued and in force, making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses

Assembly Bill No. 559—An Act to create a reclamation district to be called "Reclamation District Number 900," and providing for the control and management thereof.

Assembly Bill No. 751—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller.

Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers and employees, and defining offenses of railroad and transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled

"An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein," approved April 1, 1878," and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880," approved March 19, 1909, and also repealing "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act.

And report that the same have been correctly engrossed.

RANDALL, Chairman

THIRD READING—(RESUMED).

Senate Joint Resolution No. 3—Relative to the cession by the United States to the State of California of certain public lands in the Big Basin, in Santa Cruz and San Mateo counties, California, as additions to the California Redwood Park

Resolution read, on motion adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 3,

Relative to the cession by the United States to the State of California of certain public lands in the Big Basin, in Santa Cruz and San Mateo counties, California, as addition to the California Redwood Park.

WHEREAS, The State of California, at the cost of two hundred and fifty thousand (\$250,000) dollars, purchased what is now known as the California Redwood Park, containing 3,800 acres of land in what is known as the Big Basin, situate in the counties of Santa Cruz and San Mateo, State of California, upon which are growing trees of a species known as *Sequoia sempervirens*, for the purpose of preserving a body of such trees from destruction and perpetuating them in their primal state;

WHEREAS, The State of California has amply provided for the care and protection of such park, and has placed the same under the control of the California Redwood Park Commission;

WHEREAS, In the vicinity of such park, and within the area known as Big Basin, there are public lands of the United States which if annexed thereto, would greatly add to the value of said park and enhance the benefits to accrue therefrom to the people, and also materially decrease the danger from fire within the territory contained within the said Big Basin;

WHEREAS, Said public lands have been withdrawn from entry and sale by the Department of the Interior, pending action by the State of California and the Congress of the United States; therefore, be it

Resolved by the Senate and Assembly jointly. That the Legislature of the State of California memorializes the Congress of the United States to cede such public lands so situated as aforesaid, in said Big Basin, to the State of California, for use as part of the existing California Redwood Park; be it further

Resolved. That the Secretary of the Interior be requested to continue to withhold from public entry or sale such lands until the consideration by the Congress of the United States of this memorial: be it further

Resolved. That our Senators and Representatives in Congress be requested to use all honorable means to secure the withholding from public entry or sale of said lands, and the passage of a measure providing for the cession thereof to the State of California for the purpose aforesaid; be it further

Resolved. That the State of California will accept transfer from the government of the United States of all of the lands owned by the United States in township nine, south, range three west, and in township nine south, range four west, Mount Diablo base and meridian, in the State of California, and will hold the same as a part of the California Redwood Park; and be it further

Resolved. That a copy of these resolutions be forwarded to the President of the United States; the Secretary of the Interior; the Secretary of Agriculture, the respective houses of Congress, and to each of our Senators in Congress now in office, and to those who will assume office on March 4, 1911.

Senate Joint Resolution No. 4—Relating to certain recommended appropriations by Congress for the improvement of navigation.

Resolution read, on motion adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 4,

Relating to certain recommended appropriations by Congress for the improvement of navigation.

WHEREAS, There has been recommended by a board of army engineers that an appropriation of \$510,000 be made by the Congress of the United States for the opening of Pinole shoals, in San Pablo Bay; and

WHEREAS, There has been recommended by the corps of engineers, United States army, having jurisdiction over the navigable rivers of California, an appropriation of \$109,000 for securing and maintaining a nine-foot low water channel depth on the Sacramento River, between Sacramento and Suisun Bay; \$12,000 for securing and maintaining a four-foot low water channel depth on the Sacramento River, between Sacramento and Chico Landing, \$6,000 for securing and maintaining a three-foot low water channel depth on the Sacramento River, between Chico landing and Red Bluff;

Resolved by the Senate and Assembly of the State of California, jointly. That we consider the recommended improvements of the greatest importance to the State of California, and hereby petition the Congress of the United States to act favorably upon the proposed appropriation, and be it further

Resolved, That upon the passage of this resolution, the Secretary of the Senate be directed to forward a copy thereof to our Senators and Representatives in Congress asking them to present this resolution to the Senate and House of Representatives.

Senate Joint Resolution No. 2—Ratifying and approving the proposed amendment to the Constitution of the United States, relative to income tax.

Resolution read, on motion adopted, and ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 2,

Ratifying and approving the proposed amendment to the Constitution of the United States, relative to income tax.

WHEREAS, The sixty-first Congress of the United States of America, at the first session begun and held in the city of Washington, on Monday the 15th of March, proposed an amendment to the Constitution of the United States, in words and figures as follows:

ARTICLE XVI.

Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several states, and without regard to census enumeration; now, therefore, be it

Resolved by the Senate and Assembly, jointly. That the Legislature of the State of California hereby approves and ratifies the foregoing proposed amendment to the Federal Constitution, the same being the sixteenth amendment of the Constitution of the United States, and said proposed constitutional amendment is hereby approved and ratified

Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

SPECIAL ORDER SET.

On motion of Mr. Jones, the consideration of Senate Joint Resolution No. 1 was made a special order for Friday, February 3d, at eleven o'clock A. M.

THIRD READING OF SENATE BILLS.

Senate Bill No. 268—An Act to repeal section four thousand and fifty-six of the Political Code of California, relating to the duty of boards of supervisors to furnish statistical reports.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 268 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Gerdes, Griffin, Griffiths, Guill, Harlan, Held, Hinkle, Hinsbaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, March, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—59.

NOES—Mr. Freeman—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No. 8—Relating to the joint rules of the Senate and Assembly of the Legislature of the State of California for the thirty-ninth session of said Legislature.

Resolution read, on motion adopted, and ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION NO 8.

Resolved by the Senate, the Assembly concurring, That the following be and are hereby adopted as the joint rules of the Senate and Assembly of the Legislature of the State of California for the thirty-ninth session of said Legislature.

JOINT RULES OF SENATE AND ASSEMBLY.

JOINT ADDRESS TO GOVERNOR

1. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker of the House and a select committee of nine (9) members, appointed for that purpose from each house.

BILL OR RESOLUTION IN ONE HOUSE, REJECTED IN THE OTHER, REQUIRES NOTICE.

2. When a bill or resolution which shall have passed one house is rejected by the other, notice thereof shall be given immediately to the house in which the same shall have passed.

EACH HOUSE TO TRANSMIT PAPERS

3. Each house shall transmit to the other papers on which any bill or resolution shall be founded.

JOINT AND CONCURRENT RESOLUTIONS.

4. Joint resolutions are those which relate to matters connected with the Federal Government. All other resolutions relating to matters to be treated by both houses of the Legislature are concurrent resolutions.

JOINT RESOLUTIONS TREATED AS BILLS

5. All joint resolutions shall be treated in all respects as bills, except that all joint resolutions shall be read but one time in each house.

AMENDMENTS TO AMENDED BILLS MUST BE ATTACHED

6. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted," and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

BILLS READ AND REFERRED TO COMMITTEE

7. When a Senate bill has been received by the Assembly, or an Assembly bill by the Senate, with a message announcing that the same has passed the Senate or Assembly, such bill shall be read first time by the Secretary or Clerk and referred to a standing committee.

SPECIAL FILE

8. After the 25th day of January, 1911, the Senate and Assembly shall adopt and provide a special file upon which shall be placed. In the Senate, only Assembly

bills that have passed the Assembly; and in the Assembly, only Senate bills that have passed the Senate. Such special file shall be taken up at two o'clock P. M. of each day, and be considered at least one hour and a half after being so taken up. This rule shall not be suspended in either house except by a three-fourths vote of such house.

AFTER A BILL HAS BEEN PASSED BY THE SENATE OR ASSEMBLY

9. When a bill (if it be a Senate bill) has been received from the Senate by the Assembly, after its passage, or (if it be an Assembly bill) has been received from the Assembly by the Senate, after its passage, it shall be taken up by the Senate or Assembly, as the case may be, under the regular order of business ("Senate messages" or "Assembly messages"), read the first time, and shall then be assigned to the proper committee, who shall act upon the same as soon as practicable, and report the same back to the Senate or Assembly forthwith, and the chairman of each committee is charged with the observance of this rule, provided that the Senate or the Assembly may at any time order such bill reported back from any committee by a majority vote.

TO CONCUR OR REFUSE TO CONCUR IN AMENDMENTS.

10. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments.

WHEN AMENDMENTS ARE CONCURRED IN.

11. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments, and the bill shall be ordered to enrollment.

WHEN SENATE OR ASSEMBLY REFUSE TO CONCUR

12. If the Senate refuse to concur (if it be a Senate bill), or the Assembly refuse to concur (if it be an Assembly bill), the Secretary or Clerk shall notify the house making the amendments of the action taken, and ask that they recede from their amendments. If they refuse to recede, a committee on conference shall be appointed, consisting of six members, three to be appointed by the President of the Senate and three by the Speaker of the Assembly. The committee on conference shall report to both the Senate and Assembly.

COMMITTEE ON CONFERENCE

13. In every case of an amendment of a bill agreed to in one house and dissented from in the other, if either house shall request a conference and appoint a committee to confer, the other house shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by the respective committees.

COMMITTEE ON FREE CONFERENCE

14. If the committee on conference fail to agree, or either the Senate or Assembly refuse to adopt the report of the committee, it shall then be in order to appoint a committee on free conference.

A committee on free conference shall consist of six members, to be appointed in the same manner as a committee on conference.

The committee on free conference are hereby empowered to suggest in their report any new amendments which they may adopt as a committee, and such amendments made by such committee shall be attached to the bill.

The report of the committee on free conference shall not be subject to amendment in either house, and in case of non-agreement no further proceedings shall be had.

WHEN CONFERENCE COMMITTEE REPORT IS IN ORDER

15. The presentation of report of committee on conference or free conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate or Assembly is dividing, or during roll call, and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

MESSAGES MUST BE ANNOUNCED BY THE ASSISTANT SERGEANT-AT-ARMS

16. When a message shall be sent from either house it shall be announced at the door by the Sergeant-at-Arms, and shall be respectfully communicated to the presiding officer by the person by whom it may be sent.

SECRETARY, CLERK, ETC. TO CARRY MESSAGES.

17. Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each house may determine to be proper.

NOTICES TO BE ON PAPER, UNDER PROPER SIGNATURE.

18. Notice of the action of either house to the other shall be on paper, and under the signature of the Secretary or Clerk of the house from which such notice is to be conveyed.

ENROLLED BILLS TO RECEIVE SIGNATURE OF PROPER OFFICER.

19. After a bill shall have passed both houses, it shall be duly enrolled and carefully compared by the Engrossing and Enrolling Clerk and Engrossing and Enrolling Committee of the Assembly, or of the Senate, as the bill may have originated, and shall first receive the signature of the presiding officer and Clerk or Secretary of the house in which it emanated, before it shall be presented to the Governor of the State.

ENROLLING COMMITTEE TO COMPARE.

20. When bills are enrolled they shall be reexamined by the Engrossing and Enrolling Committee of the house in which they originated, who shall compare the enrollment with the engrossed bill as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the house in which the bill originated, stating by whom such bill was examined.

PRESIDENT AND SPEAKER TO SIGN BILLS.

21. After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the Assembly, then by the President of the Senate.

ENROLLING COMMITTEE TO PRESENT BILLS TO GOVERNOR.

22. After a bill shall have been thus signed in each house, it shall be presented by the Engrossing and Enrolling Committee of the house in which it originated to the Governor of the State for his approval (it being first indorsed on the back of the bill by the Secretary or Clerk, as the case may be, certifying in which house the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of the house in which the bill originated.

DAILY HISTORY OF BILLS, ETC.

23. There shall be printed daily, by both the Senate and the Assembly, a history of all bills, joint and concurrent resolutions, and constitutional amendments, which shall show the action taken by the house up to the day preceding the publication of such history. A regular form shall be prescribed, and no other form shall be used.

SECRETARY AND CLERK TO KEEP REGISTER.

24. The Secretary of the Senate and Clerk of the Assembly shall keep a register, in which shall be recorded every action taken by the Senate and Assembly on every bill, concurrent or joint resolution, or constitutional amendment.

SECRETARY AND CLERK SHALL INDORSE BILLS.

25. The Secretary of the Senate and Clerk of the Assembly shall indorse on every original bill a statement of any action taken by the Senate and Assembly.

ADJOURNMENT SINE DIE

26. An adjournment *sine die* shall be made only by concurrent resolution.

DISPENSING WITH JOINT RULES

27. No joint rule shall be dispensed with except by vote of two thirds of each house, and if either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violation shall be returned to the house in which it originated, without further action. Or, at the option of such house, the President or Speaker may direct the Secretary or Clerk to mark the section or sections in conflict with the rules as non-concurred in or negatived.

SECOND READING OF SENATE BILLS.

Senate Bill No. 256—An Act to amend section eight hundred and fifty-four of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the filling of vacancies.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license; providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

During the third reading of the bill, Mr. Wyllie moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 7, Section 16, line 44, of printed bill, strike out the comma and the word "except", and insert in lieu thereof the following "In quantities of less than three gallons, and provided, further, that such deliveries are made only to *bona fide* heads of households at their permanent residences, or".

Motion carried.

The Speaker appointed Mr. Wyllie as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 37, with instructions, do now report that the instructions of the Assembly have been carried out

WYLLIE, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

SPECIAL ORDER SET.

Mr. Schmitt moved that the consideration of the above bill be made a special order for Monday, February 6, 1911, at two o'clock P. M.

Mr. Wyllie moved, as an amendment to the motion, that the time be Thursday, February 2, 1911, at two o'clock P. M.

Mr. Coghlan moved, as an amendment to the amendment, that the time be Wednesday, February 8, 1911.

Roll call regularly demanded.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Callaghan, Crosby, Cunningham, Fitzgerald, Gerdes, Kennedy, Lyon of San Francisco, McDonald, Mullally, Nolan, Rogers of San Francisco, Ryan, Sbragia, Tibbitts, and Walsh—15.

NOES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, Mendenhall, Mott, Preisker, Randall, Rogers of Alameda, Rosendale, Schmitt, Smith, Stevenot, Teifer, Williams, Wilson, Wyllie, and Young—49.

The question reverting to the amendment by Mr. Wyllie.

Roll call regularly demanded.

The roll was called, and amendment adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Gerdes,

Griffiths, Guill, Hall, Hamilton, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Malone, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Smith, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—43.

NOES—Messrs. Callaghan, Coghlan, Cunningham, Fitzgerald, Harlan, Held, Jones, Kennedy, Lynch, Lyon of San Francisco, Maher, March, McDonald, Mullally, Nolan, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Tibbits, Walsh, and Williams—26.

The question reverting to the original motion, as amended.

Roll call regularly demanded.

The roll was called, and the motion as amended adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gerdes, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Maher, Malone, March, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Smith, Stevenot, Telfer, Williams, Wyllie, Young, and Mr. Speaker—48.

NOES—Messrs. Callaghan, Coghlan, Cunningham, Fitzgerald, Griffin of Modesto, Kennedy, Lyon of San Francisco, McDonald, Mullally, Nolan, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Tibbits, and Wilson—16.

SPECIAL ORDER SET.

On motion of Mr. Cattell, the consideration of Assembly Constitutional Amendment No. 8 was made a special order for Thursday, February 2, 1911, at eleven o'clock A. M.

THIRD READING OF BILL—(RESUMED).

Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents, and employees, and the rights, duties, and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers and employees, and defining offenses of railroad and transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878," and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners, approved April 15, 1880," approved March 19, 1909, and also repealing "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished."

approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act.

During the third reading of the bill, Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 4, Section 6, line 3 of the amended bill, strike out the word "subpoena", and insert in lieu thereof the following "subpoenas."

Also On page 5, Section 6, line 10, of the amended bill, strike out the word "records", and insert in lieu thereof the following: "record."

Also On page 5, Section 10, lines 3, 4, and 5 of the amended bill, strike out the following "and such portions of street railroad systems as are operated outside of incorporated municipalities."

Also On page 19, Section 24, line 33 of the amended bill, the word "imprisonment" insert the following "in the county jail"

Also On page 20, Section 24, line 45 of the amended bill, after the word "imprisonment" insert the following "in the county jail".

Also On page 27, Section 31, line 8, of the amended bill, after the word "rehearing" insert the following "or the going into effect of this Act".

Also On page 27, Section 31, line 11, of the amended bill, after the comma after the word "commission" insert the following "theretofore made."

Also On page 31, Section 37, of the amended bill, after the end of the section add the following: "Nothing in this Act shall be so construed as to prohibit the issuance of passenger transportation in exchange for advertising space in newspapers and other publications, at full rates, to the proprietors and employees of such newspapers and other publications."

Also On page 8, Section 15, line 49, of the amended bill, after the word "point" insert the following: "of crossing".

Also On page 9, Section 15, of the amended bill, strike out all of lines 71 to 77, inclusive, and insert in lieu thereof the following "amount which any shipper or consignee shall pay to any such company for failure to load or unload cars ordered by, or delivered to, such shipper or consignee under such rules. Such charges shall be uniform, the commission being required to prescribe the same penalties for both shipper or consignee and company for an equal number of cars for each day for which such demurrage is charged. Any such penalty may be recovered by action therefor as provided in section twenty-eight of this Act."

Also On pages 1 and 2, of the amended bill, strike out all of the title after the words "An Act", and insert in lieu thereof the following:

To provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor: and repealing an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties: to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein," approved April 1, 1878, and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880, approved March 20, 1909; also repealing an Act entitled "An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909; also repealing all Acts or parts of Acts inconsistent with the provisions of this Act.

Motion carried.

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 463, with instructions, do now report that the instructions of the Assembly have been carried out.

BOHNETT, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

RUSH ORDER.

On motion of Mr. Bohnett, Assembly Bill No. 463 was sent to the printer with a rush order.

Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

During the third reading of the bill, Mr. Rodgers of San Francisco moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert on line 3, of the printed bill, before the word "the" where first used the figures, "531".

Motion carried.

The Speaker appointed Mr. Rodgers of San Francisco as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 663, with instructions, do now report that the instructions of the Assembly have been carried out.

RODGERS of San Francisco, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

RESOLUTION.

The following resolution was offered:

By Mr. Ryan:

Resolved, That the Sergeant-at-Arms be and he is hereby directed to procure for the Assembly a truck to be used to carry in and out the files of this body.

Resolved further, That the Controller be and he is hereby authorized to draw his warrant in payment for the same, and the Treasurer is hereby authorized to cash said warrant.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Mullally: Assembly Bill No. 897—An Act to amend Section 4300 of the Political Code of the State of California, relating to juror's fees.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 898—An Act to amend Section 1096 of the Political Code of the State of California, relating to registration of electors.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 899—An Act providing when an elector who has not registered may vote.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 900—An Act to amend Section 1083 of the Political Code of the State of California, relating to qualifications and disabilities of electors.

Bill read first time, and referred to Committee on Election Laws.

Also: Assembly Bill No. 901—An Act relating to the right of electors to vote when absent from the precinct where registered.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Farwell: Assembly Bill No. 902—An Act entitled an Act to establish, govern, locate, construct, furnish, maintain, and conduct a technical school to be named the California Institute of Technology, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Mr. Lamb: Assembly Bill No. 903—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals.

Bill read first time, and referred to Committee on State Hospitals and Asylums

By Mr. Hinshaw: Assembly Bill No. 904—An Act to amend Section 1521 of the Political Code of California, relating to the powers and duties of the State Board of Education.

Bill read first time, and referred to Committee on Education.

By Mr. Gaylord: Assembly Bill No. 905—An Act defining and creating the assembly legislative districts of the State of California.

Bill read first time, and referred to Committee on Reapportionment.

By Mr. Bohnett (by request): Assembly Bill No. 906—An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy; and to repeal an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, and all amendments thereto.

Bill read first time, and referred to Committee on Medical and Dental Laws

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 110—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGHLAN, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 807—An Act entitled an Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations."

Also: Assembly Bill No. 809—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883,

as amended by an Act which became a law under constitutional provision without Governor's approval. March 5, 1901.

Also: Assembly Bill No. 810—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Also: Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations in effect March 2, 1883, as amended by an Act approved March 5, 1901."

Also: Senate Bill No. 215—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGHLAN, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 508—An Act to amend Sections Nos 851 and 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, without recommendation

COGHLAN, Chairman.

The above reported bill ordered on file for second reading.

RESOLUTION WITHDRAWN FROM COMMITTEE.

On motion of Mr. Schmitt, the resolution asking leave of absence for members of the Committee on Commerce and Navigation was ordered withdrawn from the Committee on Rules and Regulations.

RESOLUTION WITHDRAWN FROM ASSEMBLY.

On motion of Mr. Schmitt, the resolution asking leave of absence for members of the Committee on Commerce and Navigation was ordered withdrawn from the Assembly.

ADJOURNMENT.

At three o'clock and thirty-five minutes P. M., on motion of Mr. Rogers of Alameda, the Assembly was declared adjourned until 10 o'clock A. M. of Wednesday, February 1, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., {
Wednesday, February 1, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bishop, Bhss, Bohnett, Brown, Butler, Calaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Menden-

hall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Young, and Mr. Speaker—66.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Joel, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 479—An Act providing for the purchasing of a site for an armory for the National Guard, at the city of Petaluma, California; providing for the appointment of a commission to select and purchase said site, and providing for the erection of an armory on said site, and appropriating money therefor—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended, and be re-referred to the Committee on Ways and Means.

CROSBY, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911

MR. SPEAKER: Your Committee on Common Carriers, to whom was referred Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains—have had the same under consideration, and respectfully report the same back with seven amendments, and recommend that the same do pass as amended

PREISKER, Chairman.

The above reported bill ordered on file for second reading.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 584—An Act to amend Sections Nos. 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, and 648 of the Civil Code of the State of California, and repealing Section No. 648a of the Civil Code of the State of California, all relating to land and building corporations—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Building and Loan Associations.

JOEL, Chairman.

Above reported bill re-referred to Committee on Building and Loan Associations.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 717—An Act authorizing and empowering unincorporated, benevolent or fraternal societies to purchase, receive, manage, and sell real estate without incorporating—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

JOEL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove action brought against it, from the state courts to the courts of the United States.

Also Assembly Bill No. 622—An Act amending Section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

JOEL, Chairman.

The above reported bills ordered on file for second reading.

ON MANUFACTURES AND INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER Your Committee on Manufactures and Internal Improvements, to whom was referred Assembly Bill No. 679—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter, and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying, and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that the same be re-referred to the Committee on Live Stock, Dairies, and Dairy Products.

CUNNINGHAM, Chairman.

The above reported bill re-referred to Committee on Live Stock, Dairies, and Dairy Products.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 174—An Act to pay the claim of A. G. Laferty against the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Concurrent Resolution No. 7—Relative to the celebration of Lincoln's birthday, February 13th.

Also Assembly Concurrent Resolution No. 3—Approving the charter of the city of Modesto, State of California.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

The above Assembly concurrent resolutions ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 9—Relative to Panama-Pacific Exposition.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

The above Assembly joint resolution ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, January 31, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 344—An Act to regulate the public service of stallions and jacks in the State of California.

Also Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Also Senate Bill No. 427—An Act to amend Section 928 of the Penal Code of the State of California, relating to grand juries, their power and duties.

Also: Senate Bill No. 481—An Act to enable unincorporated benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Also, Senate Bill No. 501—An Act to amend section five hundred forty-two *a* of the Code of Civil Procedure, relating to attachment liens, and the time when such liens begin and expire.

Also, Senate Bill No. 458—An Act authorizing suits against the State concerning certain real property, and regulating the procedure therein.

Also, Senate Bill No. 117—An Act to add a new section to Article III, Chapter V, Title II, Part IV, of the Political Code, to be numbered section four thousand one hundred and one *a*, relating to the payment of money into the county treasury.

Also: Senate Bill No. 359—An Act adding four new sections of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752*a* and 752*b*, 852*a* and 852*b* thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

Also Senate Bill No. 471—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 344 read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

Senate Bill No. 351 read first time, and referred to Committee on Engrossment and Enrollment.

Senate Bill No. 427 read first time, and referred to Committee on Judiciary.

Senate Bill No. 481 read first time, and referred to Committee on Corporations.

Senate Bill No. 501 read first time, and referred to Committee on Judiciary.

Senate Bill No. 458 read first time, and referred to Committee on Judiciary.

Senate Bill No. 117 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 359 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 471 read first time, and referred to Committee on Labor and Capital.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with Assembly Concurrent Resolution No. 7, the Speaker appointed Messrs. Beatty, March, and Tibbits as such committee.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Benedict: Assembly Bill No. 907—An Act to provide for the cancellations of applications for lieu lands made prior to March 24,

1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lieu lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States Land Office and given a register and receiver's number, and forwarded to the General Land Office at Washington, D. C. and of record therein.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 908—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States Land Offices of lieu land; relating also to locations in the United States Land Offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended; also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 909—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 910—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 911—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 912—An Act to amend Section 499a of the Penal Code of California relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Maher: Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property, or property held by joint tenants on owner's death, in certain cases.

Bill read first time, and referred to Committee on Judiciary

By Mr. Jones: Assembly Bill No. 914—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 915—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 916—An Act to amend section three hundred and seventy-seven of the Code of Civil Procedure, relating to actions for the death of one not a minor caused by the unlawful act of another.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Harlan: Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables at the state prison at San Quentin, the installation and equipment of an electric light and power plant at the state prison, and providing for additional accommodations for the prisoners at said prison, and to provide for other expenditures incidental or relating thereto.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Slater: Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Bill read first time, and referred to Committee on Military Affairs.

Also: Assembly Bill No. 919—An Act to amend Section 892 of the Code of Civil Procedure, relative to the entry of judgment by justices of the peace.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cronin: Assembly Bill No. 920—An Act to allow union high school districts to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of such library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein.

Bill read first time, and referred to Committee on Education.

By Mr. Preisker: Assembly Bill No. 921—An Act to provide an appropriation for the equipment of an instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 922—An Act to provide an appropriation for grading, terracing, building drives, paths, laying gas, water, and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 923—An Act to provide appropriation for the equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 924—An Act to provide an appropriation for the equipment of an assembly hall and administration building for

the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read first time, and referred to Committee on Ways and Means

By Mr. Polsley: Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Butler: Assembly Bill No. 927—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered 1752, relating to annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

Bill read first time, and referred to Committee on Education.

By Mr. Bohnett: Assembly Bill No. 928—An Act to amend Section 980 of the Code of Civil Procedure of the State of California, relating to appeals from justices' courts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Chandler: Assembly Bill No. 929—An Act to authorize and require the payment by the counties of interest on state highway bonds.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Griffin: Assembly Bill No. 930—An Act to amend the Code of Civil Procedure of California by adding a new section thereto to be numbered 1187a, and relating to the right of the Superior Court to grant leave to the lien claimant to amend the claim of lien so as to conform to the allegations of his complaint.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 931—An Act to amend the Political Code of California by adding thereto a new section to be numbered 4156b, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of, or act as counsel for, any person or persons, association or corporation accused of a crime in any county or city and county in the State, during their incumbency.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 932—An Act to amend the Penal Code of California by adding a new section thereto to be numbered 653f, and prescribing a penalty for compelling an employee against his will to board at a particular place or trade at a particular store.

Bill read first time, and referred to Committee on Judiciary.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Gerdes:

WHEREAS, There have been reported to the Committee on State Prisons and Reformatory Institutions certain bills calling for appropriations for the Whittier State School of Whittier, California; and

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit said institution; said committee now, through the chairman thereof, applies to this Assembly for leave of absence for the members of said committee hereinafter designated. That the occasion and necessity for visiting said

institution are as above stated; that the names of the committeemen designated by the chairman for the purpose aforesaid are as follows, to wit: Messrs Telfer, Cunningham, and Gerdes to visit the Whittier State School at Whittier, California; and application is hereby made to this Assembly for a leave of absence for the above named members of said committee for the period extending from and including Friday, the 3d day of February, 1911, to and including Monday, the 6th day of February, 1911; therefore, be it now

Resolved, That the above named members on said Committee on State Prisons and Reformatory Institutions be and they are hereby granted leave of absence from and including the 3d day of February, 1911, to and including the 6th day of February, 1911.

GERDES, Chairman

Resolution read, and referred to Committee on Rules and Regulations.

By Mr. Hinkle:

WHEREAS, There have been reported to the Committee on Public Buildings and Grounds certain bills calling for appropriations for buildings at the State Normal School at San Diego; also for another building at San Diego; also for an appropriation bill for the maintenance of the exposition building located in Agricultural Park at Los Angeles, also for improvements at the California Polytechnic School at San Luis Obispo; also for improvements at the State Normal School at San Jose; also for improvements at the State Normal School at San Francisco; also for improvements at the Institution for Deaf and Blind at Berkeley; also for a building at the University of California; also University Farm at Davis. And

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit said institutions, said committee now, through the chairman thereof, applies to this Assembly for leave of absence for the members of said committee hereinafter designated. That the occasion and necessity for visiting said institutions are as above stated; that the names of the committeemen designated by the chairman for the purpose aforesaid are as follows, to wit: John C. March of Sacramento, J. J. Ryan of San Francisco, and C. L. Piesker of Santa Barbara are to visit the following named places: San Diego, Los Angeles, and San Luis Obispo, to see about improvements proposed in said bills; J. H. Guill of Butte, J. H. Tibbitts of Shasta, and C. H. Randall of Los Angeles are to visit the following named places: San Jose, San Francisco, Berkeley, and Davis, to see about improvements proposed in said bills. And application is hereby made to this Assembly for a leave of absence for the above named members of said committee for the period extending from Friday, February 3, to and including Monday, February 6, 1911.

Resolved, That the above named members on said Committee on Public Buildings and Grounds be and are hereby granted leave of absence from and including February 3, 1911, to and including the 6th day of February, 1911.

Resolution read, and referred to Committee on Rules and Regulations.

By Mr. Bohnett:

WHEREAS, It appears that there is an insufficient number of several bills, constitutional amendments, and resolutions to meet the needs of the members, mailing department, etc., therefore, be it

Resolved, That the Chief Clerk be authorized to have printed extra copies of above, in sufficient number to meet the deficiency.

Resolution read, and referred to Committee on Rules and Regulations.

By Mr. Brown:

Resolved, That the State Printer be instructed to print five hundred copies of the Standing Rules of the Assembly in pamphlet form.

Resolution read and, on motion, adopted.

THIRD READING OF BILLS.

Assembly Bill No. 639—An Act to amend section fifteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways; to provide for the formation, government, and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, said amendment referring to the levy of taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 639 passed by the following vote:

AYES—Messrs. Beckett, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosemdale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section fourteen of Article I thereof, relating to the rights of private property, and to the law of eminent domain

The question being on the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 17 adopted by the following vote:

AYES—Messrs. Beatry, Beckett, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosemdale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61

NOES—None.

Senate constitutional amendment ordered transmitted to the Senate.
Senate

SENATE CONSTITUTIONAL AMENDMENT NO. 17.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section fourteen of Article I thereof, relating to the rights of private property, and to the law of eminent domain.

The Legislature of the State of California, at its regular session, commencing the 2d day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby propose that section fourteen of Article I of the Constitution of the State of California, be amended so as to read as follows:

Section 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.

Assembly Bill No. 433—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School

and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts." approved March 8, 1909, by adding a new section thereto to be numbered 10y.

During the third reading of the bill, Mr. Wilson moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 15, of page 2, of the printed bill, strike out the word "thirty-first," and insert in lieu thereof the word "thirty-fifth".

Also In line 18, on page 2, of the printed bill, strike out the words "seventy-five", and insert in lieu thereof the words "one hundred".

Motion carried.

The Speaker appointed Mr. Wilson as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 433, with instructions, do now report that the instructions of the Assembly have been carried out.

WILSON, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California, to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 68 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mullally, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 375—An Act to amend an Act entitled "An Act to provide for the establishment and quieting of title to real property in case of the loss or destruction of public records," approved June 16, 1906, so as to provide that actions authorized thereby may be commenced on or before the 31st day of December, 1912, but not thereafter.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 375 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Butler, Callaghan, Cattell, Chandler, Coghlan, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord,

Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—GO.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDERS.

The hour of eleven o'clock having arrived, the following special orders were taken up:

Assembly Bill No. 515—An Act to repeal Article XVIII, of Chapter III, of Title I, of Part III of the Political Code, relating to the powers and duties of the Board of Examiners, and to substitute therefor a new article to be known as Article XVIII, relating to the State Board of Control, prescribing its powers and duties and fixing the compensation of the members, officers and employees thereof; providing for the supervision and control by said board of the financial and business affairs of the State and the appointment of officers and employees for such purposes, and fixing their compensation; providing for the presentation and allowance of claims against the State; the investment of certain State funds, the creation and payment of deficiencies; the sale and exchange of property; the letting of contracts; the purchase and distribution of supplies; the count of all public money, and the supervision of all public accounts and records; and to repeal all Acts and parts of Acts in conflict with or inconsistent with this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 515 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Farwell, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Malone, McDonald, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, and Young—45.

NOES—Messrs. Bishop, Callaghan, Coghlan, Cronin, Crosby, Cunningham, Fitzgerald, Griffiths, Hall, Harlan, Held, Jones, Lynch, Lyon of San Francisco, Maher, March, Mullally, Nolan, Rodgers of San Francisco, Ryan, Shragia, Schmitt, Slater, Williams, and Mr. Speaker—25.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 516—An Act to repeal Section 364 of the Political Code, and to substitute therefor a new Section 364.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 516 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker,

Randall, Rogers of Alameda, Rosendale, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—57
NOS—Messrs. Coghlan, Cronin, Cunningham, Harlan, Ryan, Sbragia, and Schmitt—7.

TITLE AMENDED.

The following amendment to title was submitted:

By Mr. Benedict:

In line 1, after the number 364, insert the following: "relating to Board of Examiners".

Also: At the end of line 2, add the following: "relating to State Board of Control".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered to reprint, and to the Senate.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 499—An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 499 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61

NOS—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473—An Act to amend section six hundred eighty-five of the Code of Civil Procedure, relative to the issuance of executions after five years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 473 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOS—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Coghlan gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 473 was this day passed.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report, and for the registration of such bonds in the office of the State Controller.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 781 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Butler, Cattell, Coghlan, Crosby, Denegri, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, March, McDonald, Mott, Mullally, Nolan, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 407—An Act to amend Section 766 of the Code of Civil Procedure of California, relating to the partition of real property.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 488—An Act to provide for the regulation of the business of watchmen, guards, and private detectives in the State of California; to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 2, Section 2, strike out of line 10 the following: "in all such applications, wherever filed, the", and all of lines 11 and 12, and the words "by boundaries", in line 13.

Amendment adopted.

AMENDMENT No. 2

On page 2, Section 2, line 13, of the printed bill, strike out of the word "the", the small "t", and insert a capital "T".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 765—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

During second reading of bill, the following amendment was submitted by the committee:

Strike out of Section 1, line 5, of the printed bill, the words "thirty-six hundred", and insert in lieu thereof "three thousand".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 585—An Act to amend Sections 276, 277, and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counselors at law, and to add three sections to said code to be known as Sections 276a, 276b, and 276c, relating to the same subject.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

On page 2, Section 2, line 6, of the printed bill, strike out "or in teaching law"; also "in an established law school in this State", in line 7.

Amendment adopted.

AMENDMENT NO. 2.

On page 2, Section 2, line 22, insert after the word "court", "no person engaged in teaching law in a law school shall be eligible to membership in said board".

Amendment adopted.

AMENDMENT NO. 3.

On page 3, Section 5, line 3, insert the word "or" before the word "section", where it appears the second time.

Amendment adopted.

AMENDMENT NO. 4.

On page 3, Section 5, line 4, insert "of the Code of Civil Procedure" before the word "or".

Amendment adopted.

AMENDMENT NO. 5.

On page 2, Section 2, line 6, of the printed bill, strike out "practive", and insert in lieu thereof "practice".

Amendment adopted.

AMENDMENT NO. 6.

On page 1, Section 1, line 7, strike out the word "for".

Amendment adopted.

AMENDMENT NO. 7.

On page 1, Section 1, strike out all of lines 8 and 9.

Amendment adopted.

AMENDMENT NO. 8.

On page 1, Section 1, line 10, strike out "in such man-", and from line 11 "net,".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 388—An Act to amend Section 349a of the Penal Code, relating to imprints, labels, trade-marks, etc.; prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

During second reading of bill, the following amendments were submitted by the Committee:

AMENDMENT No. 1.

On page 1, Section 349a, line 12, of the printed bill, strike out the word "way".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 349a, line 14, after the word production strike out the word "of", and insert in lieu thereof the following: "or".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 349a, line 17, after the word "box" insert the following: "case".

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 349a, line 18, strike out the word "with", and insert in lieu thereof the following: "by".

Amendment adopted.

AMENDMENT No. 5.

On page 1, Section 349a, line 18, after the word "less" insert the following: "than one hundred dollars nor more".

Amendment adopted.

AMENDMENT No. 6.

On page 1, Section 349a, line 20, strike out the letter "t" in the first word, and insert in lieu thereof the following: "s".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653e, relating to blacklisting.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 9, of the printed bill, strike out after the word "of" the word "such".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 539—An Act to prevent the fishing, or the taking of fish by means of wiers, dams, nets, traps, or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all of Section 3 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 573—An Act to regulate and license hunting of wild birds and animals, and the vocation of fishing, and to provide revenue therefrom for fish and game preservation and restoration.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the comma (,) after the word "forester", in line 4, page 1, Section 2, of the printed bill, and insert in lieu thereof a period (.).

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "who", in line 4, page 1, Section 2, of the printed bill, and inserting in lieu thereof the words "The State Controller".

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "prepare and" in line 9, page 2, Section 2, of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the word "or", in line 2, page 4, Section 11, of the printed bill, and insert in lieu thereof a comma (,).

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the period (.) after the word "deputies", in line 2, Section 11, page 4, of the printed bill, and insert in lieu thereof the words "or deputy forest and game wardens."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 574—An Act to provide for the propagation, distribution, and protection of wild game and fish in the State of California, and defining the powers and duties of the State Forester, his deputies and appointees in connection therewith.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out in line 5, page 2, Section 3, of the printed bill, the words "and assign them for duty to such".

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out in line 6, page 2, Section 3, of the printed bill, the words "district as he may desire".

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting in line 10, Section 3, page 2, of the printed bill, after the word "shall" the words "be a resident of the district in which he is appointed to serve and shall".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 576—An Act to repeal sections three hundred and forty-four, six hundred and forty-two, and six hundred and forty-three of the Political Code, relating to the State Board of Fish and Game Commissioners.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 807—An Act entitled "An Act to amend Section 755 of an Act entitled 'An Act to provide for the organization, incorporation, and government of municipal corporations.'"

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 809—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under Constitutional provision without Governor's approval, March 5, 1901.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 810—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 508—An Act to amend Sections Nos. 851 and 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF SENATE BILL.

Senate Bill No. 256—An Act to amend section eight hundred and fifty-four of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the filling of vacancies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 256 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Maher, March, McDonald, Mott, Mullally, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Shragia, Schmitt, Smith, Stevenor, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wyllie, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 133—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 10—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 367c, concerning the duty of the driver and persons in charge of an automobile, motor cycle or other motor vehicle, when the same collides with a person or vehicle containing a person, and prescribing a penalty for failure to perform such duty.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 48—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

During second reading of bill, the following amendment was submitted by the committee:

Strike out of line 3, of the printed bill, the word "section".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No 110—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In Section 3, line 15, page 3, of the printed bill, after the word "published" insert a comma

Amendment adopted.

AMENDMENT No 2.

In Section 4, line 32, page 4, of the printed bill, strike out the word "officers", and insert in lieu thereof the word "officer".

Amendment adopted.

AMENDMENT No 3

In Section 6, line 3, page 5, of the printed bill, after the word "body" insert a comma.

Amendment adopted.

AMENDMENT No 4.

In Section 5, line 31, page 5, of the printed bill, after the word "bid" strike out the comma.

Amendment adopted.

AMENDMENT No 5

In Section 6, line 41, page 6, of the printed bill, after the word "manner" strike out the word "as".

Amendment adopted.

AMENDMENT No 6.

In Section 6, line 79, page 7, of the printed bill, strike out the word "work", and insert in lieu thereof the word "works".

Amendment adopted.

AMENDMENT No. 7.

In Section 8, line 9, page 8, of the printed bill, after the word "hereafter" strike out the words "to be".

Amendment adopted.

AMENDMENT No. 8.

In Section 10, line 15, page 9, of the printed bill, strike out the word "legisaltive", and insert in lieu thereof the word "legislative".

Amendment adopted.

AMENDMENT No. 9.

In Section 10, line 18, page 9, of the printed bill, strike out the word "legisaltive", and insert in lieu thereof the word "legislative".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital, and to make appropriations for the same

Bill read second time, and ordered on file for third reading.

Senate Bill No. 244—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read :

ON DIRECT LEGISLATION

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER Your Committee on Direct Legislation, to whom was referred Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution, and to enact the same at the polls, independent of the legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

Also, Assembly Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors of public officials

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same be adopted as amended, and be re-referred to the Committee on Constitutional Amendments.

TIBBITS, Chairman.

The above reported Assembly constitutional amendments ordered on file, and re-referred to the Committee on Constitutional Amendments.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER Your Committee on Rules and Regulations, to whom was referred the following resolution :

WHEREAS, There has been reported to the Committee on State Prisons and Reformatory Institutions certain bills calling for appropriations for the Whittier State School of Whittier, California, and

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit said institution; said committee now, through the chairman thereof, applies to this Assembly for leave of absence for the members of said committee hereinafter designated. That the occasion and necessity for visiting said institution are as above stated; that the names of the committeemen designated by the chairman for the purpose aforesaid are as follows, to wit: Messrs. Telfer, Cunningham, and Gerdes to visit the Whittier State School at Whittier, California, and application is hereby made to this Assembly for a leave of absence for the above named members of said committee for the period extending from and including Friday, the 3d day of February, 1911, to and including Monday, the 6th day of February, 1911; therefore, be it now

Resolved, That the above named members on said Committee on State Prisons and Reformatory Institutions be and they are hereby granted leave of absence from and including the 3d day of February, 1911, to and including the 6th day of February, 1911.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

PREISKER, Chairman.

Mr. Preisker moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cunningham, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, March, McDonald, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wylie, and Mr. Speaker—59.

NOES—Mr. Kehoe—1.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution:

WHEREAS, There have been reported to the Committee on Public Buildings and Grounds certain bills calling for appropriations for buildings at the State Normal School at San Diego; also for another building at San Diego; also for an appropriation bill for the maintenance of the exposition building located in Agricultural Park at Los Angeles; also for improvements at the California Polytechnic School at San Luis Obispo; also for improvements at the State Normal School at San Jose; also for improvements at the State Normal School at San Francisco; also for improvements at the Institution for Deaf and Blind at Berkeley; also for a building at the University of California; also University farm at Davis.

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit said institutions; said committee now, through the chairman thereof, applies to this Assembly for leave of absence for the members of said committee hereinafter designated. That the occasion and necessity for visiting said institutions are as above stated; that the names of the committeemen designated by the chairman for the purpose aforesaid are as follows, to wit: John C. March of Sacramento, J. J. Ryan of San Francisco, C. L. Preisker of Santa Barbara, are to visit the following named places, San Diego, Los Angeles and San Luis Obispo, to see about improvements proposed in said bills, and J. H. Guill of Butte, J. H. Tibbits of Shasta, C. H. Randall of Los Angeles, are to visit the following named places: San Jose, San Francisco, Berkeley, and Davis, to see about improvements proposed in said bills. And application is hereby made to this Assembly for a leave of absence for the above named members of said committee for the period extending from Friday, February 3, to and including Monday, February 6, 1911.

Resolved, That the above named members on said Committee on Public Buildings and Grounds be and are hereby granted leave of absence from February 3, 1911, to and including the 6th day of February, 1911.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that it be adopted as amended

PREISKER, Chairman

During the consideration of the resolution, the following amendment was submitted by the committee:

Amend by striking out "Friday, February 3, 1911". and inserting in lieu thereof the following: "Saturday, February. 4, 1911", wherever it occurs.

Amendment adopted.

The question being on the adoption of the resolution as amended, the roll was called, and the resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lyon of Los Angeles, Maher, Malone, March, McDonald, Mott, Nolan, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wyllie, and Mr. Speaker—57.

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills; providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation and providing for the payment thereof.

Assembly Bill No. 195—An Act to provide for the registration of farm, ranch, and villa names in the several counties of California.

Assembly Bill No. 558—An Act to amend an Act entitled "An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon State, municipal or other public work," approved March 27, 1897.

Assembly Bill No. 199—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

Assembly Bill No. 491—An Act to repeal an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909.

Assembly Bill No. 758—An Act to provide for maintenance of county highways improved under bond issues in the counties of the State, and empowering the boards of supervisors to levy taxes therefor.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 654—An Act authorizing any municipal corporation, using the word "town" in its corporate name, to change such word to "city" and providing the procedure therefor—and report that the same has been correctly engrossed.

RANDALL, Chairman.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, and referred as indicated:

By Mr. Callaghan (by request): Assembly Bill No. 933—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 635, relating to a violation of the provisions of Article XVI, and fixing a penalty for such violation.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also (by request): Assembly Bill No. 934—An Act to add a new section to the Political Code of the State of California, to be known and numbered 633b, relating to the licensing of insurance agents, and

the conditions under which policies or contracts of insurance may be issued by insurance corporations or associations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also (by request): Assembly Bill No. 935—An Act to add a new section to the Penal Code of the State of California, to be known and numbered 439a, making it a misdemeanor for any unauthorized person to solicit, procure, or obtain any risk for any insurance company or association.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also (by request): Assembly Bill No. 936—An Act to add a new section to the Political Code of the State of California, to be known and numbered 633a, relating to resident agents for insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also (by request): Assembly Bill No. 937—An Act to add two new sections to the Political Code of the State of California, to be known and numbered 633c and 633d, relating to the appointment of insurance agents by nonresident insurance companies or associations.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also (by request): Assembly Bill No. 938—An Act to amend Section 634a of the Political Code, relating to the definition of certain words.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Clark: Assembly Bill No. 939—An Act making an appropriation for printing for the State Board of Forestry for the balance of the sixty-second fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 940—An Act to create a system of firewardens to prevent and suppress forest fires, providing for their appointment and compensation, creating a forest fire fund, providing for coöperation with the State on the part of the counties and private owners of timber land in fire protection, declaring certain acts a nuisance and making the expense of abatement thereof a lien, and providing for the enforcement of such lien, and making an appropriation for the purpose of carrying out the provisions of this Act.

Bill read first time, and referred to Committee on Conservation.

By Mr. Schmitt: Assembly Bill No. 941—An Act to amend sections three thousand one hundred and ninety-seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trademarks.

Bill read first time, and referred to Committee on Manufactures and Internal Improvements.

Also: Assembly Bill No. 942—An Act providing for the registration, licensing, use, and operation of motor vehicles.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Ryan: Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 944—An Act to amend Section 1548 of the Political Code, relating to the binding of school documents, postage, Political Code, relating to the binding of school documents, postage,

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 945—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of county superintendents of schools.

Bill read first time, and referred to Committee on Education.

By Mr. Williams: Assembly Bill No. 946—An Act to amend Section 1741 of the Political Code, relating to the powers and duties of high school boards.

Bill read first time, and referred to Committee on Education.

By Mr. Cunningham: Assembly Bill No. 947—An Act to amend Section 628a of the Penal Code of the State of California, relating to striped bass.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Young: Assembly Bill No. 948—An Act to promote the better education of practitioners of nursing the sick in the State of California; to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 949—An Act to repeal an Act entitled "An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof," approved March 20, 1905.

Bill read first time, and referred to Committee on Medical and Dental Laws.

RE-REFERENCE OF BILL.

On motion of Mr. Wyllie, Assembly Bill No. 869 was withdrawn from the Committee on Education and re-referred to the Committee on Judiciary.

LEAVE OF ABSENCE.

Mr. March asked for and was granted leave of absence for Friday, February 3, 1911.

ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, February 2, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Thursday, February 2, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Walker, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Crosby, its further reading was dispensed with.

PETITION.

The following petition was filed:

By Mr. Smith:

Petition advocating the passage of Senate Bill No. 271, relative to marsh lands controlled by gun clubs and game preserves.

W. R. ENNRY, and others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 843—An Act to adopt a state song for the State of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass, with minority report that it do not pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 61—An Act to repeal Title XV, of Part IV, of Division Third of the Civil Code of the State of California, and to add a new Title XV, of Part IV, of Division Third of said Code in place thereof, relating to negotiable instruments and to make the law of negotiable instruments in the State of California uniform with the law of other states.

Also Assembly Bill No. 103—An Act to amend the Code of Civil Procedure by adding a new section thereto to be known as Section 1928, relating to deeds purport-

ing to have been executed in pursuance of legal process of the courts of the State, making such deeds, their records and certified copies of such record prima facie evidence of title.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 208—An Act to authorize James Touhey to bring suit against the State of California

Also: Assembly Bill No. 786—An Act to amend Section 3499 of the Political Code, relating to the time in which contests of applications to purchase state school lands, orders of approval and certificates of purchase may be made and filed.

Also: Assembly Bill No. 408—An Act to add a new section to the Code of Civil Procedure of California to be known as Section 1810a, relating to conveyances by guardians

Also: Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school district.

Also: Assembly Bill No. 800—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 848—An Act to amend Sections 1, 3 and 7 of an Act entitled "An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Banks and Banking.

KEHOE, Chairman.

Above reported bill re-referred to Committee on Banks and Banking.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 847—An Act making an appropriation to redeem the outstanding funded debt bonds of 1873, issued under the Act of 1870, now held as an investment for the benefit of the State School Fund and University Fund, providing for the proper transfers of such amount appropriated, and for the cancellation of said bonds.

Also: Assembly Bill No. 849—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to Committee on Ways and Means

KEHOE, Chairman.

Above reported bills re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Education

KEHOE, Chairman.

Above reported bill re-referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager, or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of such hotel—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Public Health and Quarantine.

KEHOE, Chairman.

Above reported bill re-referred to Committee on Public Health and Quarantine.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any females to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER. Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 685—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

Also: Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

TELFER, Chairman.

The above reported bills ordered on file for second reading

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 10 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

CALLAGHAN, Chairman.

The above reported bill ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS, LEVEES, AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER Your Committee on Swamp and Overflowed Lands, Levees, and River Improvements, to whom was referred Assembly Bill No. 618—An Act to create a reclamation district to be called "Reclamation District Number 830," and providing for the control and management thereof.

Also Assembly Bill No. 741—An Act establishing, and fixing and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC CHARITIES AND CORRECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER Your Committee on Public Charities and Corrections, to whom was referred Senate Bill No. 277—An Act to amend Section 1 of an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1900," defining the word "dependent child."

Also: Assembly Bill No. 746—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors and marines who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said Act to widows of all such honorably discharged soldiers, sailors, and marines who served in the army or navy of the United States.

Also Assembly Bill No. 794—An Act to amend Section 599c of the Penal Code of California, relating to the subject of cruelty to animals.

Also Assembly Bill No. 859—An Act to provide for the appointment of humane officers, with the power of peace officers, to have the authority in any city or county, or city and county, in the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIAMS, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 793—An Act to add a new section to the Penal Code of California to be designated 599g, relating to the subject of cruelty to animals,—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

WILLIAMS, Chairman.

The above reported bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly Bills:

Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor, and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers

of the Board of Railroad Commissioners," approved April 15, 1880," approved March 20, 1909, also repealing an Act entitled "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909; also repealing all Acts or parts of Acts inconsistent with the provisions of this Act

Also Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions, providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits therefor issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

And report that the same have been correctly reengrossed.

RANDALL, Chairman

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 409—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine.

Also, Senate Bill No. 467—An Act to validate municipal bonds.

Also, Senate Bill No. 360—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations, and providing for the recall, initiative, and referendum.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 469 read first time, and referred to Committee on Judiciary.

Senate Bill No. 467 read first time, and referred to Committee on Judiciary.

Senate Bill No. 360 read first time, and referred to Committee on Direct Legislation.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. March: Assembly Bill No. 950—An Act to amend an Act to prohibit within certain limits the mooring and anchoring of houseboats in rivers and streams, and the maintaining of privies, vaults, cesspools, sewer pipes, and conduits on the banks of rivers and streams; providing for punishment for violation thereof; declaring such acts to be public nuisances, and providing for the abatement of such nuisances, approved March 6, 1909.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Smith: Assembly Bill No. 951—An Act to amend an Act entitled "An Act to define and regulate the business of banking."

approved March 1, 1909, by amending sections forty-six, sixty-one and sixty-seven thereof relating to what securities banks may invest in or loan their funds upon.

Bill read first time, and referred to Committee on Banks and Banking.

Also: Assembly Bill No. 952—An Act to amend an Act entitled "An Act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations; limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof," approved March 23, 1907, by amending section one thereof.

Bill read first time, and referred to Committee on Banks and Banking.

Also: Assembly Bill No. 953—An Act to amend an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909, by amending Section 1 thereof.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Crosby: Assembly Bill No. 954—An Act to amend Section 611 of the Political Code, relative to publication of statements of Insurance companies.

Bill read first time, and referred to Committee on Insurance and Insurance Laws

By Mr. Griffiths: Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion, at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 956—An Act to provide for reinforced concrete floors, building of troughs, and the changing, improving and renovating of the dairy barn, at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Jones (by request): Assembly Bill No. 957—An Act to add a new section to the Penal Code of the State of California to be numbered Section 635½, relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

Mr. Mr. Denegri: Assembly Bill No. 958—An Act to regulate the practice of mechanotherapy in the State of California, and to provide for a state board of mechanotherapeutic examiners, and to license mechanotherapists to practice in this State, and punish persons violating the provisions of this Act.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Polsley: Assembly Bill No. 959—An Act to amend Section 4300g of the Political Code of the State of California, relating to witness' fees.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hayes: Assembly Bill No. 960—An Act to amend Section 4300a of the Political Code of the State of California, relating to county clerks' fees.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Chandler: Assembly Bill No. 961—An Act to amend "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, 1897; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April 1, 1897, and all Acts or parts of Acts amendatory thereof," approved March 11, 1907, by amending Sections 1, 1½, 2, 3, 6, 7, and 17 thereof, and by adding a new section thereto to be numbered Section 20½, relating to the officers and employees of the Department of Engineering, their powers, duties, and salaries.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Hinshaw: Assembly Bill No. 962—An Act to amend Section 628 of the Penal Code, relating to the protection and preservation of fish.

Read first time, and referred to Committee on Fish and Game

By Mr. Lynch: Assembly Bill No. 963—An Act to amend Sections 360 and 671 of the Civil Code relating to ownership of real property.

Read first time, and referred to Committee on Judiciary.

By Mr. Cattell: Assembly Bill No. 964—An Act to add a new section to the Political Code of the State of California to be numbered 1625, relating to health and development supervision in the public schools and in state educational institutions of the State of California, provid-

ing an appropriation for the same, providing penalties for the violation thereof and to repeal an Act now in force entitled "An Act to provide health and development supervision in the public schools of the State of California," approved April 15, 1909."

Bill read first time, and referred to Committee on Education.

By Mr. Cogswell: Assembly Bill No. 965—An Act to amend Sections 2322, 2322b, 2322c, 2322d, and 2322e of the Political Code of the State of California, said sections relating to orchards, trees, vines, or plants of any variety infested with diseases or scale insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or noxious weeds and to the eradication of insect pests and diseases, and to the appointment and removal of a county horticultural commissioner in the several counties of the State, prescribing his duties and powers, and fixing his compensation and term of office; also providing for a State board of horticultural examiners, prescribing the duties of said board and providing for examinations to be taken by persons desiring to qualify for positions as county horticultural commissioners; providing for the dividing of the several counties of the State into districts by the respective county horticultural commissioners, and providing for the appointment of deputy commissioners, local inspectors, and quarantine guardians, prescribing their duties and powers and fixing their compensation

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

By Mr. Beatty: Assembly Bill No. 966—An Act to add a new section to the Code of Civil Procedure to be known as Section 1251a, relating to eminent domain.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Wilson: Assembly Joint Resolution No. 10—Relating to Federal aid for the Indian schools of the Northern California Indian Association, in Yolo County, California.

Read, and referred to Committee on Federal Relations.

RE-REFERENCE OF BILLS.

On motion of Mr. Bohnett, Assembly Bill No. 463 was re-referred to Committee on Ways and Means.

RECALL OF BILL

Mr. Stuckenbruck asked for and was granted unanimous consent to recall Assembly Bill No. 33 from committee.

Bill withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS.

Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the money in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making appropriation therefor," approved March 18, 1905, as amended March 22, 1909.

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF BILLS.

Assembly Bill No. 199—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes, and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 199 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rodgers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—71.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 141—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 141 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—72.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 317—An Act to amend section nine hundred and twenty-eight of the Penal Code of the State of California, relative to the examination of the books, records, and accounts of county officers, and the appointment of experts by grand juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 317 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—68.

NOES—Mr. March—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation (and providing for the payment thereof).

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 269 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—70.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 558—An Act to amend an Act entitled "An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon State, municipal or other public work," approved March 27, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 558 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Wilson, Young, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees during strikes, lockouts, and other labor troubles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 541 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Brown, Callaghan, Cattell, Chandler, Clark, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—Messrs. Benedict, Butler, Cogswell, Farwell, Freeman, Hinshaw, Rogers of Alameda, and Walker—8.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Senate Constitutional Amendment No. 8—Proposed amendment to Article II, Section 1, of the Constitution, relative to rights of suffrage.

The question being on the adoption of the Senate constitutional amendment.

PREVIOUS QUESTION.

At twelve o'clock and twenty-five minutes P. M., Mr. Smith moved the previous question.

Motion carried.

The roll was called, and Senate Constitutional Amendment No. 8 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowan, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Stuckebruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young and Mr. Speaker—66.

NOES—Messrs. Bliss, Chandler, Cunningham, Deneeri, Flint, Lynch, March, McDonald, Nolan, Rimlinger, Rodgers of San Francisco, and Schmitt—12.

Senate constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 8.

A resolution to propose to the people of the State of California an amendment to section one of article two of the Constitution in relation to the rights of suffrage.

The Legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of the members elected to each of the two houses of the said Legislature voting in favor thereof, hereby proposes that section one of article two of the Constitution of the State of California be amended so as to read as follows:

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the State one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

ADDRESS ORDERED PRINTED IN THE JOURNAL.

On motion of Mr. Bohnett, the address of Mr. Beckett, on woman suffrage, was ordered printed in the Journal.

ADDRESS OF MR. BECKETT ON WOMAN SUFFRAGE

There stands at the great entrance to the American World—New York harbor—a statue entitled "Liberty Enlightening the World." We may well ask: What is liberty? To the prisoner in bonds liberty is the sundering of those bonds, to the slave under the sting of the master's lash freedom means the delivery from oppression; to the State of California, the great Golden State of this Union, freedom has come to mean the driving out from politics of corporate power; to the woman held in bond, as a household drudge through long centuries of prejudice and oppression, it is the taking of her into the political family, not only as a ministering angel, but as a wise counselor, whose development and protection can only be accomplished by giving her equal powers of development and usefulness. The immortal Patrick Henry voiced the universal desire for liberty by saying "Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery?" Then he cried: "As for me, give me liberty or give me death." The early American colonists voiced their sentiments by saying that taxation without representation is tyranny. The great Magna Charta of English liberty was wrung from King John because he could not stem the rising desire of the English people for representation. The great charter of American liberty, the immortal Declaration of Independence, declares that all men are possessed with certain inalienable rights among which are life, liberty, and the pursuit of happiness, and that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. So long as woman continues to ask for the ballot she has not consented, and justice can never be reached until the ballot seals that consent. What has all this row been about, comprised in the recent elections for a Governor, for an unbiased Legislature, and for a progressive United States Senator? Governor Johnson well defined it, that the people may again resume the right of government guaranteed to them by the Constitution and laws of the United States. Every law which this Legislature shall write upon the statute books contains as its enacting clause, "We, the people of the State of California, do enact as follows." What people? All of the people? Oh, no, only male people. In computing the census of the United States, we proudly announce that the American republic contains nearly one hundred million people. Men—no, the list includes all the women, all the children, several millions of naturalized foreigners, several millions of negroes and a lesser horde of Japanese and Chinese; and the men include many paupers, many imbeciles as well as this vast number of naturalized foreigners whom we allow to vote and to help govern, God save the mark!—the other half of the adult people, known as American women. The penalty of the first sin was the loss of harmony. Only to the man who can give the keynote of pure harmony can woman perfectly respond. Perfect government is perfect harmony, in which the centrifugal and centripetal forces of civilization are so perfectly balanced, that the universe of matter swings forever through boundless space without the loss of a second in a million years, in response to that infinite self-poised mind whose soul is harmony. The first duty of a man is to be a searcher after truth. Truth is eternal. Truth will free any individual from prejudice and illusions. His next duty is self-mastery. That man who has reached such a degree of self-mastery as to desire only the supreme good of his fellows, and is willing to freely accord to them every privilege which he claims, has learned the law of perfect government in which every one's rights are secure, and there is no feeling of domination or of oppression, which latter term means slavery. Only the man who is willing to yield the same rights which he demands for himself is capable of perfect self-government, and of exercising a just rule over his fellows.

Greed for gold or lust for power has marked the course of every despot from Cain, who slew his brother, down through the ages until now. The soul's unquenchable longing for heaven is the best proof of its existence. Only the soul that has a vision of the good to be attained will ever reach out after it, and make that good thing its own. It is a law of attraction that what the mind holds it makes its own; hence the troubles, worries and all other illusions of life disappear and cease to exist for that soul who fills his thoughts with the good, the true, the real things of life. Heaven is but another name for harmony. Since everything in the universe goes by vibration, a certain rate of vibration producing a color, another rate a musical tone, another rate giving off heat, another light, another the electric current, the man who is master of himself, of his own vibrations, can play upon the responsive minds of others any tune he likes because the mind is like a harp with a thousand strings, responsive to any touch of a master hand.

Abraham Lincoln said "If every stroke of the master's lash shall be paid for in human blood the judgments of the Lord are true and righteous altogether." The fall of man from a condition of such Adamic perfection in the early dawn of creation that the morning stars sang together, and all the sons of God shouted for joy, has resulted in the loss to woman of that condition of equality in which

alone there is harmony. The penalty of the first sin was a loss of harmony found only in equality. The Lord said to the woman, "Thy desire shall be thy husband and he shall rule over thee." A clown once well said, "Woman was not taken from man's head to show that she was above him, she was not taken from his feet to show that she was beneath him, but she was taken from his side to show that she was equal with man, and there beneath his giant arm is the proper place for her to seek protection." Now, I may ask, does man protect woman? In uncivilized countries by making her his pack horse, his beast of burden, his slave. The man is the "heap big injun me", showing his so-called bravery by whipping his wife on the smallest provocation, compelling her to submit to his animal desires, and when satisfied spinning her with his foot, as he would any other of his dogs; selecting another woman as he would another dog, if she dies under his abuse. Nor is woman's condition so very much better in many of the so-called civilized countries. Lincoln struck the bonds from four millions of slaves, and the Constitution of the United States was thereupon amended, not to allow all of the adult ignorant negroes to vote, but only the male negroes, to vote, and help make and execute laws for the government of even our white American women, because, forsooth, this Government was founded on equal rights for all and special privileges to none. Equal rights to all did I say? Oh, no. Equal rights to all the male factors who rob women of the right to even help rule themselves. African slavery, that curse, went out in storm and stress, and blood, and Uncle Sam rewarded all the old male veterans by paying them a pension, thus practically putting many of the old boys on crutches, because by thus providing for all their needs; henceforth their ambition was fully satisfied. How about the brave women who stayed at home, tilled the fields, and in many cases made the living for themselves and the children? Did this just "equal rights, special privileges to none" Government pension them? Never, except through the men. When the man died and could no longer use it, to get drunk and abuse his wife, it was occasionally passed on to his wife, if she survived him, as a priceless legacy. Is this all this equal rights Government has done for the men? No, it has builded palatial homes for them, where they are housed, fed and clothed, doctored and well cared for, and are even buried with honors of war when the dread summons calls them hence. The nation has large numbers of such homes. There are but few national homes for the women of the civil war, or the Spanish-American war—for the women who made it possible for many of the national defenders to go to the front, or for any of the nurses who went with them and cared for the sick and ministered to the dying. It is only recently when the veterans are nearly all dead, and the wives are nearly all ready to die, that the Government is meting out a very tardy widow's mite of justice by erecting homes for the ladies of the relief corps. The most pitiful sight in all the southland today is not the soldiers' home, a splendid series of fine mansions surrounded by a magnificent park and beautiful gardens, but the town of Sawtelle beside it, where many of the wives and daughters of the old, well-cared for veterans eke out a miserable existence in old shacks and tumble-down structures, taking in washing for a living, or running blind pigs and otherwise ministering to the animal desires of some of the male pigs, some of these same old favored wards of the nation. Protect the women—No. The women don't count, they are not people having equal rights. They are only servants, slaves, allowed to live for man's delectation. Have they any rights? Certainly not any equal rights. Certainly no special privileges. Why not let us be truthful and rewrite those old doctrines, handed down by our wise or otherwise fathers to their wise (?) sons of this age? Why not say this is a Government of the men, for the men, and by the men?

Why not rewrite that immortal Declaration of Independence and let it read what it is falsely construed to mean. All men, not women, are created free and equal and are possessed of certain inalienable rights, among which are life, liberty, and the pursuit of happiness, with the special privilege of making inferiors and even white slaves of women, and that to secure these rights governments are instituted among men, not women, deriving their just powers from the consent, not of the women, but of the men who govern, not always themselves but the women. Section 21 of Article I of the present Constitution of the State of California reads, "No special privileges or immunities shall ever be granted which may not be altered, revoked or repealed by the Legislature. Nor shall any citizen or class of citizens be granted privileges or immunities, which upon the same terms, shall not be granted to all citizens." Here is the power given to the Legislature to enact laws for woman suffrage. It is the duty of the Legislature to enact such a law. Why not amend the last clause and make it read, what it is construed to mean, "Nor shall any male citizens or class of male citizens be granted privileges or immunities, which upon the same terms shall not be granted to all male citizens." Why not be honest about it and amend the Constitution to read "Women who have been governed by us great men are not citizens, only women who are not allowed to vote for fear they might disfranchise some native born Japanese, Chinese, and a sprinkling of other heathen, whom we lords of creation permit to help govern our women, whom we males unjustly deprive of the rights of liberty, equality and justice, and instead *freely give away their rights to the aforesaid heathen*

It is recorded in the holy writ that the Son of Man came not to be ministered unto, but to minister. There is no higher ideal than service, there is no higher type of service than that rendered by women. Mother care, mother love, is like the abounding love of God that passeth understanding. You can't measure it. Its quality is pure, because unselfish. From the cradle to the grave its measure is full, free, unstinted. Man would be a monster without it, and since love is the only loan for love, life can never be complete nor perfect without its mutual interchange between husband and wife. Hence the highest type of a man will truly gratify his wife by according to her every privilege which he demands for himself. Every American male citizen should consider it beneath his dignity to wed with an inferior, a female citizen who is beneath him in point of privilege. It is only a generation ago that women were admitted on an equal footing in the great colleges. Then nearly all of the teachers were males, now the great majority are females; then but few occupations were open to them; now they are filling nearly every branch of industry and usefulness. Among the great artists, the great musicians, there are at least as many women as men. Not only is this so, but in every walk and occupation of life they have made good. Man has yielded his self assumed rights grudgingly, but step by step woman has climbed the ladder of success until to-day all fair-minded, just men, believing in equal rights and special privileges to none, freely accord her the privilege and the right to stand alongside of man as his equal, because by her mental keenness, her right thinking and her never-ending perseverance, she has become necessary to the State. If you will read the story of "The Beast and the Jungle," written by that prince of all good fellows, little Judge Ben Lindsay, the father of the juvenile court movement, and his recent work in doing away with graft in Denver, you will find that it was the women voters of Colorado that made his great success possible. The juvenile court movement is being adopted all over the nation, and the unfortunate children living in hovels and haunts of crime are being taken from their evil surroundings and furnished good homes and an education, and the good women of the country are opening their purses, their hearts and their homes to the unfortunates, and since the entrenched interests will never surrender any stronghold of vice that promises easy gains, the women of the country must be reinforced with the ballot, in order to break the stronghold of greed, as they have already done in Colorado.

Woman not only wants the ballot, but it is her right; and if her right, then the eternal decrees of justice can not be met by us until we give it to her. In the great work of redeeming the State from misrule and political corruption, we want her to stand behind the juvenile court, not only with her voice but with her vote. We want her voice and vote to stand for her daughter and every other daughter and against the white slave dealer in white slave traffic and other prostitutions of women by the human monsters of men, until a stainless flag shall wave, not only over every foot of American soil, but over a clean womanhood, fostered and protected by men too honorable to let her occupy any position not absolutely equal to their own.

It is true that only ignoble minds can be content with indirect action in the political field, with power at second instead of at first hand, and with influence, only; instead of some active part of that larger control which implies not only influence but power to do good. A few women may not desire to vote. What of it? If you deny any woman the right of self-government you are doing an irreparable wrong.

"Right is might, and right the day must win;
To doubt would be disloyalty, to falter would be sin."

Women are physically weaker than men. Not so mentally, and the powers of endurance of the female sex are proportionately greater than that of the male. They average up well. In the purely mental qualities they are the peers of men, while in spiritual development, loyalty, justice, love and truth they far exceed man. When justice shall be exalted, when capital and labor shall join hands; then the lion of commerce and the lamb of peace shall lie down together, and a little child (the angel of justice), shall lead them. Then the great fight going on now in Congress, for the physical valuation of the service corporations to forever stop the watering of stock, the creating of fictitious values, and the looting of the people by collecting enormous interests and profits on those fictitious values will be won. It has been well said that coming events cast their shadows before.

Did it ever occur to you that when the big American desired to create a type or statue of the finest thing in all the world that he invariably selected for his model a woman? The Goddess of Liberty enlightening the world, Columbia holding aloft a lighted torch typifying enlightenment. Californians, did you ever consider the sign manual and symbol of the great seal of your Golden State? Its two prominent figures are its great bear, the grizzly of the mountains, the king of beasts on the American continent, the one great symbol of power, standing guard beside the beautiful California, symbol of love, the handsomest woman of all the west, queen of a new empire, symbol also of the reign of universal peace and plenty, when the great bear has conquered every form of wrong and oppression, and has resigned to woman her rightful supremacy as the great educator, the great harmonizer, the only fitting symbol of the great love principle, then alone will be ushered in the dawn of universal peace. The great battle being waged in California to-day shows that the California bear is awake, fighting a great battle to forever drive out and

destroy the political power of the great corporations. The great battle that is on to-day in Washington, as in California, is to fix the physical valuation of the great interests and bring under the law of all the people the great corporations and forever eliminate from national politics the depredations of predatory wealth. The next great and final battle will be for the elimination of stock gambling, of gambling in the futures of cotton and of wheat; of steel and of railroads, and every great source of wealth and power. Behind these great sources of power are entrenched the great banking interests of Wall street, in New York City; rioting in the dishonest accumulation of their millions and billions of unearned capital. A Patton, by means of cornering the wheat or the cotton, advances the price, after it has left the farmers' hands, to fabulous figures. By the time it reaches the consumer, the toiling millions, we wonder at the high prices of foodstuffs and fabrics. No wonder the small capitalist and the laborer is caught between the nether millstones of greed and avarice, and crushed. In the mean time he puts up his fine securities, the earnings of a lifetime, to the bankers of Wall street, and pays from one to forty per cent for money, in order to save himself from ruin during a financial panic brought about solely by this system of stock gambling, dignified under the name of high finance. Here, and here alone, start all of the financial panics the nation has lately known. The only way to stop national panics is to stop the stock gambling of predatory wealth. Is it not about time that we began thinking of sending over to the National Congress our two great live California bears—Johnson and Wallace—to break the necks of the bulls in Wall street and thus give the nation commercial peace. And then, when our California woman who fills about four fifths of all the educational positions in the State and nation stands by the side of her proper protector as in the great seal of State, enfranchised, ennobled by the big men of California, then and only then when justice, equality, honor and fraternity shall have become the emblems of power, will be fulfilled the prophecy that every mountain (source of power) shall be brought low (under the rule of law); and every valley (labor's fruitful source of wealth) shall be exalted, then and only then, when the lion of commerce shall lie down with labor, and a little child (the angel of peace), shall lead them, when a stainless flag once more floats over a free, a loyal people; when the nations shall have beaten their swords into plowshares, and their spears into pruning hooks: then and only then, when the proper balance of life has been reached, when the woman shall stand beside the man as his proper counselor, will be ushered in the dawn of a great millennium wrought out by the fairness, the honor, the justice, and the loyalty of a redeemed, a liberty-loving, a perfected people. Then, and only then, shall we have a true republic, a government in deed and in truth of the people, by the people and for, not a scant majority, but for all of the people. Then let the matchless State of California erect on the dome of the Capitol a great statue of liberty, beautiful California, symbol of peace and plenty, guarded by the great bear which has conquered a lasting peace in the world's great battle for liberty and justice.

SPECIAL ORDER.

The hour of two o'clock P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license; providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force: making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

During the third reading of the bill, Mr. Slater moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 2, Section 1, page 1, of the printed bill, after the word "portion" insert the following: "of any township".

Also: In line 8, Section 1, page 2, after the word "county" strike out the comma, and insert "in which said township may be located".

Also: In line 10, Section 1, page 2, strike out the word "county", and insert in lieu thereof the word "township".

Also In line 10, Section 2, page 2, strike out the word "county", and insert in lieu thereof the word "township".

Also In line 13, Section 2, page 2, strike out the word "county", and insert in lieu thereof the word "township".

Also In line 17, Section 2, page 2, strike out the word "county", and insert in lieu thereof the word "township".

Also In line 1, Section 11, page 5, strike out the word "county", and insert in lieu thereof the word "township".

Also In line 43, Section 16, page 7, strike out the word "county", and insert in lieu thereof the word "township".

Also Amend Section 8 by adding thereto these questions:

"Shall the number of saloons in this city, town, or township be limited to —?"

"Shall the license for each saloon in this city, town, or township be fixed at —?"

And any other questions people may desire to submit relating to the regulating of the liquor traffic.

Roll call regularly demanded.

The roll was called.

Pending the announcement of the vote, Mr. Coghlan moved a call of the House.

Roll call regularly demanded.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Beatty, Callaghan, Coghlan, Denegri, Feeley, Fitzgerald, Hayes Held, Kennedy, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Tibbits, Walker, and Walsh—26.

NOES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Freeman, Griffin, Griffiths, Guill Hall, Hamilton, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Mendenhall, Mott, Polsley, Preisker, Raudall, Rogers of Alameda, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—41.

Whereupon the Speaker announced that the motion to amend was lost by the following vote:

AYES—Messrs. Beatty, Callaghan, Denegri, Feeley, Gaylord, Griffin of Modesto, Hayes, Held, Jones, Joel, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, and Wilson—33.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—43.

PREVIOUS QUESTION.

At three o'clock and thirty minutes P. M. Mr. Young moved the previous question.

Motion carried.

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 37 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—Messrs. Beatty, Callaghan, Denegri, Feeley, Fitzgerald, Griffin, Harlan, Hayes, Kennedy, Lyon of San Francisco, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Tibbits, and Walsh—20.

Title read and approved.

Bill ordered transmitted to Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Coghlan gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 37 was this day passed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval March 5, 1901.

Mr. Brown moved that the consideration of the above bill be made a special order for eleven o'clock A. M. of Friday, February 3, 1911.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Bennink, Bishop, Brown, Cronin, Crosby, Guill, Hall, Harlan, Held, Kehoe, Lynch, Maher, McGowen, Mott, Stuckenbruck, and Walker—16.

NOES—Messrs. Benedict, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Griffiths, Hayes, Hinkle, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mendenhall, Mullally, Nolan, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt Smith, Sutherland, Young, and Mr. Speaker—41

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 26 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hall, Hayes, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—62.

NOES—Messrs. Freeman, Harlan, and Telfer—3.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Brown gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 26 was this day passed.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO. February 2, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 596—An Act creating a board to be known as the Board of Pardons, Paroles and Relief, whose duties shall be to hear and pass upon all applications for pardons, commutations and paroles and to have the oversight, guidance and procuring employment of persons who have been convicted of crime and been released by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such board, and authorizing the employment of agents, clerks and other employees, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said board, its agents, clerks and employees.

Assembly Bill No. 623—An Act to amend section two hundred and seventy-four a of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the Superior Court.

Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203, of the Code of Civil Procedure of the State of California, and to repeal Sections 1183a, 1200, and 1203a of said Code, all relating to the liens of mechanics and others.

Assembly Concurrent Resolution No. 6—Approving one certain amendment to the charter of Salinas City, county of Monterey, State of California, voted for and ratified by the qualified electors of said Salinas City, at a regular municipal election held therein on the 7th day of June, 1909.

Assembly Bill No. 318—An Act to add a new section to the Political Code of the State of California to be numbered 4261a, relating to and fixing the compensation of grand and trial jurors in the Superior Court in counties of the thirty-second class.

Assembly Bill No. 577—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Assembly Bill No. 131—An Act to amend an Act entitled "An Act to regulate and license the hunting of wild birds and animals, and to provide revenue therefrom, for game and fish preservation and restoration, approved March 22, 1909, by amending section three thereof.

Assembly Bill No. 508—An Act to amend Sections Nos. 851 and 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Assembly Bill No. 809—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901.

Assembly Bill No. 807—An Act entitled an Act to amend Section 735 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations.

Assembly Bill No. 576—An Act to repeal sections three hundred and forty-four, six hundred and forty-two, and six hundred and forty-three of the Political Code, relating to the State Board of Fish and Game Commissioners.

Assembly Bill No. 407—An Act to amend Section 766 of the Code of Civil Procedure of California, relating to partition of real property.

Assembly Bill No. 810—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883.

And report that the same have been correctly engrossed.

RANDALL, Chairman

SENATE MESSAGES.

On motion of Mr. Chandler, the following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following

Senate Bill No. 253—An Act to repeal Section 632b3, sometimes designated as Section 632(3) of the Penal Code of California, relative to and prohibiting the use of salmon and steelhead roe as bait.

Also: Senate Bill No. 423—An Act to amend an Act entitled "An Act to create a "Fish and Game Preservation Fund" and unite the "Fish Commission Fund" and the "Game Preservation Fund" into a common fund to be known as "Fish and

Game Preservation Fund", approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in said Act.

Also: Senate Bill No. 424—An Act to add a new section to the Penal Code of the State of California to be known as section six hundred and thirty-two (4), relating to fishing through the ice in the waters of this State.

Also: Senate Bill No. 189—An Act to amend section fifteen of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Senate Bill No. 352—An Act creating a Board of Pilot Commissioners for the harbor of San Diego, defining their duties, and fixing their compensation.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 684—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act in relation to the office and term of office of the Superintendent of Banks.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day refused to reconsider the vote whereby Senate Bill No. 107—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State—was passed on January 31, 1911.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367c, concerning the operation or driving of an automobile, motor cycle or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle or other motor vehicle and who while so operating said automobile, motor cycle or other motor vehicle, causes the death of or bodily injury to any person, and prescribing a penalty for the violation of said section.

Also: Senate Bill No. 378—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be numbered Section 367d, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle or other motor vehicle, and prescribing a penalty for the violation of said section.

Also: Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

Also: Senate Bill No. 141—An Act providing for an appropriation of \$750 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Also: Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School.

Also: Senate Bill No. 369—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Also: Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain, and operate a municipal street railroad over, upon, and along the lands under the control of the State Board of Harbor Commissioners within the said city and county of San Francisco.

Also: Senate Bill No. 494—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

Also: Senate Bill No. 348—An Act to amend Section 2193 of the Political Code, with relation to moneys due the State by reason of commitments to the Sonoma State Home.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Senate Bill No. 253 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 423 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 424 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 189 read first time, and referred to Committee on Public Health and Quarantine

Senate Bill No. 352 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 684 read first time, and ordered to enrollment

Senate Bill No. 107 read first time, and referred to Committee on Conservation.

Senate Bill No. 376 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 378 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 349 read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

Senate Bill No. 141 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 361 read first time, and referred to Committee on Ways and Means

Senate Bill No. 362 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 369 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 421 read first time, and referred to Committee on Common Carriers.

Senate Bill No. 494 read first time, and referred to Committee on Judiciary.

Senate Bill No. 348 read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day amended, and passed as amended, Assembly Bill No. 5—An Act to amend Section 4014 of the Political Code, relating to township officers—and respectfully ask that the amendments be concurred in.

WALTER N. PARRISH, Secretary of Senate

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 5?"

AMENDMENT No. 1.

On page 1, Section 1, line 7, strike out the words "and fifth classes", and insert in lieu thereof the following: "or fifth class".

AMENDMENT No. 2.

On page 1, Section 1, line 13, strike out the word "one", where it first appears in said line, and insert in lieu thereof the following: "first".

AMENDMENT No. 3.

On page 2, Section 1, line 18, strike out the period, and insert in lieu thereof the following: "; or by a subsequent census taken as in Section 4055 of this Code provided."

AMENDMENT No. 4.

On page 2, Section 1, strike out all of lines 19, 20, 21, and 22, and in lieu thereof insert the following: "Provided, however, that appointments to fill any additional offices created by this section shall not be made by the board of supervisors, except".

The roll was called, and Senate amendments to Assembly Bill No. 5 were concurred in by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin, Griffiths, Gull, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGewen, Mendenhall, Mott, Poksley, Randall, Rodgers of San Francisco, Shragin, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Bill ordered to enrollment.

EXPLANATION OF VOTE.

Mr Slater asked for and was granted unanimous consent to have the following explanation of vote printed in the Journal:

I intimated to members of the committee if a fair amendment was granted that would enable wineries and breweries to handle their products in "dry" territory I would support the Wyllie bill. An amendment eliminating in a measure the drastic provisions of the original bill having been adopted, I feel it incumbent upon me to fulfill my word. I believe firmly that the provisions of the bill are still too drastic and should be amended and my amendment, asking for a township unit, and the regulation and limiting of saloons should in all fairness have prevailed.

ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Friday, February 3, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Friday, February 3, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGewen, Mendenhall, Mott, Mullally, Nolan, Poksley, Preisker, Randall, Rinninger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Shragin, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Lyon of Los Angeles, its further reading was dispensed with.

LEAVE OF ABSENCE.

Mr. Coghlan asked for, and was granted, leave of absence for the day.

RESIGNATION FROM COMMITTEE.

The following was filed by the Speaker, and ordered printed in the Journal:

ASSEMBLY CHAMBER, SACRAMENTO, Cal., February 2, 1911.

MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Contested Elections, to take effect immediately.

Respectfully,

E. P. WALSH,

Member Committee on Contested Elections.

APPOINTMENT OF MEMBER OF COMMITTEE.

The Speaker announced that he accepted the resignation of Mr. Walsh, and appointed in his stead Mr. Gerdes, as a member of the Committee on Contested Elections.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 770—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a building to be known as the woman's building, providing for its equipment, and making an appropriation therefor.

Also: Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment, and making an appropriation therefor.

Also: Assembly Bill No. 772—An Act authorizing and directing the directors of the State Agricultural Society to move the buildings now on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the poultry building, and building an addition thereto, and making an appropriation therefor.

Also: Assembly Bill No. 774—An Act authorizing and directing the State Agricultural Society to purchase additional land adjoining the state fair grounds, at Agricultural Park, near the city of Sacramento, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with recommendation that they do pass, and that the same be re-referred to Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 840—An Act to amend the Code of Civil Procedure by adding to Part II, Title X, of said Code, a new chapter to be numbered Chapter VII, relating to actions concerning orders, determinations or any acts of

the public service commission—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Judiciary Committee.

DENEGRI, Chairman.

Above reported bill re-referred to Committee on Judiciary.

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution, and to enact the same at the polls independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section, or part of any Act of the Legislature.

Also: Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 13, of Article XX thereof, relating to the manner of electing officers of cities and the number of votes necessary to constitute a choice.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same be adopted as amended.

SUTHERLAND, Chairman.

Above reported constitutional amendments ordered on file for adoption.

ON AGRICULTURE, FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Assembly Bill No. 225—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Ways and Means.

JUDSON, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 36—An Act to provide for the survey, location and construction of a State highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek to the Yosemite Valley Railroad, at Bear Creek Station, in Mariposa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 519—An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville County road to the western terminus of Lake Tahoe wagon road at Smiths Flat, a state highway, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to Committee on Ways and Means.

CHANDLER, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 330—An Act making an appropriation to pay the claim of Marin County against the State of California.

Also: Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California.

Also: Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Also: Assembly Bill No. 544—An Act making an appropriation to pay the claim of George W. Bush against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to Committee on Ways and Means.

WALKER, Chairman.

Above reported bills re-referred to Committee on Ways and Means.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 827—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CALLAGHAN, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 359—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Ways and Means.

CALLAGHAN, Chairman.

Above reported bill re-referred to Committee on Ways and Means.

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Assembly Bill No. 625—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LYNCH, Chairman.

The above reported bill ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 132—An Act to regulate the operation of elevators in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Common Carriers.

MALONE, Chairman.

Above reported bill re-referred to Committee on Common Carriers.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 196—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act—have had the same under consideration, and respectfully report the same back without recommendation.

MALONE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER. Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a State laboratory for foods, liquors and drugs, and making an appropriation therefor, approved March 11, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Ways and Means.

MALONE, Chairman.

Above reported bill re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER. Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 667—An Act to regulate the keeping of bathing places and swimming resorts on rivers and streams—have had the same under consideration and respectfully report the same back, and recommend that it do pass.

MALONE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER. Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 635—An Act to add a new section to the Penal Code to be numbered 308a relating to smoking by minors in public places—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Judiciary.

MALONE, Chairman.

Above reported bill re-referred to Committee on Judiciary.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No. 247—An Act to repeal Section 644 of the Penal Code of the State of California.

Also: Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Also: Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

Also: Assembly Bill No. 382—An Act to amend Section 1490 and 1491 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER. Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 888—An Act to authorize and regulate the

employment of prisoners in the state prisons of this State, and to provide for the disposition of the products of their skill and labor.

Also: Assembly Bill No. 889—An Act to amend section one (1) of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State prison at San Quentin, approved March 9, 1885, (approved March 16, 1889)" and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the revolving fund provided for in said Act.

Also: Assembly Bill No. 890—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison, and the disposition thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GERDES, Chairman.

The above reported bills ordered on file for second reading.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution by Mr. Bohnett:

WHEREAS, It appears that there is an insufficient number of several bills, constitutional amendments, and resolutions to meet the needs of the members, mailing department, etc.; therefore, be it

Resolved, That the Chief Clerk be authorized to have printed extra copies of above, in sufficient number to meet the deficiency—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

PREISKER, Chairman.

Mr. Preisker moved the adoption of the report and resolution.
Motion carried.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Freeman: Assembly Bill No. 967—An Act to add a new section to the Political Code of the State of California to be numbered 4125a, relating to the attendance of the county assessor or a deputy county assessor at a state convention of county assessors.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Schmitt: Assembly Bill No. 968—An Act to amend Section 596 of the Political Code of the State of California, relating to the transactions of insurance business.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 969—An Act to amend Section 439 of the Penal Code, relating to the soliciting, negotiating and procuring by agents or brokers of insurance by or with companies or other insurers not authorized to transact insurance business in this State.

Bill read first time, and referred to Committee on Insurance and Insurance Laws

By Mr. Coghlan: Assembly Bill No. 970—An Act to repeal an Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa county (approved March 18, 1905).

Bill read first time, and referred to Committee on Public Morals.

By Mr. Held: Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California, to be numbered 590b, relating to riding and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Jasper: Assembly Bill No. 972—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Nolan: Assembly Bill No. 973—An Act to add a new section to the Political Code of the State of California to be numbered 4179a, relating to the attendance of the county clerk or a deputy county clerk at a state convention of county clerks.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 974—An Act to amend Section 4290 of the Political Code of the State of California, relating to fees and salaries of county officials.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Stuckenbruck: Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Hamilton (by request): Assembly Bill No. 976—An Act to amend Section 3199 of the Political Code of the State of California, relating to trade-marks.

Bill read first time, and referred to Committee on Manufactures and Internal Improvements.

By Mr. Maher: Assembly Bill No. 977—An Act to amend section six hundred and thirty-two of the Penal Code of California, relating to the protection and preservation of white fish or trout.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Clark (by request): Assembly Bill No. 978—An Act to amend section three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to assignment of trade-marks.

Bill read first time, and referred to Committee on Manufactures and Internal Improvements.

Also: Assembly Bill No. 979—An Act to amend section three thousand one hundred and ninety-seven of the Political Code of the State of California, relating to trade-marks.

Bill read first time, and referred to Committee on Manufactures and Internal Improvements.

Also: Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 981—An Act to fix the salary of the State Forester, and to provide for a deputy state forester, an assistant forester, and two forest engineers, and to fix the salaries of same.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Stevenot: Assembly Bill No. 982—An Act to make an appropriation for the location, survey and construction of a state highway from the Calaveras Big Tree Grove, located in Calaveras County, to Dorrington, Calaveras County, then running easterly following what is

known as the Big Tree and Carson Valley Turnpike through Calaveras and Alpine counties, to Markleeville, Alpine County, California.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Benedict: Assembly Bill No. 983—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 984—An Act to amend section seven hundred and ninety-two (792) of the Political Code of the State of California, relating to the appointment and qualifications of notaries public.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 985—An Act to amend Section 628 of the Penal Code of the State of California, relating to the catching, buying, selling, etc., of lobsters, shrimps, etc.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 986—An Act to add to the Penal Code of California two new sections, to be numbered Sections 65**b** and 65**c**, prohibiting any person from offering or causing to be offered for sale real estate or making application for a loan on real estate without the written authority of the owner, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beatty: Assembly Bill No. 987—An Act to amend Section 870 of the Civil Code, relating to sales, conveyances, and mortgages of real estate by trustees.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Lynch (by request): Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Brown: Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendments relating to elections in such sanitary districts.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Rutherford: Assembly Bill No. 990—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter, and stenographers in the Attorney General's office and fixing their salaries.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Benedict (by request): Assembly Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section to article thirteen thereof, and to be known as section twelve and one half (12½), relating to the exemption from taxation of timber producing trees planted by man.

Read and referred to Committee on Constitutional Amendments.

LEAVES OF ABSENCE.

Messrs. Rogers of Alameda, Schmitt, Nolan, McDonald, Feeley, Callaghan, Mendenhall, Hall, Mullally, Griffiths, Polsley, Fitzgerald, and Lyon of San Francisco, asked for, and were granted, leaves of absence until Monday, February 6, 1911.

Mr. Maher asked for, and was granted, leave of absence until Tuesday, February 7, 1911.

RECONSIDERATION.

In accordance with notice previously given, Mr. Brown moved that the vote whereby Senate Bill No. 26 was passed be reconsidered.

The roll was called, and the vote on Senate Bill No. 26 reconsidered by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McGowen, Mott, Nolan, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

The question being on the passage of the bill.

During the third reading of the bill, Mr. Brown moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 1, line 17, strike out the period, and in lieu thereof insert the following: “; *provided*, that nothing herein shall change the classification of existing cities organized under the municipal corporation Act.”

Motion carried.

The Speaker appointed Mr. Brown as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 26, with instructions, do now report that the instructions of the Assembly have been carried out.

BROWN, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, with a rush order, and on file for passage.

SECOND READING OF BILL.

Assembly Bill No. 685—An Act to amend an Act entitled “An Act to establish and support a Bureau of Labor Statistics,” approved March 3, 1883, by amending section one of said Act, relating to the

appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF BILLS.

Assembly Bill No. 623—An Act to amend section two hundred and seventy-four *a* of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the Superior Court.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 623 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rodgers of San Francisco, Rodgers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202, and 1203, of the Code of Civil Procedure of the State of California, and to repeal Sections 1183*a*, 1200, and 1203*a* of said Code, all relating to the liens of mechanics and others.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 278 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Callaghan, Cattell, Chandler, Clark, Cogswell, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rodgers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—66.

NOES—Messrs. Bliss, Brown, Butler, Cronin, Farwell, Harlan, Lynch, and Wyllie—8

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION.

Mr. Schmitt moved that when the Assembly adjourn this day, it adjourn until ten o'clock A. M. of Monday, February 6, 1911.

Mr. Bohnett moved as a substitute, that when the Assembly adjourn this day it adjourn until ten o'clock A. M. of Saturday, February 4, 1911.

Substitute motion adopted.

CONSIDERATION OF SPECIAL ORDERS—(CONTINUED).

On motion of Mr. Bishop, the consideration of the special order relative to the contested election of *Vollmer vs Walsh*, heretofore set for this time, was continued until eleven o'clock A. M., of Monday, February 6, 1911.

On motion of Mr. Freeman, the consideration of Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people—heretofore made a special order for this day, was continued until eleven o'clock and thirty minutes A. M. of Monday, February 6, 1911.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 318—An Act to add a new section to the Political Code of the State of California to be numbered 4261a, relating to and fixing the compensation of grand and trial jurors in the Superior Court in counties of the thirty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 318 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denear, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers, of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—68

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 559—An Act to create a reclamation district to be called Reclamation District Number 900, and providing for the control and management thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 559 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—65

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 6—Approving one certain amendment to the charter of Salinas City, county of Monterey, State

of California, voted for and ratified by the qualified electors of said Salinas City, at a regular municipal election held therein on the 7th day of June, 1900.

The question being on the adoption of Assembly Concurrent Resolution No. 6, the roll was called and the resolution adopted by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—68.

NOES—None.

Resolution ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Schmitt:

WHEREAS, Many members of the Assembly will be absent by leave on Saturday, February 4, 1911, now, therefore, be it.

Resolved, That no matters on third-reading file to which there may be any objection or contest as expressed on the floor will be taken up or considered on said day.

Resolution read and, on motion, adopted.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 471—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be substituted on file for Assembly Bill No. 685, they being identical.

TELFER, Chairman.

SUBSTITUTION OF BILL.

In accordance with recommendation of Committee on Labor and Capital, Assembly Bill No. 685 ordered stricken from the file and Senate Bill No. 471 substituted therefor.

SECOND READING OF SENATE BILL.

Senate Bill No. 471—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CALLAGHAN, Chairman.

The above reported bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 346—An Act transferring money from the General Fund to the San Diego Harbor Improvement Fund to meet the expenses of the publication of the San Diego Seawall Act under the provisions of Chapter 623, Statutes of 1909, and providing for the transfer back of such money from the San Diego Harbor Improvement Fund to the General Fund.

Assembly Bill No. 343—An Act making an appropriation to pay the deficiency in the appropriation for salaries for the State Normal School at Los Angeles for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 342—An Act making an appropriation to pay the deficiency in the appropriation for pure food and drug laboratory support for the State Board of Health, for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 341—An Act making an appropriation to pay the deficiency in the appropriation for care of state armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant General's office for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 350—An Act making an appropriation to pay the deficiency in the appropriation for contingent and traveling expenses of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Assembly Bill No. 348—An Act making an appropriation to pay the expenses incurred in the publication of the India Basin Act under the provisions of Chapter 407, Statutes of 1909.

Assembly Bill No. 340—An Act making an appropriation to pay the deficiency in the appropriation for searching for beneficial insects (Statutes 1907, Chapter 332).

Assembly Bill No. 339—An Act making an appropriation to pay the expenses of street work fronting the property of the Industrial Home for the Adult Blind in Oakland.

Assembly Bill No. 336—An Act making an appropriation to pay the deficiency in the appropriation for postage and expressage, Secretary of State's office for the sixty-second fiscal year.

Assembly Bill No. 327—An Act making an appropriation to pay the deficiency in the appropriation for the arrest of criminals without the State for the sixtieth and sixty-second fiscal years.

Assembly Bill No. 328—An Act making an appropriation to pay certain expenses incurred in foreclosing delinquent land purchases.

Assembly Bill No. 332—An Act making an appropriation to pay the deficiency in the appropriation for aid to the State Agricultural Society for the sixtieth fiscal year.

Assembly Bill No. 335—An Act making an appropriation to pay the deficiency in the appropriation for purchase of badges, seals, etc., motor vehicle department, Secretary of State's office, for the sixty-second fiscal year.

And were presented to the Governor February 3, 1911, at ten o'clock A. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the money in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making appropriation therefor;" approved March 18, 1905, as amended March 22, 1909.

Assembly Bill No. 174—An Act to pay the claim of A. G. Lafferty against the State of California, and making an appropriation therefor

Assembly Bill No. 433—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding a new section thereto, to be numbered 10y.

Assembly Bill No. 516—An Act to repeal Section 364 of the Political Code, relating to the Board of Examiners, and to substitute therefor a new section, 364, relating to the State Board of Control.

Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared the following bills:

Assembly Bill No. 577—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

And: Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

And report that the same are identical.

RANDALL, Chairman.

WITHDRAWAL OF AND SUBSTITUTION OF BILL.

In accordance with the above report, Assembly Bill No. 577 was withdrawn and ordered stricken from the file, and Senate Bill No. 351 substituted on file therefor.

SECOND READING OF SENATE BILL.

Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 33—An Act to provide for the procuring and distribution of blood serum or vaccine, for the prevention of hog cholera in the State of California, for experiment and research work, directing publication of the results, experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn

COGSWELL, Chairman.

Above reported bill withdrawn, and ordered stricken from the file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911

MR. SPEAKER: Your Committee on Ways and Means beg leave to submit its report for the two weeks ending February 3, 1911, as follows:

Jan. 20—Assembly Bill No. 9—An Act to provide a state highway from Meyer's Station, in El Dorado County, California, to McKinney's, in Placer County, California-----

\$25,000 00

Jan. 20—Assembly Bill No. 47—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County	\$5,000 00
Jan. 20—Assembly Bill No. 78—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital	10,000 00
Jan. 20—Assembly Bill No. 216—An Act to appropriate the sum of five thousand dollars for the purpose of erecting and constructing a bridge on Lake Tahoe wagon road, a state highway	5,000 00
Jan. 23—Assembly Bill No. 611—An Act making an appropriation for cost and expenses of suits wherein the State is a party in interest	2,000 00
Jan. 24—Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital	8,802 00
Jan. 24—Assembly Bill No. 285—An Act providing for the purchase of a site for an armory for the National Guard at the city of Santa Rosa, California	30,000 00
Jan. 24—Assembly Bill No. 316—An Act to appropriate the sum of two hundred and fifty thousand dollars for the acquisition of land, and the erection, construction, equipment and furnishing of an armory thereon in the city of Oakland	250,000 00
Jan. 24—Assembly Bill No. 675—An Act providing for the acquisition of a site for an armory and state arsenal for the National Guard, at the city of Sacramento, California	150,000 00
Jan. 25—Assembly Bill No. 35—An Act to appropriate money to erect, construct, and equip an assembly hall at the San Jose State Normal School	60,000 00
Jan. 25—Assembly Bill No. 73—An Act appropriating the sum of \$10,000 for the purpose of constructing and repairing the grounds, walks, lawns, and gardens of the San Jose State Normal School	10,000 00
Jan. 25—Assembly Bill No. 148—An Act amending an Act to authorize the establishment of the California State Trade and Training School for dependent orphans, half orphans, abandoned children, and children committed by court and placed under guardianship of the board of trustees	
Jan. 25—Assembly Bill No. 161—An Act providing for the purchase of a site for a State Printing Office, at the city of Sacramento	200,000 00
Jan. 25—Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles	5,000 00
Jan. 25—Assembly Bill No. 256—An Act to establish a State Training School for Girls, and to provide for the maintenance and management of the same	150,000 00
Jan. 25—Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California	5,000 00
Jan. 25—Assembly Bill No. 381—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor"	20,000 00
Jan. 25—Assembly Bill No. 386—An Act to provide for the completion of septic tank and relaying of mains and laterals leading thereto and therefrom, at the Veterans' Home of California	5,200 00
Jan. 25—Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego	5,000 00
Jan. 25—Assembly Bill No. 616—An Act making an appropriation for repairing the building of the State Normal School at San Diego	10,000 00
Jan. 25—Assembly Bill No. 617—An Act making an appropriation for the erection of a manual art school building for the use of the State Normal School at San Diego	10,000 00
Jan. 25—Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion	25,000 00
Jan. 25—Assembly Bill No. 725—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars, eighty-seven cents for the use and benefit of the University of California	12,344 87

Jan. 25—Assembly Bill No. 729—An Act to amend section 500 of the Political Code, relating to clerks in the register's office	
Jan. 26—Assembly Bill No. 174—An Act to pay the claim of A. G. Lafferty against the State of California	\$1,000 00
Jan. 26—Assembly Bill No. 321—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen, and crew of the fireboats David Scannell and Dennis Sullivan shall be borne and paid by the State of California	
Jan. 26—Assembly Bill No. 577—An Act increasing the number of judges of the Superior Court of the county of San Diego	
Jan. 26—Assembly Bill No. 773—An Act authorizing and naming the permanent employes of the State Agricultural Society	
Jan. 28—Assembly Bill No. 42—An Act to provide for the continuation of the construction of the highway known as Kings River highway	50,000 00
Jan. 28—Assembly Bill No. 280—An Act appropriating five thousand dollars for the investigation and eradication of diseases and insect pests infesting the hop and hop vine	5,000 00
Jan. 28—Assembly Bill No. 600—An Act to provide for the survey, location, and construction of a state highway from Sacramento Gap, on the line between the counties of Santa Clara and Santa Cruz, into the California Redwood Park, in Santa Cruz County	40,000 00
Jan. 30—Assembly Bill No. 56—An Act appropriating money for the erection of buildings on and requiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside California	25,000 00
Jan. 30—An Act to amend an Act entitled "An Act to authorize and empowered the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school	150,000 00
Jan. 30—Assembly Bill No. 114—An Act appropriating money for the purchase of books and library improvements at the Preston School of Industry	1,000 00
Jan. 30—Assembly Bill No. 115—An Act appropriating money for the erection and equipment of a hospital at the Preston School of Industry	12,500 00
Jan. 30—Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano	5,000 00
Jan. 30—Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California	62,000 00
Jan. 30—Assembly Bill No. 540—An Act to appropriate the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol	25,000 00
Feb. 1—Assembly Bill No. 268—An Act to appropriate money for the purchase of the Big Oak Flat and Yosemite turnpike toll road	10,000 00
Feb. 1—Assembly Bill No. 479—An Act providing for the purchasing of a site for an armory for the National Guard at the city of Petaluma	30,000 00
Feb. 1—Assembly Bill No. 874—An Act making an appropriation of twenty thousand dollars for the purpose of paying the premium on bonds of State officials	20,000 00
Feb. 1—Assembly Bill No. 876—An Act to appropriate the sum of eight thousand and ninety-one dollars for the use and benefit of the University of California	8,091 00
Feb. 3—Senate Bill No. 141—An Act providing for an appropriation of \$750 for the purpose of buying material to rebuild a slaughterhouse at the Preston School of Industry	750 00
Feb. 3—Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School	2,500 00
Feb. 3—Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School	2,500 00
Feb. 3—Senate Bill No. 369—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School	2,500 00

Feb. 2—Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission-----	100,000 00
Feb. 2—Assembly Bill No. 596—An Act creating a board to be known as the board of pardons, paroles and relief-----	22,000 00
Total amount bills submitted-----	\$1,578,187 87
Amount of bills in former report-----	2,246,275 41
Total -----	\$3,824,463 28

BILLS REPORTED FAVORABLY.

Assembly Bill No. 118-----	\$1,000 00
Assembly Bill No. 119-----	3,000 00
Assembly Bill No. 120-----	750 00
Assembly Bill No. 611-----	2,000 00
Assembly Bill No. 381-----	20,000 00
Senate Bill No. 426-----	8 802 00
Assembly Bill No. 463-----	100,000 00
(Also Assembly Bill No. 577)-----	\$135,552 00
Bills formerly reported favorably-----	114,768 41
	\$250,320 41
Bills re-referred -----	926,015 00
Bills withdrawn -----	25,000 00
	1,201,335 41
Amount of bills left in hands of committee-----	\$2,623,127 87

COGSWELL, Chairman.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act; and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination thereon,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880," approved March 20, 1909; also repealing an Act entitled "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909; also repealing all Acts or parts of Acts inconsistent with the provisions of this Act.

Also Assembly Bill No. 118—An Act providing for an appropriation for \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Also Assembly Bill No. 119—An Act providing for an appropriation for \$3,000 for the purpose of installing a filtration plant and to complete a clear water system at the Preston School of Industry.

Also Assembly Bill No. 120—An Act providing for an appropriation of \$750, for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

Assembly Bills Nos. 118, 119 and 120 ordered on file for second reading

CONSIDERATION OF BILL—(OUT OF ORDER).

Mr. Bohnett asked for and was granted unanimous consent to have Assembly Bill No. 463 taken up for consideration.

Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents, and employees, and the rights, duties and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees, and other persons and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers, and employees, and defining offenses of railroad and transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878," and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners, approved April 15, 1880," approved March 19, 1909, and also repealing "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act.

During the consideration of the bill, Mr. Bohnett moved that the Speaker appoint a select committee on one to amend the bill as follows:

On page 4, Section 6, line 3, of the reengrossed bill, strike out the word "or", and insert in lieu thereof the following: "of".

Also: On page 6, Section 12, line 12, of the reengrossed bill, strike out the first word "or", and insert in lieu thereof the following: "and".

Also: On page 6, Section 12, line 12, of the reengrossed bill, strike out the second word "or", and insert in lieu thereof the following: "and".

Also: On page 25, Section 29, line 18, of the reengrossed bill, strike out the figures "28", and insert in lieu thereof the following: "twenty-eight".

Also: On page 26, Section 29, lines 40 and 41, of the reengrossed bill, strike out "an Act to regulate commerce", and insert in lieu thereof the following: "An Act to regulate commerce".

Also: On page 36, Section 50, line 14, of the reengrossed bill, strike out the figures "19", and insert in lieu thereof the following: "20".

Motion carried

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 463, with instructions, do now report that the instructions of the Assembly have been carried out.

BOHNETT, Select Committee

Report of select committee, and amendments, adopted.

Mr Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 463 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 463, and do now report the same back, and recommend that it do pass as amended

HEWITT, Chairman

Bill ordered to reprint with rush order, re-reëngrossment, and on file for passage.

RECESS.

At twelve o'clock and forty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 134—An Act to amend Section 1265 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to homesteads and exemptions

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 134 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cartell, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylor, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Randall, Rogers of Alameda, Rosendale, Rutherford, Stragaa, Slater, Smith, Stuckenbruck, Telfer, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 133—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 133 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Smith, Stuckenbruck, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 10—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367c, concerning the duty of the driver and persons in charge of an automobile, motor cycle, or other motor vehicle, when the same collides with a person or vehicle containing a person, and prescribing a penalty for failure to perform such duty.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 10 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Polesley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Smith, Stuckenbruck, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 48—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

MOTION.

During the third reading of the bill, Mr. Fitzgerald moved that the consideration of the bill be continued until Monday, February 6, 1911.

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 48 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Malone, McDonald, McGowen, Mott, Polesley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Stevenot, Stuckenbruck, Sutherland, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—Mr. Smith—1.

Title read and approved.

Bill ordered transmitted to the Senate.

EXPLANATION OF VOTE.

Mr. Smith asked for, and was granted, unanimous consent to have the following explanation of vote printed in the Journal:

MR. SPEAKER: I desire to protest against the passage of this bill, for the reason that I was elected on a platform of lowering the tax rate of Alameda County, and, without in any way reflecting on any gentleman in this House or in the Senate, I desire to say that the matter of salaries has not, as yet, been decided upon by the Alameda County Delegation, and until they do act I deem it my duty to oppose any raise of salaries.

FRANK M. SMITH.

THIRD READING OF SENATE BILL—(RESUMED).

Senate Bill No. 110—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers therein, and to provide for the payment of said bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 110 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Smith, Stevenot, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital, and to make appropriations for the same.

MOTION.

Mr. Cogswell moved that the second reading of the bill be rescinded
Motion carried.

SECOND READING OF SENATE BILL.

Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital, and to make appropriations for the same.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 426 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO. February 3, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 426, and do now report the same back, and recommend that it do pass

HEWITT, Chairman

Bill read second time, and ordered on file for third reading.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 244—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 244 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Beunink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McGowen, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION.

Mr. Schmitt moved that the reconsideration of the vote on Assembly Bill No. 37, set for this day, be made a special order for ten o'clock and thirty minutes A. M. on Monday, February 6, 1911

Motion lost.

NOTICE OF MOTION TO RECONSIDER.

Mr. Bliss gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 133 was this day passed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In Section 1 on line 11 of the engrossed bill, after the word "cars" insert the following: "exclusive of railroad officers' private cars."

Amendment adopted.

AMENDMENT No. 2.

In Section 1, on line 13, of the engrossed bill, after the word "one" insert the word "shall".

Amendment adopted.

AMENDMENT No. 3

In Section 2, line 7, of the engrossed bill, after the word "two" insert the word "shall".

Amendment adopted.

AMENDMENT No. 4

In Section 3, on line 8, of the engrossed bill, after the word "apply" insert the following words: "to an engine or engines without cars; nor".

Amendment adopted.

AMENDMENT No. 5

In Section 2, line 6, of the engrossed bill, strike out the words "more than fifty cars", and insert in lieu thereof the words "fifty cars or more".

Amendment adopted.

AMENDMENT No. 6

In Section 5, line 2, of the engrossed bill, insert comma after the word "punished", and a comma after the word "conviction".

Amendment adopted.

AMENDMENT No. 7.

In Section 5, line 3, of the engrossed bill, strike out the words "to exceed", and insert in lieu thereof the word "exceeding".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 277—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the word "dependent child," as established in said Section 1.

Bill read second time, and ordered on file for third reading

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 654—An Act authorizing any municipal corporation using the word "town" in its corporate name to change such word to "city," and providing the procedure therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 654 passed by the following vote.

AYES—Messrs. Beckett, Bennett, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coeswell, Crosby, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Griffiths, Hamilton, Harlan, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lanch, Lyon of Los Angeles, Maher, Malone, McGowan, Mott, Rodgers of San Francisco, Rosendale, Ruthertord, Shragu, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 407—An Act to amend Section 766 of the Code of Civil Procedure of California, relating to the partition of real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 407 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Griffiths, Harlan, Held, Jasper, Jones, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McGowen, Mott, Randall, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 807—An Act entitled "An Act to amend Section 755 of an Act entitled 'An Act to provide for the organization, incorporation, and government of municipal corporations.'"

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 807 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Fitzgerald, Flint, Gaylord, Griffin, Griffiths, Hamilton, Harlan, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McGowen, Mott, Polsley, Randall, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Walker, Walsh, Williams, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Young asked for and was granted unanimous consent to withdraw Assembly Bill No. 810.

Bill withdrawn and ordered stricken from the file.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1 of title, line 13 of printed bill, strike out the word "of" and insert in lieu thereof the word "or".

Amendment adopted.

AMENDMENT No. 2

On page 2, line 5, Section 1, strike out the word "ten", and insert in lieu thereof the word "eight".

Amendment adopted.

AMENDMENT No. 3

On page 2, line 7, Section 1, strike out the word "sixty", and insert in lieu thereof the word "forty-eight".

Amendment adopted.

AMENDMENT No. 4

On page 2, line 9, Section 1, strike out the word "ten", and insert in lieu thereof the word "eight".

Amendment adopted.

AMENDMENT No. 5

On page 2, line 10, Section 1, strike out the word "sixty", and insert in lieu thereof the word "forty-eight".

Amendment adopted.

AMENDMENT No. 6

On page 2, line 11, Section 1, after the word "week" strike out the period and add the following: "*provided, however, that the provisions of this section in relation to the hours of employment shall not apply to nor affect the harvesting, curing, canning, or drying of any variety of perishable fruit or vegetable.*"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one *a*, relating to filing a copy of printed notice to creditors.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 4, of the printed bill, strike out the word "ten", and insert in lieu thereof "thirty".

Amendment adopted.

AMENDMENT No. 2

In line 5 of the printed bill, strike out the word "every", and insert in lieu thereof "the".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 472—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five *b*, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, line 16, of the printed bill, strike out the apostrophe in the word "incumbrancer's".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 605—An Act to amend Section 4052b of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, Section 1, line 7, strike out the word "majority", and insert in lieu thereof the words "four fifths".

Amendment adopted.

AMENDMENT No. 2

On page 1, Section 1, line 11, after the word "town" insert the words "within three years".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 202—An Act to add a new section to Title II, Part III, of the Penal Code of California, to be numbered Section 1616, and relating to the care of female prisoners in county jails.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 717—An Act authorizing and empowering unincorporated, benevolent, or fraternal societies to purchase, receive, manage, and sell real estate without incorporating.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 622—An Act amending Section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 3 of the printed bill, strike out the word "section"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the State courts to the courts of the United States.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, Section 1, line 6 of the printed bill strike out the word "courts" and insert in lieu thereof the following: "court".

Amendment adopted.

AMENDMENT No. 2

On page 1, Section 1, line 7 of the printed bill, after the word "proceeding" insert the word "commenced".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 9 of the printed bill, after the word "action" insert the words "or injury".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 61—An Act to repeal Title XV, of Part IV, of division third of the Civil Code of the State of California, and to add a new Title XV, of Part IV, of division third of said Code in place thereof, relating to negotiable instruments, and to make the law of negotiable instruments in the State of California uniform with the law of other states.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

On page 17, Section 3150, line 3, of the printed bill, strike out the words "sixty-five of this Act", and insert in lieu thereof the figures "3147".

Amendment adopted.

AMENDMENT No 2.

On page 20, Section 3165, line 1, of the printed bill, strike out the word "Act", and insert in lieu thereof "title".

Amendment adopted.

AMENDMENT No. 3.

On page 23, Section 3183, line 3, of the printed bill, strike out the word "Act", and insert in lieu thereof the word "title".

Amendment adopted.

AMENDMENT No. 4.

On page 32, Section 3227, line 3, of the printed bill strike out the words "seventy-two", and insert in lieu thereof the figures "3154".

Amendment adopted.

AMENDMENT No. 5

On page 32, Section 3227, line 4, of the printed bill, strike out the words "eighty-five of this Act", and insert in lieu thereof the figures "3167".

Amendment adopted.

AMENDMENT No 6.

On page 36, Section 3249, line 8, of the printed bill, strike out the words "one hundred and four", and insert in lieu thereof the figures "3186".

Amendment adopted.

AMENDMENT No 7.

On page 37, Section 3250, line 1, of the printed bill, strike out the word "eighty-one", and insert in lieu thereof the figures "3163".

Amendment adopted.

AMENDMENT No 8

On page 41, Section 3266, line 3, of the printed bill, insert a period after the word "hereof", and strike out the words "and in", and insert in lieu thereof the word "in".

Amendment adopted.

AMENDMENT No. 9

On page 13, Sec. 3131, line 3, of the printed bill, strike out the word "Act", and in lieu thereof insert the word "title".

Amendment adopted.

AMENDMENT No. 10

On page 14, Sec. 3136, line 2, of the printed bill, strike out the word "Act", and in lieu thereof insert the word "title".

Amendment adopted.

AMENDMENT No 11.

On page 20, Sec. 3163, line 3, of the printed bill, strike out the word "Act", and insert in lieu thereof the word "title".

Amendment adopted.

AMENDMENT No 12.

On page 20, Sec. 3166, line 5, of the printed bill, strike out the brackets.

Amendment adopted.

AMENDMENT No 13.

On page 24, Sec. 3189, line 13, of the printed bill, strike out the word "Act", and insert in lieu thereof the word "title".

Amendment adopted.

AMENDMENT No 14.

On page 33, Sec. 3230, line 3, of the printed bill, strike out the word "Act", and insert in lieu thereof the word "title".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 103—An Act to amend the Code of Civil Procedure by adding a new section thereto to be known as Section 1928, relating to deeds purporting to have been executed in pursuance of legal process of the courts of this State, making such deeds, their record and certified copies of such record prima facie evidence of title.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

On line 6, of the printed bill, after the word "courts" insert "of record"

Amendment adopted.

AMENDMENT No 2.

Strike out all of Section 2

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 843—An Act to adopt a state song for the State of California.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No 208—An Act to authorize James Tuohey to bring suit against the State of California.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 786—An Act to amend Section 3499 of the Political Code, relating to the time in which contests of applications to purchase state school lands, orders of approval, and certificates of purchase may be made and filed.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 408—An Act to add a new section to the Code of Civil Procedure of California to be known as Section 1810a, relating to conveyances by guardians.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 800—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 10 thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles, under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 618—An Act to create a reclamation district to be called Reclamation District Number 830, and providing for the control and management thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 741—An Act establishing, and fixing and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 746—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said Act to widows of all such honorably discharged soldiers, sailors, and marines who served in the army or navy of the United States.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 794—An Act to amend Section 599e of the Penal Code of California, relating to the subject of cruelty to animals.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 793—An Act to add a new section to the Penal Code of California to be designated 599g, relating to the subject of cruelty to animals.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1, line 4, strike out the word "pigeons", and insert in lieu thereof the word "pigeon".

Amendment adopted.

AMENDMENT No. 2.

In Section 1, line 5, after the word "or" insert the words "gain, or"

Amendment adopted.

AMENDMENT No. 3.

In Section 1, line 7, after the second "any" insert the words "live pigeon".

Amendment adopted.

AMENDMENT No. 4

In Section 1, line 9, after the word "premises" insert a comma and the following words: "or shall knowingly suffer or permit the use of any building, shed, room, yard, field or premises".

Amendment adopted.

AMENDMENT No. 5.

In Section 1, line 9, after the word "any" insert the words "live pigeon".

Amendment adopted.

AMENDMENT No. 6

In Section 1, line 10, after the word "misdemeanor" insert the following words: "Nothing herein contained shall apply to the shooting of any wild game in its wild state"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment and third reading.

Assembly Bill No. 859—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county in the State of California

Bill read second time, and ordered to engrossment and third reading

WITHDRAWAL OF BILL.

Mr. Griffin asked for and was granted unanimous consent to withdraw Assembly Bill No. 418.

Bill withdrawn and ordered stricken from the file.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Crosby: Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to the said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

Bill read first time, and referred to Committee on Military Affairs

Also: Assembly Bill No. 992—An Act concerning tunnels, tubes, and subways under navigable streams and bodies of water in the State of California

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Walsh: Assembly Bill No. 993—An Act to encourage the destruction of predatory wild animals; to provide bounties for the killing thereof, making an appropriation for the payment of such bounties; providing a penalty for making a false affidavit under the provisions of this Act; and for the repeal of all Acts inconsistent herewith.

Bill read first time, and referred to Committee on Fish and Game.

Also (by request): Assembly Bill No. 994—An Act to encourage the destruction of predatory wild birds; to provide bounties for the killing thereof; making an appropriation for the payment of such bounties; providing a penalty for making a false affidavit and for the repeal of all Acts inconsistent therewith.

Bill read first time, and referred to Committee on Fish and Game

By Mr. Benedict: Assembly Bill No. 995—An Act to amend the Penal Code of California by adding a new section thereto to be known and designated "Section 439a", requiring the entire consideration to be stated in all policies of insurance, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 997—An Act to amend section one, of Chapter XLIV, of the statutes passed at the extra session of 1906, requiring the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers, and directing the disposition of the same.

Bill read first time, and referred to Committee on Retrenchment and Reform.

By Mr. Hinkle: Assembly Bill No. 998—An Act ceding to the city of San Diego certain state tide lands in the bay of San Diego for improvement and operation under municipal control in the interests of commerce and navigation.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. McGowan: Assembly Bill No. 999—An Act legalizing the formation and organization of Reclamation District No. 548, in the county of San Joaquin, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control, subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts, and repealing all Acts and parts of Acts inconsistent therewith.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Also: Assembly Bill No. 1000—An Act legalizing the formation and organization of Reclamation District No. 348, in the county of San Joaquin, State of California; fixing, defining and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

By Mr. Gaylord: Assembly Bill No. 1001—An Act to amend Section 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy", approved March 20 1905 and amended March 21, 1907, and April 21, 1909.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Denegri: Assembly Bill No. 1002—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185c, relating to arrest, hearing,

and commitment of inebriates and drug habitues to a state hospital for the insane

Bill read first time, and referred to Committee on State Hospitals and Asylums.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 361—An Act fixing the salaries of the judges of the Superior Court of the State of California, in and for the county of Kern, and providing for the payment thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 877—An Act to amend section four thousand and six of the Political Code of the State of California relating to the classification of counties.

Also Assembly Bill No. 878—An Act to amend section four thousand and five of the Political Code of the State of California, relating to the population of counties.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading

RESOLUTIONS.

The following resolutions were offered:

By Mr. Bohnett:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of fifty-four and twenty-eight one-hundredths (\$54.28) dollars, in favor of Henry E. Sleeper & Co., Sacramento, same being for the payment of the following claim:

Rubber stamps, daters, pads, etc.	\$40 28
One 5-wheel Bots numbering machine	14 00
	<hr/> \$54 28

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

Also:

Resolved, That the Controller be and is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of four hundred and fifty (\$450.00) dollars, in favor of Bancroft-Whitney Company, San Francisco, same being for the payment of the following claim:

Twenty-five sets Deemig's California Codes, 5 volumes (sheep), and Freadwell's California Constitutions at \$18.00	\$450 00
---	----------

Resolution read, and referred to Committee on Contingent Expenses and Accounts

Also:

Resolved. That the Controller be and is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of thirteen hundred and fifty (\$1,350.00) dollars in favor of Bender-Mess Company, Inc., same being for the payment of the following claim:

60 sets Kerr's Pocket Codes and Constitutions, at \$20.....	\$1,200 00
3 sets Kerr's Cyclopaedia Codes and Supplement, at \$50.....	150 00
	<hr/> \$1,350 00

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

Also:

Resolved. That the Controller be and is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of twenty (\$20.00) dollars in favor of H. S. Crocker Company, 208 J street, Sacramento, same being for the payment of the following claims:

One San Francisco Directory	\$ 6 00
One 5-wheel Bates numbering machine.....	14 00
	<hr/> \$20 00

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

THIRD READING OF SENATE BILL—(OUT OF ORDER).

By unanimous consent, Senate Bill No. 26 was taken up for consideration.

Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations, in effect March 2, 1883, as amended by an Act approved March 5, 1901."

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 26 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Griffin, Hallan, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, McGowan, Mott, Randall, Rosendale, Rutherford, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Young and Mr. Speaker—48

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Saturday, February 4, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Saturday, February 4, 1911

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett Brown, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Denegri, Farwell, Flint, Gaylord, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joek, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, McGowan, Mott, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Slater, Smith, Stevenor, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—52

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Slater, its further reading was dispensed with.

LEAVE OF ABSENCE

Mr. Clark asked for, and was granted, leave of absence until Tuesday, February 7, 1911.

LEAVE OF ABSENCE FOR COMMITTEE

On motion of Mr. Telfer, leave of absence was granted to the Committee on Labor and Capital, subject to the call of the Speaker.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON STATE HOSPITALS AND ASYLUMS

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911

MR. SPEAKER Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 567—An Act making an appropriation for the erection and construction of a one-story cottage for the use of the second assistant physician at the Mendocino State Hospital

Also Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital

Also Assembly Bill No. 569—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital

Also Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients, at the Agnews State Hospital buildings, destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Also Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital

Also Assembly Bill No. 81—An Act to provide for the building, equipping, and purchasing of machinery for an ice and cold-storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

Also Assembly Bill No. 82—An Act to provide for the building, equipping, and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Also Assembly Bill No. 609—An Act to provide for the equipping and furnishing of a building to be known as an amusement hall, at the Napa State Hospital, and to make an appropriation for the same.

Also Assembly Bill No. 610—An Act making an appropriation for the furnishing of a nurses' home at the Napa State Hospital.

Also Assembly Bill No. 178—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Also Assembly Bill No. 601—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make appropriation for the same.

Also Assembly Bill No. 694—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Also Assembly Bill No. 695—An Act to provide for the construction of a sewing room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Also Assembly Bill No. 680—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make appropriation for the same.

Also Assembly Bill No. 692—An Act to provide for the erection of a female convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also Assembly Bill No. 693—An Act to provide for the furnishing of a female convalescent cottage at the Stockton State Hospital farm, and making an appropriation therefor.

Also Assembly Bill No. 696—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds and to make appropriation for the same.

Also Assembly Bill No. 190—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Also Assembly Bill No. 566—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital and making an appropriation therefor.

Also Assembly Bill No. 565—An Act making an appropriation for furnishing a one-story cottage for the use of the second assistant physician at the Mendocino State Hospital.

Also Assembly Bill No. 588—An Act making an appropriation for furnishing and equipping one large cottage for male patients at the Southern California State Hospital.

Also Assembly Bill No. 586—An Act making an appropriation for furnishing and equipping two cottages for night watches at the Southern California State Hospital.

Also Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Also Assembly Bill No. 271—An Act to provide for transforming the old power plant into an office for the steward and commissary building at the Southern California State Hospital, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

McGOWEN, Chairman

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911

MR. SPEAKER Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 76—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings of the Napa State Hospital, damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Also Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines of the Napa State Hospital.

Also Assembly Bill No. 80—An Act to provide for the building, equipping, and furnishing of a nurses' home at the Napa State Hospital.

Also Assembly Bill No. 96—An Act to provide for the building, equipping, and furnishing of a building to be known as an amusement hall, at the Napa State Hospital, and to make appropriation for the same.

Also Assembly Bill No. 203—An Act to provide for the erection, equipping, and furnishing of one large cottage for male pay patients at the Southern California State Hospital, and making an appropriation therefor.

Also Assembly Bill No. 204—An Act to provide for the erection, equipping, and furnishing of one cottage for male night watches at the Southern California State Hospital, and making an appropriation therefor.

Also Assembly Bill No. 205—An Act to provide for the erection, equipping, and furnishing of one cottage for female night watches at the Southern California State Hospital, and making an appropriation therefor.

Also Assembly Bill No. 207—An Act to provide for the erection, equipping, and furnishing of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Also Assembly Bill No. 272—An Act to provide for the erection, equipping, and furnishing of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended, and be re-referred to the Committee on Ways and Means.

McGOWEN, Chairman

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Crosby: Assembly Bill No. 1003—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Bill read first time, and referred to Committee on Military Affairs

By Mr. Rutherford: Assembly Bill No. 1004—An Act providing for surveys and reports with estimates of cost of reclamation of the great central valley of California, including the Sacramento, San Joaquin, Kern and Tulare valleys, and making an appropriation therefor

Bill read first time, and referred to Committee on Irrigation and Drainage.

By Mr. Harlan (by request): Assembly Bill No. 1005—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof," approved March 21, 1907.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Bohnett: Assembly Bill No. 1006—An Act to amend an Act entitled "An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint

expense, and to make and enter into contracts for said purposes," approved March 22, 1909, extending the provisions of said Act to include sanitary districts.

Bill read first time, and referred to Committee on Municipal Corporations

Also: Assembly Bill No. 1007—An Act to appropriate money to pay enlisted men of the National Guard of California for attendance at joint maneuver camps of said National Guard and the United States Army in the years 1907, 1908, and 1910, as provided by Section 2076 of the Political Code.

Bill read first time, and referred to Committee on Military Affairs

By Mr. Brown: Assembly Bill No. 1008—An Act to validate the organization and incorporation of municipal corporations

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1009—An Act to validate proceedings for the annexation of territory to, incorporated in, and inclusion thereof within municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Young: Assembly Bill No. 1010—An Act to define and prohibit bucketing and bucket shopping and bucket shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket shopping; to prohibit the use of property for the purpose of carrying on bucket shops or bucketing or bucket shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

Bill read first time, and referred to Committee on Public Morals

By Mr. Wilson: Assembly Bill No. 1011—An Act to add a new section to the Political Code to be numbered 4264a, relating to and fixing the compensation of grand and trial jurors in the counties of the thirty-fifth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1012—An Act to prohibit the use of nets, seines, traps, or weirs in Sacramento Slough, in the county of Sutter

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 1013—An Act to amend Section 316 of the Penal Code of the State of California, relating to keeping disorderly houses.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Wylhe: Assembly Bill No. 1014—An Act to enjoin and abate houses of lewdness, assignation, and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same, and the owner or agent of any building used for such purpose.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Hewitt (by request): Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment

of the indebtedness of levee district number one, of Sutter County," approved March 20, 1874.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements

By Mr. Rosendale: Assembly Bill No. 1016—An Act to amend Section 3825 of the Political Code of the State of California, relating to the collection of taxes on unsecured personal property.

Bill read first time, and referred to Committee on Revenue and Taxation

Also: Assembly Bill No. 1017—An Act to amend Sections 626, 626a, 626d, 626f, and 627b of the Penal Code of the State of California, relating to the protection and preservation of game.

Bill read first time, and referred to Committee on Fish and Game

By Mr. Lyon of Los Angeles (by request): Assembly Bill No. 1018—An Act to regulate the practice of stationary steam engineering; the construction and operation of steam boilers; providing for the registration and licensing of persons to carry on such practice, the appointment of a state boiler inspector and state board of examining engineers and boiler inspection.

Bill read first time and referred to Committee on Judiciary.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Bohnett:

WHEREAS, This Assembly did, on the 24th day of January, 1911, direct the Sergeant-at-Arms to install in the cloak room honest and efficient employees to care for and protect the property of the members therein; and

WHEREAS, Said Sergeant-at-Arms, pursuant to said instructions, did, on the 25th day of January, 1911, employ J. P. Whyte and F. U. Galleher as watchmen therein at a per diem of three (3) dollars each; now, therefore, be it

Resolved, That the action of Ed H. Whyte, said Sergeant-at-Arms, in employing said two watchmen be and the same is hereby approved and ratified; and the Controller of State is hereby directed to draw his warrant in favor of said Ed H. Whyte against the Contingent Fund of the Assembly in the sum of sixty (60) dollars, said payment to be for the services of said watchmen from the date of their employment to and including the 3d day of February, 1911; and the State Treasurer is hereby authorized and directed to pay the same; and be it further

Resolved, That the following named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names to be paid out of the appropriation for contingent expenses of the Assembly, said appointments to date from and include the 4th day of February, 1911; and the State Controller is hereby authorized and directed to draw his warrant upon said fund in favor of said following named persons, for the per diem aforesaid; and the State Treasurer is hereby authorized and directed to pay the same, namely:

J. P. Whyte, watchman.....	\$3 00
F. U. Galleher, watchman.....	3 00

Resolution read and referred to Committee on Attachés and Employees.

Also.

WHEREAS, It appears that the twenty typewriting machines, the rental of which was authorized by Assembly resolution dated January 5, 1911, are insufficient for the purposes of the Assembly, therefore be it

Resolved, That the Sergeant-at-Arms be, and he is hereby authorized to rent not to exceed five additional typewriting machines for the use of the Assembly, and the State Controller is hereby directed to draw his warrant for the amount of the rental and the State Treasurer is directed to pay the same out of the Contingent Fund of the Assembly.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

By Mr. McGowen:

WHEREAS, Leave of absence was granted by this Assembly to the following named members of the Committee on State Hospitals and Asylums, W. D. L. Held, C. G. H. Bennink, D. R. Hayes, D. M. Denegri, D. Rumlinger, T. J. Feeley, E. H. McGowen, and F. N. Rodgers; and

WHEREAS, The said members of said committee have submitted the following as a statement of their said actual expenses:

W. D. L. Held—		
Railroad fare	\$12 00	
Expenses	6 00	
Total		\$18 00
C. G. H. Bennink—		
Railroad fare	\$36 00	
Expenses	15 00	
Total		51 00
D. R. Hayes—		
Railroad fare	\$6 85	
Expenses	0 00	
Total		12 85
D. M. Denegri—		
Railroad fare	\$14 30	
Expenses	25 00	
Total		39 30
D. Rumlinger—		
Railroad fare	\$39 25	
Expenses	26 55	
Total		65 80
T. J. Feeley—		
Railroad fare	\$39 25	
Expenses	26 55	
Total		65 80
E. H. McGowen—		
Railroad fare	\$15 65	
Expenses	24 00	
Total		39 65
F. N. Rodgers—		
Railroad fare	\$6 80	
Expenses	16 00	
Total		22 80
Total		\$325 20

Now, therefore, be it

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the said members of said committee for the amounts set opposite their respective names as follows:

W. D. L. Held	\$18 00
C. G. H. Bennink	51 00
D. R. Hayes	12 85
D. M. Denegri	39 30
D. Rumlinger	65 80
T. J. Feeley	65 80
E. H. McGowen	39 65
F. N. Rodgers	22 80

And the Treasurer is hereby directed to pay the same

Resolution read and referred to Committee on Contingent Expenses and Accounts

NOTICE OF MOTION TO RECONSIDER CONTINUED.

Mr. Bliss moved that his notice of motion to reconsider Senate Bill No. 133, be continued until Monday, February 6, 1911.

Motion carried.

SECOND READING OF BILLS. .

Assembly Bill No 381—An Act to amend an Act entitled “An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor,” approved March 25, 1903.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 381 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1911

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 381, and do now report the same back, and recommend that it do pass

HEWITT, Chairman

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No 889—An Act to amend section one (1) of an Act entitled “An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885” (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the “revolving fund” provided for in said Act.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 118—An Act providing an appropriation of \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Bill read second time.

Assembly Bill No. 119—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Bill read second time.

Assembly Bill No. 120—An Act providing for an appropriation of \$750 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Bill read second time.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 118, 119, 120 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 118, 119, 120, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

The above bills ordered to engrossment and on file for third reading.

Assembly Bill No. 827—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 625—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 196—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 667—An Act to regulate the keeping of bathing places and swimming resorts on rivers and streams.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California relating to the work required to be done in the appropriation of waters of the State.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, line 3, of the printed bill, strike out the word "section".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 382—An Act to amend Sections 1490 and 1491 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 10, after the word "notice", where it first appears, strike out the period, and insert: "provided, that said residence or place of business shall be in the county in which said proceeding is had."

Amendment adopted.

AMENDMENT No. 2.

In line 12, of the printed bill, strike out the words "and must be published", and all of lines 13, 14 and 15, to the period.

Amendment adopted.

AMENDMENT No. 3

Strike out all of Sections 2 and 3.

Amendment adopted.

AMENDMENT No. 4.

In line 1, of the title, strike out the words "and 1491".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 888—An Act to authorize and regulate the employment of prisoners in the state prisons of this State and to provide for the disposition of the product of their skill and labor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 890—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin and of Folsom prisons and the disposition thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 1, line 22, of printed bill, strike out the words "par value" and in lieu thereof insert the following words: "amount actually paid on."

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 23, of printed bill, strike out the words "or authorized capital."

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 26, of printed bill, strike out the word "must," and in lieu thereof insert the word "may".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, line 41, of printed bill, strike out the word "such", and in lieu thereof insert the words "every".

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 1, line 41, of printed bill, after the word "company", insert the following words: "examined under the provisions of this section."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 877—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 878—An Act to amend section four thousand and five of the Political Code of the State of California relating to the population of counties.

Bill read second time, and ordered to engrossment and third reading

CONSIDERATION OF SENATE BILLS.

On motion of Mr. Bohnett, Senate bills were taken up for consideration.

THIRD READING OF SENATE BILLS.

Senate Bill No. 426—An Act to provide for the purchase and installation of two steam boilers for the Napa State Hospital and to make appropriations for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 426 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Crosby, Denegri, Farwell, Flint, Gaylord, Griffin of Modesto, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, McGowen, Mott, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 277—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909," by adding to Section 1 thereof a new subdivision relating to the meaning of the word "dependent child," as established in said Section 1.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 277 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, But-

ler, Cattell, Cogswell, Cronin, Crosby, Denegri, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, McGowen, Mott, Rodgers of San Francisco, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 247—An Act to repeal Section 644 of the Penal Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 3, of the printed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No. 2.

On line 4, of the printed bill, strike out the word "of", and insert in lieu thereof "or".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 347—An Act making an appropriation to pay the expenses incurred in the publication of the State Highway Act under the provisions of Chapter 383, Statutes of 1909.

Assembly Bill No. 344—An Act making an appropriation to pay the deficiency in the appropriation for the support of the State Normal School at Los Angeles for the sixty-second fiscal year.

Assembly Bill No. 349—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage and telegraphing of the Surveyor General's office for the sixty-first and sixty-second fiscal years.

Assembly Concurrent Resolution No. 7—Relative to observing the birthday of Abraham Lincoln.

Assembly Concurrent Resolution No. 3—Approving the charter of the city of Modesto, State of California, voted for and ratified by the qualified voters of the said city at a special municipal election held therein for that purpose on the 14th day of September, 1910.

Assembly Bill No. 684—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 120 of said Act in relation to the office and term of office of the Superintendent of Banks.

And were presented to the Governor, February 3d, at five o'clock P. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights,

duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor, and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15th, 1880," approved March 20, 1909; also repealing an Act entitled "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909, also repealing all Acts or parts of Acts inconsistent with the provisions of this Act—and report that the same has been correctly reengrossed.

RANDALL, Chairman.

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 571—An Act to amend section fifteen hundred and seventy-six of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

Also Assembly Bill No. 592—An Act to amend sections six hundred eighty and six hundred eighty-one of the Political Code relating to the conversion of school funds into bonds and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WYLLIE, Chairman.

The above reported bills ordered on file for second reading.

THIRD READING OF BILL.

Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents, and employees, and the rights, duties and remedies of shippers, and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees, and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties, and the powers and duties of railroad and other transportation companies, their officers and employees, and defining offenses of railroad and transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties, to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878," and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners, approved April 15, 1880," approved March 19, 1909, and also

repealing "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees to shippers for failure to do so, and providing a penalty and damages to be paid to persons, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished." approved April 20, 1909, and all Acts or parts of Acts inconsistent with the provisions of this Act.

Bill read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 463 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bobnett, Brown, Butler, Cattell, Cogswell, Cronin, Crosby, Denegri, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, McGowen, Mott, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Walker, Williams, Wilson, Wylie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At eleven o'clock and five minutes A. M., on motion of Mr. Smith, the Assembly was declared adjourned until ten o'clock A. M., of Monday, February 6, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.. }
Monday, February 6, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bobnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polesley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—70.

Quorum present

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rogers of Alameda, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion of Mr. Jones, leave of absence was granted to Mr. Crosby until Wednesday, February 9, 1911.

On motion of Mr. Clark, leave of absence was granted to Mr. Callaghan for the day.

On motion of Mr. Sutherland, leave of absence was granted to Mr. Chandler for the day.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Monday, January 30th, Tuesday, January 31st, Wednesday, February 1st, Thursday, February 2d, Friday, February 3d, and Saturday, February 4th, were approved as corrected by the Minute Clerk.

PETITION.

The following petition was read and, on motion of Mr. Brown, ordered printed in the Journal:

PETITION FROM THE EBELL OF LOS ANGELES.

WHEREAS, There is before the Legislature of California a bill the object of which is the removal from the list of protected birds of the meadow lark, one of our most delightful singers, whose notes of exultant joy never fail to awaken responsive gladness in the hearts of the hearers, and whose grace of form and quiet beauty of plumage are a delight to the eye, and

WHEREAS, The meadow lark is a ground feeder, destroying a little grain perhaps, but certainly destroying great numbers of insects, caterpillars, and worms destructive to vegetation; be it

Resolved, That the Ebell Club, representing more than eleven hundred women, voice their disapproval of this bill, and earnestly beg that our representatives in the Legislature use their influence to defeat it; be it further

Resolved, That copies of these resolutions be sent to our representatives in Sacramento; also that a copy be spread upon the minutes of this body.

Respectfully submitted.

JESSIE P. C. HOLDER

Passed unanimously at the regular meeting of the club, Monday, January 30, 1911.

IDA I. BELLOWS, President.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 3, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted a motion recalling Senate Concurrent Resolution No. 5 from your honorable body, and requesting your honorable body to return the same.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary

Consideration of the above request continued for one day.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Rogers of Alameda: Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty-two of the Political

Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Brown (by request): Assembly Bill No. 1020—An Act to regulate the transportation of passengers by common carriers and railway companies, and to compel such common carriers and railway companies to provide seats for all passengers carried, and fixing a penalty for failure to so provide seats.

Bill read first time, and referred to Committee on Common Carriers

By Mr. Lamb: Assembly Bill No. 1021—An Act entitled "An Act to amend Section 1772, of Article XVI, of Part III, Title III, Chapter III of the Political Code, relating to certificates upon examination," is hereby amended to read as follows:

Bill read first time, and referred to Committee on Education.

By Mr. Stuckenbruck (by request): Assembly Bill No. 1022—An Act to provide for the relief of soldiers, sailors, and marines who have served in the late Civil War, and to provide for pensions to such soldiers, sailors, and marines under certain circumstances.

Bill read first time, and referred to Committee on Military Affairs.

Also: Assembly Bill No. 1023—An Act to repeal Section 79 of the Civil Code of California, relating to marriage without license.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Sutherland (by request): Assembly Bill No. 1024—An Act to prohibit affixing to or displaying on the exterior of any building or place, in which the sale of liquors is conducted or carried on, any sign, illustration, or character advertising the sale or use of any vinous, malt, spirituous, or brewed liquors.

Bill read first time, and referred to committee on Public Morals

By Mr. Griffin: Assembly Bill No. 1025—An Act to amend an Act entitled "An Act concerning dependent and delinquent children; providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier School and the Preston School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding a new section thereto to be numbered 100, and relating to salaries of officers in counties of the thirty-eighth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Slater: Assembly Bill No. 1026—An Act making an appropriation for the erection and construction of a dormitory for the accommodation of female employees at the Sonoma State Home.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 1027—An Act making an appropriation for furnishing and equipping a dormitory for the accommodation of female employees at the Sonoma State Home.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Bennink: Assembly Bill No. 1028—An Act to enable the board of supervisors of any county, or city and county, in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county, or city and county, and of all kindred or allied patriotic organizations.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1029—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State, to be held in 1912.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Williams: Assembly Bill No. 1030—An Act regulating the hours of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for violation of this Act.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Rutherford: Assembly Bill No. 1031—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims.

Bill read first time, and referred to Committee on Mines and Mining Interests.

By Mr. Schmitt: Assembly Bill No. 1032—An Act to provide for the washing and cleaning of raw material used in the manufacture of shoddy, and for the inspection of machinery used in the manufacture of shoddy, and of places wherein the same is manufactured, stored or sold, and of places wherein the raw material used in such manufacture is collected, stored or sold, and for the inspection of shoddy manufactured without this State and offered for sale herein, and to provide penalties for the sale thereof.

Bill read first time, and referred to Committee on Manufactures and Internal Improvements.

Also (by request): Assembly Bill No. 1033—An Act to add a new section to the Code of Civil Procedure to be known as 280d, relating to graduates of the Young Men's Christian Association law college of San Francisco being admitted to practice without examination.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Young: Assembly Bill No. 1034—An Act to amend the Political Code of the State of California by adding a new section thereto to be numbered Section 1543a, providing for the payment of interest on unpaid orders or demands against any school district.

Bill read first time, and referred to Committee on Education

By Mr. Held: Assembly Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, rela-

tive to the recall of certain elective officials by electors, to be known as Section 20a, of Article XX, of the Constitution of the State of California.

Read, and referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section thereto, relating to recall of elective officials by electors, to be known as Section 21, of Article XX, of the Constitution of the State of California.

Read, and referred to Committee on Constitutional Amendments.

RESOLUTION.

The following resolution was offered:

By Mr. Schmitt:

WHEREAS, There have been referred to the Committee on Commerce and Navigation certain bills and measures relative to improvements and expenditures in the harbors of San Diego, Monterey, and San Francisco; and

WHEREAS, It is necessary that said committee may intelligently report on said bills and measures to the Assembly; now be it by the Assembly

Resolved, That leave of absence be granted as hereinafter stated, for the purpose above mentioned, namely: Messrs. Lyon of San Francisco, Kennedy, and Schmitt, from February 9th to February 13th, both dates inclusive, for the purpose of visiting San Diego harbor; also Messrs. Wilson, Rosendale, and Callaghan from February 10th to February 13th, both dates inclusive, for the purpose of visiting the harbors of Monterey and San Francisco.

Resolution read, and referred to Committee on Rules and Regulations.

RECONSIDERATION.

In accordance with notice previously given, Mr. Bliss moved that the vote whereby Senate Bill No. 133 was passed be reconsidered.

The roll was called, and the vote on Senate Bill No. 133 reconsidered by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maloue, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—63.

NOES—None.

During the consideration of the bill, Mr. Bliss moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out of Section 1, line 5, page 1, of the printed bill, the word "tenants", and insert in lieu thereof the word "tenant".

Motion carried.

The Speaker appointed Mr. Bliss as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 133, with instructions, do now report that the instructions of the Assembly have been carried out.

BLISS, Select Committee.

Report of select committee, and amendment, adopted

Bill ordered to reprint, and on file for passage.

THIRD READING OF BILLS.

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1, of Article 4 thereof, relating to legislative powers and reserving to the people of the State of California the power to propose laws, statutes, and amendments to the Constitution and to enact the same at the polls, independent of the Legislature and also reserving to the people of the State of California the power to approve or reject at the polls any Act, or section, or any part of any Act of the Legislature.

During the consideration of the Assembly constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 9, of the printed resolution, strike out the words "and in", and insert in lieu thereof the word "but"

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 10, of the printed resolution, strike out the words "who hereby" and the comma immediately preceding.

Amendment adopted.

AMENDMENT No. 3.

On page 2, lines 11 and 12, of the printed resolution, strike out the words "by petition as in this section provided."

Amendment adopted.

AMENDMENT No. 4.

On page 2, line 12, of the printed resolution, insert after the word "same" the words "at the polls".

Amendment adopted.

AMENDMENT No. 5.

On page 2, lines 13, 14, and 15 of the printed resolution strike out the words "at any election at which the question of the adoption or rejection of the same shall have been submitted to a vote of the people,".

Amendment adopted.

AMENDMENT No. 6.

On page 2, line 33, of the printed resolution, insert after the word "point" the word "black-face".

Amendment adopted.

AMENDMENT No. 7.

On page 3, line 62, insert after the word "point" the word "black-face"

Amendment adopted.

AMENDMENT No. 8.

On page 3, line 77, of the printed resolution, insert before the word "roll" the word "separate".

Amendment adopted.

AMENDMENT No. 9.

On page 4, line 110, of the printed resolution, insert after the word "adopted" the words "by the people at the polls".

Amendment adopted.

AMENDMENT No. 10.

On page 4, line 116, of the printed resolution, strike out the word "In", and insert in lieu thereof the word "If".

Amendment adopted.

AMENDMENT No. 11.

On page 5, lines 141, 142, and 143 of the printed resolution, strike out the words "such description of the place of his residence as will enable its location to be ascertained, followed by his voting precinct", and insert in lieu thereof the words "the street and number if such exist. His election precinct shall also appear on the paper after his name."

Amendment adopted.

AMENDMENT No. 12.

On page 6, line 170, of the printed resolution, strike out the words "when such office exists".

Amendment adopted.

AMENDMENT No. 13.

On page 7, line 184, of the printed resolution, strike out the comma after the word "provided".

Amendment adopted.

AMENDMENT No. 14.

On page 7, line 193, of the printed resolution, insert after the word "office" the words "The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists."

Amendment adopted.

AMENDMENT No. 15.

On page 7, line 196, of the printed resolution strike out the words "and city", and insert in lieu thereof the words "city and town", with a comma immediately preceding the word "city".

Amendment adopted.

AMENDMENT No. 16.

On page 7, line 199, of the printed resolution strike out the words "or city", and insert in lieu thereof the words "city or town", with a comma immediately preceding the word "city".

Amendment adopted.

AMENDMENT No. 17.

On page 7, line 206, of the printed resolution, after the words "of cities" insert the words "or counties".

Amendment adopted.

AMENDMENT No. 18.

On page 7, line 201, of the printed resolution strike out the words "and cities", and insert in lieu thereof the words "cities and towns", with a comma immediately preceding the word "cities".

Amendment adopted.

AMENDMENT No. 19.

On page 7, line 211, of the printed resolution strike out the word "self-enacting", and insert in lieu thereof the word "self-executing".

Amendment adopted.

AMENDMENT No. 20.

On page 2, line 30, of the printed resolution, insert, after the word "petition", the word "aforesaid".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for adoption.

Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 13 of Article XX thereof, relating to the manner of electing officers of cities and the number of votes necessary to constitute a choice.

During the consideration of the Assembly constitutional amendment the following amendment was submitted by the committee:

On page 1, line 13, of the printed resolution, insert, after the word "respective", the word "elective".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for adoption.

WITHDRAWAL OF BILL.

Mr. Griffiths asked for and was granted unanimous consent to withdraw Assembly Bill No. 78.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 174—An Act to pay the claim of A. G. Lafferty against the State of California, and making an appropriation therefor.

Mr. Jasper moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 174 considered.

Mr. Jasper moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 174, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Jasper moved the adoption of the report.

Motion carried.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 174 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

RESOLUTION.

By Mr. Brown:

WHEREAS, The Committee on Contested Elections has had referred to it the contest of *Volmer vs. Walsh* for a seat in this Assembly from the Thirty-seventh Assembly District, and said committee has reported to this Assembly that they can not agree as to whether the ballots should be counted or not, the said committee being equally divided upon the question; and

WHEREAS, It is manifestly necessary for said committee, in order to properly pass upon said case, to subpoena witnesses and persons, and to have documents and papers, including ballots, before said committee for examination:

Resolved, That the Committee on Contested Elections is hereby authorized, empowered, and directed to send for persons and papers, including election ballots, as provided by law, and to count such ballots, and report the result to the Assembly.

During the consideration of the resolution, Mr. Beatty offered as a substitute the following:

Resolved, That the contest of election in the case of *Baumberger vs. Walsh*, together with all the papers, in said matter be re-referred to the Committee on Contested Elections, with instructions to again examine the testimony, and report the result of their deliberations to the Assembly.

POINT OF ORDER.

Mr. Bohnett rose to the following point of order: "That a motion to refer is not debatable."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled that the substitute was not a motion to refer, and therefore the point of order not well taken.

The question being on the adoption of the substitute.

A vote was taken, and the substitute adopted.

Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

Resolution read, and re-referred to Committee on Federal Relations.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 758—An Act to provide for maintenance of county highways improved under bond issues in the counties of the State, and empowering the boards of supervisors to levy taxes therefor.

During the third reading of the bill, Mr. Cogswell moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 1, line 1, of the printed bill, after the word "highway," insert the following: "In counties of the eighth class."

SPECIAL ORDER SET.

On motion of Mr. Stuckenbruck, the consideration of Assembly Bill No. 758 was made a special order for Tuesday, February 7, 1911, at two o'clock P. M.

SECOND READING OF BILLS.

Assembly Bill No. 571—An Act to amend Section 1576 of the Political Code of the State of California, relating to school districts, in incorporated cities and towns, and the annexation thereto of the remainder,

or any part of the remainder, of the district, or districts, from which such city or incorporated town was organized.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 592—An Act to amend sections six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds, and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Bill read second time, and ordered to engrossment and third reading.

CONSIDERATION OF SENATE BILLS.

On motion of Mr. Bohnett, Senate bills were taken up for consideration.

THIRD READING OF SENATE BILLS.

Senate Bill No. 471—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by amending section one of said Act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 471 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Deegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin, Griffiths, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Shraga, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—66

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 351—An Act increasing the number of judges of the Superior Court of the county of San Diego, State of California, and for the appointment of such additional judge.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 351 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mullally, Nolan, Polsley, Rimlinger, Rodgers of Alameda, Rosendale, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 221 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mendenhall, Mott, Mul-lally, Nolan, Polsley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Hinkle asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 577.

Bill withdrawn, and ordered stricken from the file.

RESIGNATION FROM COMMITTEE

The Speaker filed the following communication, and ordered it printed in the Journal:

ASSEMBLY CHAMBER, February 6, 1911.

MR. SPEAKER: I hereby respectfully tender my resignation as a member of the Committee on Contested Elections, and respectfully ask that the same be accepted.

HENRY WARD BROWN.

APPOINTMENT OF MEMBER OF COMMITTEE.

The Speaker announced that he had accepted the resignation of Mr. Brown as a member of the Committee on Contested Elections, and appointed Mr. Chandler a member of such committee to fill the vacancy.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 843—An Act to adopt a State song for the State of California.

Assembly Bill No. 794—An Act to amend Section 599e of the Penal Code of California, relating to the subject of cruelty to animals.

Assembly Bill No. 746—An Act to amend an act entitled "An Act to amend an Act entitled 'An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors and marines, who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said Act to widows of all such honorably discharged soldiers, sailors, and marines who served in the army or navy of the United States.

Assembly Bill No. 741—An Act establishing, and fixing and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California.

Assembly Bill No. 618—An Act to create a reclamation district to be called Reclamation District Number 880, and providing for the control and management thereof.

Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles, under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 19 thereof.

Assembly Bill No. 800—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Assembly Bill No. 408—An Act to add a new section to the Code of Civil Procedure of California to be known as Section 1810a, relating to conveyances by guardians.

Assembly Bill No. 786—An Act to amend Section 3499 of the Political Code, relating to the time in which contests of applications to purchase state school lands, orders of approval and certificates of purchase may be made and filed.

Assembly Bill No. 208—An Act to authorize James Touhey to bring suit against the State of California.

Assembly Bill No. 717—An Act authorizing and empowering unincorporated benevolent or fraternal societies to purchase, receive, manage and sell real estate without incorporating.

Assembly Bill No. 202—An Act to add a new section to Title II, Part III, of the Penal Code of California, to be numbered Section 1616, and relating to the care of female prisoners in county jails.

Assembly Bill No. 685—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 2, 1883, by amending section one of said act, relating to the appointment and term of office of Commissioner of Bureau of Labor Statistics and the headquarters of said bureau, and repealing all Acts or parts of Acts in conflict herewith.

Assembly Joint Resolution No. 10—Relating to Federal aid for the Indian schools of the Northern California Indian Association, in Yolo County, California.

Assembly Bill No. 765—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Court of Appeal.

Assembly Bill No. 388—An Act to amend Section 349a of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Assembly Bill No. 574—An Act to provide for the propagation, distribution and protection of wild game and fish in the State of California, and defining the powers and duties of the State Forester, his deputies and appointees in connection therewith.

Assembly Bill No. 573—An Act to regulate and license hunting of wild birds and animals, and the vocation of fishing, and to provide revenue therefrom for fish and game preservation and restoration.

Assembly Bill No. 585—An Act to amend Sections 276, 277, and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counselors at law, and to add three sections to said Code, to be known as Sections 276a, 276b, and 276c, relating to the same subject.

Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653e, relating to blacklisting.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

ADJOURNMENT.

At twelve o'clock M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M., of Tuesday, February 7, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Tuesday, February 7, 1911.

At ten o'clock A. M. pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohuett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—76.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Joel, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion of Mr. Lynch, leave of absence was granted to Mr. March for the day.

GUESTS ADMITTED TO FLOOR OF ASSEMBLY.

Through the courtesy of Mr. Wilson, Professor Roberts and Messrs. George B. Greene, A. C. Hinkson, Joseph Craig, and W. H. Gregory were granted the privileges of the floor of the Assembly for this day.

PETITION.

The following petition was presented and filed:

By Mr. Stuckenbruck:

A petition favoring the passage of the bill removing the protection from meadow larks

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 43—An Act to protect the lives and property of the patrons of all public hotels, lodging, and rooming houses in the State of California.

Also Assembly Bill No. 389—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known as Section 593b, and relating to party telephone lines and wires

Also: Assembly Bill No. 928—An Act to amend Section 980 of the Code of Civil Procedure of the State of California, relating to appeals from justices' courts.

Also: Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

Also: Senate Bill No. 469—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county, in said State," approved March twentieth, nineteen hundred and nine.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven *a* thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors, or any admixture thereof, in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold, and providing the punishment for the violation thereof.

Also: Assembly Bill No. 857—An Act to amend section two hundred and forty of the Penal Code of the State of California, defining the crime of assault.

Also: Assembly Bill No. 855—An Act to repeal Section 250 of the Political Code of the State of California.

Also: Senate Bill No. 220—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 237—An Act to regulate the organization of fraternal insurance associations—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Insurance and Insurance Laws.

KEHOE, Chairman.

The above reported bill re-referred to Committee on Insurance and Insurance Laws.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 849—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of the State, his deputy and assistants and the salaries of the deputy and assistants—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 193—An Act to prohibit the issuance of nonnegotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1911

MR. SPEAKER: Your Committee on State Hospitals and Asylums, which was heretofore granted leave of absence to visit certain of the State institutions under their jurisdiction, beg leave to report that on the 27th day of January, 1911, your committee, consisting of Messrs. W. D. L. Held, C. G. H. Bennink, D. R. Hayes, D. M. Denegri, D. Rimbinger, T. J. Feeley, E. H. McGowen, and F. N. Rodgers divided itself into subcommittees consisting of three members each and visited the said state institutions and now beg to report the findings as follows.

The institution at Napa is in fair condition, managed economically and as well as could be done with the material at hand, much improvement is needed, the committee reported favorably only on such appropriations as seemed most necessary. Some of the buildings have not yet been repaired since the earthquake and appropriations should be made to repair the same. A scarcity of water seems to demand an appropriation to build a new dam for the necessary supply of the institution. There are now in the institution over 1,900 patients, being 300 more than the capacity of the buildings, which necessitates placing patients in the corridors and attics. We recommend certain new buildings to relieve the congested conditions.

The institution at Eldridge is also very crowded, and the management is making every endeavor to accommodate the number of patients on hand. We found at this institution a long waiting list of patients, who are denied admittance because of the lack of room. We advise the furnishing of new buildings, an increase in the water supply, and other necessary expenditures.

At Ukiah the management proved to the committee the necessity of repairs to certain buildings and the furnishing of finished structures. The sanitary conditions in the Ukiah hospital are very poor, the plumbing having never been replaced and scarcely repaired in eighteen years, and the committee is of the opinion that these and other repairs to the old buildings are absolutely necessary. The crowded condition of the institution would call for more new buildings than are asked for at this time.

The committee journeying to the south visited the State Hospital at Patton and reported the management of the institution putting forth every effort to accommodate an overcrowded institution, with funds inadequate to the call, and they deem it necessary that certain bills calling for appropriations for buildings and furnishing be allowed. The cold storage plant especially is very small, unsightly, and inadequate for the demands made upon it. This committee after making careful note of the conditions existing at Patton journeyed to San Jose, where they met with certain committeemen from the north for the inspection of the institution at Agnews. This institution was entirely destroyed by the earthquake, and many of the buildings have not yet been replated. There are hundreds of patients in wooden shell structures which are unfavorable to the patients and dangerous to their health. The new buildings are beautiful in architecture and of solid construction, and a credit to the State, but under the existing financial conditions the committee is of the opinion that not all of the appropriations for new buildings can be allowed, but only such as will accommodate the patients living in the barracks at the present time.

After the inspection at Agnews the committee returned to Sacramento on the first day of February, 1911, having been gone six days for the purpose of inspecting these institutions.

None of the committee visited Stockton because of the fact that the railroad lines between Stockton and Sacramento were washed out by the recent floods, thereby rendering it impossible for the committee to make the trip and return to Sacramento in the time allotted to them.

The management of the various institutions commented on the small number of members composing the committee, and paid high tribute to the manner in which they made their investigations, for all of which the committee are duly thankful.

Respectfully submitted.

McGOWEN, Chairman.

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 636—An Act to amend the Penal Code of California by adding a new section thereto to be known as Section 626*b*, relating to the protection of beaver—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GRIFFITHS, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 716—An Act to prohibit the use of nets, seines, traps, or weirs in the Napa River and its tributaries, in the counties of Sonoma, Napa and Solano—

have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

GRIFFITHS, Chairman.

The above reported bill ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for investigation of its prevalence, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Ways and Means.

HINSHAW, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON PUBLIC LANDS AND FORESTRY

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 907—An Act to provide for the cancellation of applications for lieu lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lieu lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the Register and Receiver of the local United States Land Office and given a Register and Receiver's number, and forwarded to the General Land Office at Washington, D. C., and of record therein.

Also: Assembly Bill No. 908—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of lieu land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended; also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Also: Assembly Bill No. 909—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

Also: Assembly Bill No. 910—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Also: Assembly Bill No. 911—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FLINT, Chairman.

The above reported bills ordered on file for second reading.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1911.

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 434—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

Also: Assembly Bill No. 435—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

Have had the same under consideration, and respectfully report the same back without recommendation, and request that said bills be re-referred to the Committee on Corporations.

HARLAN, Chairman.

The above reported bills re-referred to Committee on Corporations.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Also: Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Also: Senate Bill No. 249—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Also: Senate Bill No. 264—An Act to repeal Section 596a of the Political Code of the State of California, relating to insurance.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any highway in the State of California, and prescribing a penalty for the violation of such section.

Also: Senate Bill No. 537—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 402f, providing that certain hotels and lodging houses shall be provided with fire escapes, ropes, and other appliances.

Also: Senate Bill No. 185—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing, or tracking of deer with dogs.

Also: Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j and 4225k, and all relating to county boards of health and sanitary inspectors.

Also: Senate Bill No. 304—An Act appropriating money for the purchase of a stand pipe and water pipes to repipe grounds and buildings of the Whittier State School.

Also: Senate Bill No. 478—An Act to amend Section 128 of the Civil Code, by providing that a cross-complainant in an action for divorce need not be or have been a resident of the State, or of the county in which the action is brought or pending, but must personally verify the cross-complaint and all but certain amendments thereto.

Also: Senate Bill No. 586—An Act to amend the Penal Code by adding a new section thereto to be numbered five hundred and seventy-three, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsees or sureties or obligors for moneys borrowed of or loaned by such associations and prescribing a penalty therefor.

Also: Senate Bill No. 573—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Also: Senate Bill No. 655—An Act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto, making violations of its provisions a misdemeanor, providing penalties, and repealing an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Also: Senate Bill No. 695—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison, and the disposition thereof.

Also: Senate Bill No. 696—An Act to amend section one of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the State Prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the revolving fund provided for in said Act.

Also: Senate Bill No. 697—An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the products of their skill and labor.

Also: Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Also: Senate Bill No. 143—An Act providing an appropriation for \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 159 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 105 read first time, and referred to Committee on Judiciary.

Senate Bill No. 249 read first time, and referred to Committee on Judiciary.

Senate Bill No. 264 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 536 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 537 read first time, and referred to Committee on Judiciary.

Senate Bill No. 185 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 182 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 364 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 478 read first time, and referred to Committee on Judiciary.

Senate Bill No. 586 read first time, and referred to Committee on Judiciary.

Senate Bill No. 573 read first time, and referred to Committee on Education.

Senate Bill No. 655 read first time, and referred to Committee on Medical and Dental Laws.

Senate Bill No. 696 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 697 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 142 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 143 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 695 read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR SPEAKER. I am directed to inform your honorable body that the Senate on February 2, 1911, amended, and on this day passed as amended, Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges, and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

And: On February 3, 1911, amended, and on this day adopted as amended, Assembly Joint Resolution No. 8—Relative to diverting the waters of the Truckee River from their natural course.

And respectfully request your honorable body to concur in said amendments

WALTER N. PARRISH, Secretary of Senate.
By FRANK MARRISON, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Joint Resolution No. 8?"

On lines 2 and 3 of the original resolution, after the word "the", at the end of line 2, strike out the words, "W. P. Hammon, Truckee Electrical Company", and insert in lieu thereof the words "Truckee General Electric Company."

Also: Following the words "in this State", in the last line of paragraph 3, of the original resolution, strike out the words "therefore be it", and insert in lieu thereof the following "and"

WHEREAS, The State of California claims to own the major portion of the waters of said lake and protests against the diversion of said waters, and will resist the diversion contemplated as an invasion of the rights of the people of this State, therefore be it".

The roll was called, and Senate amendments to Assembly Joint Resolution No. 8 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Willie, Young, and Mr. Speaker—66

NOES—None.

The above Assembly joint resolution ordered to enrollment

MOTION.

On motion of Mr. Rutherford, the Chief Clerk was ordered to wire Assembly Joint Resolution No. 8 to the President of the United States.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 29?"

Amend by inserting on page 1, Section 1, line 4, of the printed bill, after the word "be" the word "elected".

Also. Amend by striking out of Section 1, on page 2, in line 17, of the printed bill, after the word "within" the word "thirty".

Also. Amend by inserting on page 2, line 17, of Section 1, of the printed bill, after the word "within" the words "one hundred and eighty".

Also. Amend by striking out of the printed bill, of Section 1, on page 2, in line 20, after the word "judges" the word "already".

Also. Amend by inserting in the printed bill in Section 1, on page 2, in line 20, after the word "judges" the word "heretofore".

Also. Amend by inserting in Section 1, on page 2, line 22, of the printed bill, after the word "first" the following words: "Monday after the first".

Also. Amend by inserting in Section 1, on page 2, in line 27, of the printed bill, after the word "said" the word "four".

Also. Amend by striking out of Section 1, on page 2, in line 31, of the printed bill the following: "comma and".

The roll was called, and Senate amendments to Assembly Bill No. 29 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers

of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—70.

NOES—None.

Assembly Bill No 29 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 6, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments made to the following Senate bills:

Senate Bill No. 26—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901.

Also Senate Bill No. 48—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Also Senate Bill No 110—An Act to authorize the legislative body of a municipality to create sewer districts within its boundaries, provide a system of sewer bonds for the construction of sewers thereon, and to provide for the payment of said bonds.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Bishop: Assembly Bill No. 1035—An Act to establish a state polytechnic school in the county of Orange, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Mr. Feeley: Assembly Bill No. 1036—An Act to amend the Civil Code by adding thereto a new section to be numbered 411, requiring all foreign corporations doing business in the State of California to keep the original records of the business of such corporations transacted within this State at its principal office in this State.

Bill read first time, and referred to Committee on Corporations.

By Mr. Farwell: Assembly Bill No. 1037—An Act to establish an institute of technology to be named the California Institute of Technology, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Mr. Smith: Assembly Bill No 1038—An Act to amend Section 1772 of the Political Code of the State of California, relating to the granting and renewal of teachers' certificates.

Bill read first time, and referred to Committee on Education.

By Mr. Harlan: Assembly Bill No. 1039—An Act to amend section six hundred and twenty-six of the Penal Code of the State of California, relating to the destruction of ducks, quail, black sea brant, and other shore birds.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 1040—An Act to add a new section to the Penal Code of the State of California to be numbered 626p, relating to the destruction of black sea brant.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Griffiths (by request): Assembly Bill No. 1041—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Rutherford: Assembly Bill No. 1042—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels, or canals into other states for use therein.

Bill read first time, and referred to Committee on Conservation.

Also: Assembly Bill No. 1043—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding a new section thereto to be numbered 10f.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Bohnett (by request): Assembly Bill No. 1044—An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy; and to repeal an Act entitled "An Act to regulate the practice of pharmacy in the State of California," approved March 20, 1905, and all amendments thereto.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 1045—An Act to divide the State of California into Congressional districts, and provide for the election of members of the House of Representatives of the United States therein.

Bill read first time, and referred to Committee on Reapportionment.

By Mr. Cunningham: Assembly Bill No. 1046—An Act to regulate the loading and unloading of vessels.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Cattell: Assembly Bill No. 1047—An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies, and assistants.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1048—An Act entitled "An Act to amend Sections 1662, 1663, 1664, 1665, 1665a, 1666 of Article 10, of Part 3, of Title 3, Chapter 3, of the Political Code of the State of California," relating to the elementary schools.

Bill read first time, and referred to Committee on Education.

By Mr. Lamb: Assembly Bill No. 1049—An Act to provide for the establishment of a state hospital, and providing for commitment thereto and management thereof, and making an appropriation therefor.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Butler: Assembly Bill No. 1050—An Act to amend Sections 1593 and 1597, of Chapter VI, of the Political Code of the State of California and to add two new sections thereto to be numbered 1603 and 1604, respectively, all relating to school elections.

Bill read first time, and referred to Committee on Education.

By Mr. Polsley: Assembly Bill No. 1051—An Act to amend Section 4282 of the Political Code, providing for the compensation of officers in counties of the fifty-third class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1052—An Act to make appropriations for the continuation of the location, survey, and construction of a state highway from a point known as the Mt. Pleasant Branch, on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 1053—An Act to amend Section 1426*n* of the Civil Code, relating to fees of county recorders.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Lyon of Los Angeles. Assembly Bill No. 1054—An Act to amend an Act entitled "An Act to add a new section to the Political Code to be known as Section 1665*a*, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages in connection with the English branches," approved March 18, 1909, relating to cities of the first and first and one-half classes.

Bill read first time, and referred to Committee on Education.

By Mr. Benedict: Assembly Bill No. 1055—An Act to add a new section to the Civil Code of the State of California to be numbered 292*a*, relating to articles of incorporation, and requiring that the signatures of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Bill read first, and referred to Committee on Corporations.

Also: Assembly Bill No. 1056—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance

Bill read first time, and referred to Committee on Insurance and Insurance Laws

Also: Assembly Bill No. 1057—An Act to amend the Code of Civil Procedure by adding a new section thereto to be numbered eighteen hundred and seventy and one half, relating to the appointment of medical experts as witnesses, the manner of obtaining and introducing the testimony of such experts, and to provide for the payment for the services of such witnesses.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1658—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Jones (by request): Assembly Bill No. 1059—An Act to amend the Civil Code of the State of California by adding thereto a new section to be numbered and known as Section 405*a* relating to agents of foreign corporations.

Bill read first time, and referred to Committee on Corporations.

By Mr. Clark (by request): Assembly Bill No. 1060—An Act to amend Section 274 of the Code of Civil Procedure of the State of California, relating to fees of official reporters

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 1061—An Act to amend Section 607*e* of the Civil Code of the State of California, relating to the disposition to be made of certain funds, penalties, and forfeitures.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bliss: Assembly Bill No. 1062—An Act to amend the Civil Code by adding thereto a new section to be number 1742, relating to contracts of conditional sale.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 1063—An Act to amend Section 598 of the Civil Code of the State of California, relative to sale and mortgage of real estate by certain corporations

Bill read first time, and referred to Committee on Judiciary.

By Mr. Mendenhall: Assembly Bill No. 1064—An Act authorizing and directing the State Engineer to erect, equip, and maintain a state plant for the purpose of manufacturing steel bridges, providing for the operation of said plant, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Cogswell: Assembly Bill No. 1065—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Kehoe: Assembly Bill No. 1066—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection of ducks, and other game, in said section mentioned.

Bill read first time, and referred to Committee on Fish and Game

Also: Assembly Bill No. 1067—An Act to amend section one of an Act entitled "An Act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Hewitt: Assembly Bill No. 1068—An Act to amend section ten of an Act entitled "An Act to define the boundary and provide for the government of levee district number two of Sutter County," approved March 23, 1876

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

By Mr. Brown: Assembly Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amend-

ment to section seventeen of article four of the Constitution of the State of California, in relation to the impeachment of judicial officers.

Read, and referred to Committee on Constitutional Amendments

By Mr. Cattell: Assembly Concurrent Resolution No. 13—Relative to observing the anniversary of Washington's birthday.

Read, and referred to Committee on Rules and Regulations.

RUSH ORDER.

On motion of Mr. Rutherford, Assembly Bill No. 1042 was ordered to print, with a rush order.

QUESTION OF PERSONAL PRIVILEGE

Mr. Brown rose to a question of personal privilege, and made a statement relative to an article appearing in the San Francisco Examiner of this day.

THIRD READING OF BILLS.

Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the money in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making appropriation therefor," approved March 18, 1905, as amended March 22, 1909.

Assembly Bill No. 573—An Act to regulate and license hunting of wild birds and animals, and the vocation of fishing, and to provide revenue therefrom for fish and game preservation and restoration.

Assembly Bill No. 574—An Act to provide for the propagation, distribution, and protection of wild game and fish in the State of California, and defining the powers and duties of the State Forester, his deputies and appointees in connection therewith.

Assembly Bill No. 576—An Act to repeal sections three hundred and forty-four, six hundred and forty-two, and six hundred and forty-three of the Political Code, relating to the State Board of Fish and Game Commissioners.

SPECIAL ORDER SET.

On motion of Mr. Griffiths, the consideration of Assembly Bills Nos. 573, 574, 575, and 576 were made a special order for Thursday, February 9, 1911, at eleven o'clock A. M.

WITHDRAWAL OF BILLS.

Mr. Flint asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 685.

Bill withdrawn, and ordered stricken from the file.

Mr. McGowen asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 363.

Bill withdrawn, and ordered stricken from the file.

Mr. Beatty asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 683.

Bill withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 663 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 765—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

POINT OF ORDER.

Mr. Cogswell rose to the following point of order: "That the bill should be referred to Committee on Ways and Means."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 765 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Callaghan, Cattell, Coghlan, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Hall, Hamilton, Harlan, Hayes, Hinshaw, Jasper, Jones, Joel, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowan, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Sutherland, Walker, Walsh, Williams, Young, and Mr. Speaker—43.

NOES—Messrs. Bliss, Butler, Cogswell, Farwell, Guill, Held, Judson, Maher, Mendenhall, Polsley, Randall, Rosendale, Slater, Smith, and Wyllie—15.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653c, relating to blacklisting.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 604 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri,

Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Spragin, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—71.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202—An Act to add a new section to Title II, Part III, of the Penal Code of California to be numbered Section 1616, and relating to the care of female prisoners in county jails.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 202 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Spragin, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—68.

NOES—Mr. Walker—1.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Cattell gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 765 was this day passed.

Assembly Bill No. 717—An Act authorizing and empowering unincorporated benevolent or fraternal societies to purchase, receive, manage, and sell real estate without incorporating.

RE-REFERENCE OF BILL.

On motion of Mr. Held, Assembly Bill No. 717 was re-referred to Committee on Judiciary.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 786—An Act to amend Section 3499 of the Political Code, relating to the time in which contests of applications to purchase state school lands, orders of approval, and certificates of purchase may be made and filed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 786 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cronin, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San

Francisco, Rosendale, Sbragia, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388—An Act to amend Section 349a of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

During the third reading of the bill, Mr. McDonald moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the enacting clause, add the following:

"SECTION 1. Section 349a of the Penal Code of California is hereby amended to read as follows "

Motion carried.

The Speaker appointed Mr. McDonald as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 388, with instructions, do now report that the instructions of the Assembly have been carried out.

McDONALD, Select Committee.

Report of select committee, and amendment, adopted

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 408—An Act to add a new section to the Code of Civil Procedure of California to be known as Section 1810a, relating to conveyances by guardians.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 408 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—60

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 799 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon

of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rumliger, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 800—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 800 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rumliger, Rogers of Alameda, Rutherford, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—77.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles, under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

RE-REFERENCE OF BILL.

On motion of Mr. Beckett, Assembly Bill No. 795 was re-referred to Committee on Ways and Means.

Assembly Bill No. 618—An Act to create a reclamation district to be called Reclamation District Number 830, and providing for the control and management thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 618 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Coghlan, Cattell, Chandler, Clark, Coghlan, Cogswell, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinchaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Nolan, Randall, Rumliger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—61.

NOES—Messrs. Cunningham and Schmitt—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 741—An Act establishing, and fixing, and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 741 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Cunningham, Farwell, Feeley, Freeman, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Randall, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 746—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said Act to widows of all such honorably discharged soldiers, sailors, and marines who served in the army or navy of the United States.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 746 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, Mendenhall, Mott, Nolan, Polsky, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 794—An Act to amend Section 599e of the Penal Code of California, relating to the subject of cruelty to animals.

RE-REFERENCE OF BILL.

On motion of Mr. Harlan, Assembly Bill No. 794 was re-referred to Committee on Judiciary.

RECESS.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Coghlan, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

SPECIAL ORDER.

The hour of two o'clock P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 758—An Act to provide for maintenance of county highways improved under bond issues in the counties of the State, and empowering the boards of supervisors to levy taxes therefor.

During the consideration of the bill, Mr. Cogswell moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 1, line 1, of the printed bill, after the word "highway," insert the following: "In counties of the eighth class."

Motion lost.

Mr. Cattell moved that Assembly Bill No. 758 be re-referred to Committee on Roads and Highways.

Motion lost.

Mr. Cattell moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 3, line 5, after the word "acceptance", strike out the period, and add " *provided, however*, that none of the provisions of this Act shall affect a county of the first class "

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 758 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Brown, Callaghan, Chandler, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Jasper, Jones, Kehoe, Kennedy, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—51.

NOES—Messrs. Benedict, Bishop, Bliss, Butler, Cattell, Cogswell, Farwell, Freeman, Hinchshaw, Judson, Lamb, Lyon of Los Angeles, Mott, and Randall—14.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Randall gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 663 was this day passed.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills.

Assembly Bill No. 539—An Act to prevent the fishing, or taking of fish by means of weirs, dams, nets, traps, or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Assembly Bill No. 667—An Act to regulate the keeping of bathing places and swimming resorts on rivers and streams.

Assembly Bill No. 625—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Assembly Bill No. 827—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Assembly Bill No. 118—An Act providing an appropriation for \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Assembly Bill No. 119—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant, and to complete clear water system at the Preston School of Industry.

Assembly Bill No. 889—An Act to amend section one (1) of an Act entitled, "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885" (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the revolving fund provided for in said Act.

Assembly Bill No. 120—An Act providing for an appropriation of \$750 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Assembly Bill No. 381—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903.

Assembly Bill No. 890—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison, and the disposition thereof.

Assembly Bill No. 877—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties.

Assembly Bill No. 878—An Act to amend section four thousand and five of the Political Code of the State of California, relating to the population of counties.

Assembly Bill No. 793—An Act to add a new section to the Penal Code of California to be designated 590g, relating to the subject of cruelty to animals.

Assembly Bill No. 103—An Act to amend the Code of Civil Procedure by adding a new section thereto to be known as Section 1928, relating to deeds purporting to have been executed in pursuance of legal process of the courts of this State, making such deeds, their records and certified copies of such record prima facie evidence of title.

Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 4107, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it from the State courts to the courts of the United States.

Assembly Bill No. 622—An Act amending Section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations.

Assembly Bill No. 472—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five b, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Assembly Bill No. 605—An Act to amend Section 4052b of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors.

Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one a, relating to filing a copy of printed notice to creditors.

Assembly Bill No. 245—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees, and to permit them to use such seats when they are not engaged in the active duties of their employment, and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act.

Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

Assembly Bill No. 382—An Act to amend Section 1490 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

Assembly Bill No. 571—An Act to amend section fifteen hundred and seventy-six of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Assembly Bill No. 532—An Act to amend sections six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds, and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Assembly Bill No. 196—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

And report that the same have been correctly engrossed

RANDALL, Chairman.

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees, and River Improvements, to whom was referred Assembly Bill No. 832—An Act authorizing levee districts of the State to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals, or for any and all of said purposes.

Also, Assembly Bill No. 881—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California; fixing, defining and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also, Assembly Bill No. 900—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California, fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts, and repealing all Acts and parts of Acts inconsistent therewith.

Also, Assembly Bill No. 1000—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California, fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California, and to other laws of said State relative to reclamation districts, and repealing all Acts and parts of Acts inconsistent therewith.

Also, Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter County," approved March 20, 1874.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

The above reported bills ordered on file for second reading.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred resolution of Mr. Schmitt, relative to leaves of absence for certain members of the Committee on Commerce and Navigation

WITREAS, There have been referred to the Committee on Commerce and Navigation certain bills and measures relative to improvements and expenditures in the harbors of San Diego, Monterey, and San Francisco; and

WITREAS, It is necessary that said committee may intelligently report on said bills and measures to the Assembly; now be it by the Assembly

Resolved, That leave of absence be granted as hereinafter stated, for the purpose above mentioned, namely: Messrs. Lyon of San Francisco, Kennedy, and Schmitt, from February 9th to February 13th, both dates inclusive, for the purpose of visiting San Diego harbor; also Messrs. Wilson, Rosendale, and Callaghan from February 10th to February 13th, both dates inclusive, for the purpose of visiting the harbors of Monterey and San Francisco.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

PREISKER, Chairman.

Mr. Preisker moved the adoption of the report and resolution.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Schmitt moved a call of the House.

Motion carried.

Time, three o'clock and seven minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and ten minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Coghlan.

The roll of absentees was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Shragia, Schmitt, Smith, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr Speaker—55.

NOES—Messrs. Butler, Kehoe, Mendenhall, Polsley, and Slater—5.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 17—Relative to request to our Senators in Congress to favor a joint resolution for the amendment of the Constitution.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Read, and referred to Committee on Federal Relations.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Brown: Assembly Bill No. 1069—An Act to amend the Penal Code of the State of California by adding thereto a new section to be numbered 643½, relating to the boarding of vessels in the waters of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1070—An Act to amend Section 4261 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; the compensation of jurors and grand jurors, and the clerk of the board of supervisors, in counties of the thirty-second class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Beatty: Assembly Joint Resolution No. 11—Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes.

Resolution read, and referred to Committee on Federal Relations

ADJOURNMENT.

At three o'clock and twelve minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, February 8, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Wednesday, February 8, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Maloue, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Palsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, Wylhe, and Young—79.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Smith, its further reading was dispensed with.

PETITION.

The following petition was presented and filed:

By Mr. Randall:

A petition favoring the adoption of the state song, composed by Mrs. Burlingame

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON REVENUE AND TAXATION

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER. Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905; amended, approved June 13, 1906, amended, approved March 19, 1907, amended, approved March 20, 1907, amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have failed to pay the

license tax mentioned in said Act may pay the same and be restored to their former rights—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HELD, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 676—An Act to amend the Political Code of the State of California by adding thereto a new section to be designated Section 3612, relating to exemption of soldiers, sailors and marines' property from taxation.

Also: Assembly Bill No. 60—An Act to amend Sections 3672, 3682, 3692 Subdivision 5 thereof, 3696, 3714, 3728, 3731, 3732, 3737, 3746, 3748, 3754, 3756, 3758, 3759, 3764, 3797, 3831, and 3866 of the Political Code of the State of California.

Have had the same under consideration, and respectfully report the same back, with recommendation that the author be permitted to withdraw the same.

HELD, Chairman

The above reported bills ordered on file for second reading

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 57—An Act to amend the Civil Code by adding a new section thereto to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations, and prescribing a penalty therefor.

Also: Assembly Bill No. 727—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered 598a, providing for the creation of a bonded indebtedness upon personal property by corporations organized where pecuniary profit is not their object.

Also: Assembly Bill No. 542—An Act to amend Section 410 of the Civil Code of the State of California, relating to foreign corporations and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

JOEL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 50—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

Also: Senate Bill No. 481—An Act to enable benevolent and fraternal societies and associations to receive, purchase, hold, manage, and sell real estate by and through trustees elected or appointed for that purpose.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to Committee on Judiciary.

JOEL, Chairman

The above reported bills re-referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 718—An Act to protect fraternal, benevolent, and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

Also: Assembly Bill No. 798—An Act to add a new section to the Civil Code of the State of California to be numbered 292a, relating to articles of incorporation and requiring that the signature of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Also: Senate Bill No. 272—An Act to amend Section 593 of Civil Code of the State of California, relating to the incorporation of religious, social, and benevolent corporations and other corporations not organized for pecuniary profit.

Also: Senate Bill No. 273—An Act to amend Section 599 of the Civil Code of the State of California, relating to the by-laws of corporations organized for purposes other than profit.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

JOEL, Chairman.

The above reported bills ordered on file for second reading.

ON IRRIGATION AND DRAINAGE

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 of said Act, relative to the levying of assessments.

Also: Assembly Bill No. 782—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Also: Assembly Bill No. 783—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Also: Assembly Bill No. 784—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYON, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Assembly Bill No. 804—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," by amending sections one, two, fifteen, fifteen and one half, seventeen, thirty and fifty-five thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Judiciary.

LYON, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Judiciary.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1506, providing for the holding of school trustees meetings.

Also: Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

WYLLIE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 668—An Act to establish a state polytechnic school in the county of San Diego, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Ways and Means.

WYLLIE, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER. Your Committee on Education, to whom was referred Assembly Bill No. 368—An Act to repeal Article VIII, of Title III, Part III of the Political Code.

Also: Assembly Bill No. 904—An Act to amend Section 1521 of the Political Code of California, relating to the powers and duties of the State Board of Education.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WYLLIE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 964—An Act to add a new section to the Political Code of the State of California to be numbered 1625, relating to health and development supervision in the public schools and in state educational institutions of the State of California, providing an appropriation for the same, providing penalties for the violation thereof, and to repeal an Act now in force entitled "An Act to provide health and development supervision in the public schools of the State of California," approved April 15, 1900—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Public Health and Quarantine.

WYLLIE, Chairman.

The above reported bill re-referred to Committee on Public Health and Quarantine.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 71—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Also: Assembly Bill No. 72—An Act to amend section six hundred and fifty of the Civil Code, relating to the powers of boards of trustees of colleges and seminaries of learning.

Also: Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to the Committee on Corporations.

WYLLIE, Chairman.

The above reported bills re-referred to Committee on Corporations.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 14—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a steelhead hatchery, and providing ways and means therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Ways and Means.

GRIFFITHS, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps, or seines in the Mokelumne River—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Judiciary.

GRIFFITHS, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 972—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of fish.

Also: Senate Bill No. 424—An Act to add a new section to the Penal Code of the State of California to be known as section six hundred and thirty-two (4), relating to fishing through the ice in the waters of this State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GRIFFITHS, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 947—An Act to amend Section 628a of the Penal Code of the State of California, relating to striped bass.

Also: Senate Bill No. 185—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing, or tracking of deer with dogs.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

GRIFFITHS, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 553—An Act to divide the State of California into three fish and game districts—have had the same under consideration, and respectfully report the same back with the following committee substitute.

Committee Substitute for Assembly Bill No. 553—An Act to divide the State of California into six fish and game districts.

And recommend that the committee substitute be passed.

GRIFFITHS, Chairman.

Committee Substitute for Assembly Bill No. 553 adopted, read first time, and ordered on file for second reading.

ON ATTACHÉS AND EMPLOYÉS.

SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the resolution introduced by Mr. Bohuett, relating to the employment by the Sergeant-at-Arms of J. P. Whyte and F. U. Galleher, as Watchmen, to care for and protect the property of the members in the cloak room, pursuant to the resolution of the Assembly adopted January 24, 1911, beg leave to report as follows:

We have examined said resolution and report, and the items thereof as therein set forth, and find the same true and correct, and would recommend the adoption of the resolution.

BLISS, Chairman.

WHEREAS, This Assembly did, on the 24th day of January, 1911, direct the Sergeant-at-Arms to install in the cloak room honest and efficient employees to care for and protect the property of the members therein; and

WHEREAS, Said Sergeant-at-Arms, pursuant to said instruction, did, on the 25th day of January, 1911, employ J. P. Whyte and F. U. Galleher as Watchmen therein at a per diem of three (3) dollars each, now, therefore be it

Resolved, That the action of Ed H. Whyte, said Sergeant-at-Arms, in employing said two Watchmen be and the same is hereby approved and ratified; and the Controller of State is hereby directed to draw his warrant in favor of said Ed H. Whyte against the Contingent Fund of the Assembly in the sum of sixty (60) dollars, said payment to be for the services of said Watchmen from the date of their employment to and including the 3d day of February, 1911, and the State Treasurer is hereby authorized and directed to pay the same; and be it further

Resolved, That the following named persons be and they are hereby appointed and employed for the positions and at the per diem set opposite their respective names, to be paid out of the appropriation for contingent expenses of the Assembly, said appointments to date from and including the 4th day of February, 1911, and

the State Controller is hereby authorized and directed to draw his warrant upon said fund in favor of said following named persons, for the per diem aforesaid; and the State Treasurer is hereby authorized and directed to pay the same, namely:

J. P. Whyte, Watchman-----	\$3 00
F. U. Galleher, Watchman-----	3 00

Mr. Bliss moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs Benuink, Bishop, Bliss, Bohuett, Brown, Butler, Callaghan, Cattell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mendenhall, Mott, Nolan, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Williams, Wilson, Wythe, and Young—54.

NOES—None

ON FEDERAL RELATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 17—Relating to a request to our Senators in Congress to favor a joint resolution for an amendment to the Constitution permitting the popular election of United States Senators, said resolution being that our Senators in Congress be requested to use all honorable means to secure passage of said pending joint resolution and the Senators of the United States to pass the same, and that the Secretary of the Senate be and he is hereby directed to transmit said resolution by telegraph to each of the United States Senators and to the President of the United States Senate—have had the same under consideration, and respectfully report the same back, and recommend that said resolution be adopted.

FREEMAN, Chairman.

Joint resolution ordered on file for adoption.

SENATE MESSAGES

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on February 3, 1911, adopted Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State amending section two of Article IV thereof, relating to sessions of the Legislature.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 611—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on February 6, 1911, passed Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. PRESIDENT: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 267—An Act to repeal Section 453½ of the Civil Code of the State of California, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Also: Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Also: Senate Bill No. 542—An Act to prevent the importation of horses, mules, and asses affected with glanders into the State of California.

Also: Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand.

Also: Senate Bill No. 306—An Act to amend Sections 1196, 1197, 1205, and 1211 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

Also: Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State, for the purpose of determining whether any horse, mule or ass is affected with glanders, and providing for penalties for violations of this Act.

Also: Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Also: Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Also: Senate Bill No. 546—An Act to provide for the reporting to the State Veterinarian of all bovine animals within this State which are tested with tuberculin for the purpose of determining if such animals are affected with tuberculosis; providing that all neat cattle used for breeding purposes in this State shall not be sold or given away if tuberculosis in such animals is clearly diagnosed by the tuberculin test, or by physical examination, or both; providing for the branding of any such cattle in which tuberculosis is clearly diagnosed by physical examination, or by the tuberculin test, or both, providing that when tuberculin is sold or given away or used within this State for the purpose of diagnosing tuberculosis in neat cattle a report of such sale, gift, or use of such tuberculin shall be made to the State Veterinarian, and providing for penalties for violations of this Act.

Also: Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Also: Senate Bill No. 473—An Act to repeal Title XV, of Part IV, of Division Third of the Civil Code of the State of California, and to add a new Title XV, of Part IV, division third of said Code in place thereof, relating to negotiable instruments, and to make the law of negotiable instruments in the State of California uniform with the law of other states.

Also: Senate Bill No. 637—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, and prescribing their powers and duties.

Also: Senate Bill No. 638—An Act to amend Section 626c of the Penal Code of the State of California, relating to the protection and preservation of game birds.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Constitutional Amendment No. 6 read, and referred to Committee on Constitutional Amendments.

Assembly Bill No. 611 read first time, and referred to Committee on Enrollment.

Senate Bill No. 82 read first time, and referred to Committee on Judiciary.

Senate Bill No. 267 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 541 read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Senate Bill No. 542 read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Senate Bill No. 163 read first time, and referred to Committee on Judiciary.

Senate Bill No. 306 read first time, and referred to Committee on Election Laws.

Senate Bill No. 543 read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Senate Bill No. 544 read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Senate Bill No. 545 read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Senate Bill No. 546 read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Senate Bill No. 301 read first time, and referred to Committee on Judiciary

Senate Bill No. 473 read first time, and referred to Committee on Judiciary.

Senate Bill No. 637 read first time, and referred to Committee on Judiciary

Senate Bill No. 638 read first time, and referred to Committee on Fish and Game.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 221—An Act to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 7, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day amended the title, and passed with the title amended, Assembly Bill No. 578—An Act to prohibit the use of nets, seines, traps, or weirs in Cache Slough and its tributaries, in the counties of Solano and Yolo

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 578?"

Amend the title by inserting after the word "weir" the words "for the catching of fish".

The roll was called, and Senate amendment to Assembly Bill No. 578 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Currell, Chandler, Coghlan, Cronin, Cunningham, Fairwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, Wyllie, and Young—61.

NOES—None.

The above bill ordered to enrollment.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Smith: Assembly Bill No. 1071—An Act to add a new section to the Political Code of the State of California to be numbered Section 1547, relating to the penalty of school superintendents for allowing other than text-books provided by the State Board of Education to be used in any grammar or high school in the State of California, unless such books are provided to the pupils free.

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 1072—An Act to add a new section to the Political Code of the State of California to be known as Section 1388a, relating to qualifications of instructors in the State University.

Bill read first time, and referred to Committee on Education.

By Mr. Bishop: Assembly Bill No. 1073—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 21, 1907.

Bill read first time, and referred to Committee on Fish and Game

Also: Assembly Bill No. 1074—An Act to amend Section 4244 of the Political Code of the State of California, providing for the salaries and fees of public officers in counties of the fifteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1075—An Act adding a new section to the Political Code of the State of California to be numbered 4244a, relating to the fixing of compensation of grand and trial jurors in the Superior Court and of trial jurors in justices' courts in counties of the fifteenth class.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Gerdes: Assembly Bill No. 1076—An Act to establish an industrial reformatory for women, and making appropriation therefor.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 1077—An Act to amend an Act entitled "An Act to amend section fourteen hundred and forty-four of the Code of Civil Procedure of the State of California, relating to appraisement of estates and pay of appraisers."

Bill read first time, and referred to Committee on Judiciary.

By Mr. Denegri: Assembly Bill No. 1078—An Act to amend section ten of the Code of Civil Procedure of the State of California, relating to holidays

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1079—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hall: Assembly Bill No. 1081—An Act to amend section five ninety-six of the Penal Code, relating to the poisoning of animals or bees.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Lamb: Assembly Bill No. 1082—An Act to amend an Act to enforce the educational rights of children, and providing penalties for violation of the Act, approved March 4, 1907, by adding a new paragraph thereto to be known as paragraph 74.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Rogers of Alameda: Assembly Bill No. 1083—An Act to amend section forty-two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1084—An Act providing the method of justification by corporate surety on bonds or undertakings, and adding a new section to the Code of Civil Procedure to be numbered ten hundred and fifty-seven and a half.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Crosby: Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lubben against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 1086—An Act to amend Subdivision 4 of Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bennink: Assembly Bill No. 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors respecting roads.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Maher: Assembly Bill No. 1088—An Act to amend Section 349 of the Code of Civil Procedure of the State of California, relating to the time for commencing actions under local improvement Act of 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18, and 19, and by adding a new section thereto to be numbered 26.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Kennedy: Assembly Bill No. 1090—An Act to regulate the sale and use of hatpins.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Wyllie: Assembly Bill No. 1091—An Act to provide for the extermination of glanders in horses, mules, and asses; to provide for the levy and collection in every county in this State of an annual tax on each horse, mule, and ass for the purpose of indemnifying owners of horses, mules, and asses destroyed by the State Veterinarian, his assistant or deputy, of such horses, mules, and asses as may be by such officers determined to be affected with glanders; creating a fund to be known as the "Glanders Indemnity fund"; authorizing the State

Veterinarian to employ deputies and incur expenses to be paid out of such fund; providing a method of indemnification of owners of such destroyed animals; and providing for the duties of the State Veterinarian, his assistant or deputy in relation to glanders.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products

By Mr. Telfer: Assembly Bill No. 1092—An Act to appropriate money to erect, construct, and equip a training school at the San Jose State Normal School.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Griffin: Assembly Bill No. 1093—An Act to amend the Political Code of California by amending Subdivisions 1, 7, 12, 13, 13a, and 14 of Section 4287, Article XXXVIII thereof, relating to salaries and fees of officers of counties of the thirty-eighth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Malone: Assembly Bill No. 1095—An Act to amend an Act entitled "An Act to provide for health and development supervision in the public schools of California," approved April 15, 1909, by adding thereto a new section relating to the duties of teachers in schools where no examining staff is employed.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Chandler: Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Bill read first time, and referred to Committee on Banks and Banking.

Also: Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Brown: Assembly Bill No. 1098—An Act defining and relating to wage-brokers; regulating assignments of wages and salaries as securities for loans; and fixing a maximum rate of interest for loans upon wages and salaries, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Judiciary

Also (by request): Assembly Bill No. 1099—An Act to amend Section 3494 of the Political Code, relating to the price and time of payment for school lands.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 1100—An Act to amend Section 3415 of the Political Code, relating to actions to determine the right to purchase state lands.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 1101—An Act to amend Article I, of Chapter I, of Title VIII, of Part III of the Political Code, said title relating to property of the State, said chapter relating to public lands, and said article relating to general provisions respecting public lands, by amending Sections 3398 and 3406 thereof, relating to locations of lands in the United States land offices, by amending Section 3406a, relating to bases for indemnity selections, by amending Sections 3408b and 3408d, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason, withholding certain lands from sale, and making the same bases for indemnity selections and entitling the owner of indemnity certificates or scrip to have selected for him Government lands in lieu thereof, and by repealing Section 3408c, making certain Acts unlawful.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Lyon of Los Angeles: Assembly Bill No. 1102—An Act to amend sections one, two, fourteen, and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1103—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Polsley: Assembly Bill No. 1104—An Act to amend Sections 1729, 1730, 1731, 1732, 1733, 1738, 1739, 1741, 1757, 1759, and 1763 of the Political Code of the State of California, relating to high schools, and to repeal Sections 1721, 1727, 1728, and 1734 of the Political Code of the State of California, and to add three new sections to be numbered 1720a, 1720b, and 1720c.

Bill read first time, and referred to Committee on Education.

By Mr. Beatty: Assembly Bill No. 1105—An Act to amend Section 1247 of the Penal Code of California, relating to the statement of grounds of appeal and transcription of notes by reporters.

Bill read first time, and referred to Committee on Revision of Criminal Procedure.

By Mr. Bohnett: Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1107—An Act to amend an Act entitled “An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds, and property within the State of California; and for the planting, care, protection, and preservation of shade and ornamental trees, hedges, lawns, shrubs, and flowers growing and to be grown in and upon such roads, highways, grounds, and property; and to create county boards of forestry for such purposes and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters, and to prescribe the duties and fix the compensation of county forester; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care, and control of such shade and ornamental trees, hedges, lawns, shrubs, and flowers,” approved April 28, 1909.

Bill read first time, and referred to Committee on Roads and Highways.

By Committee on Election Laws: Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-four, ten hundred ninety-five, and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1109—An Act to amend section eleven hundred and five, eleven hundred and eight, and eleven hundred and nine of the Political Code of the State of California, relating to registration of voters.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1110—An Act to amend sections eleven hundred and thirteen, eleven hundred and fifteen, and eleven hundred and seventeen of the Political Code of the State of California, relating to registration of electors.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1111—An Act to repeal section eleven hundred and eighteen of the Political Code of the State of California, relating to qualification and registration of voters at primary elections.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1112—An Act to repeal section eleven hundred and nineteen of the Political Code of the State of California, relating to registration of voters at primary elections.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1113—An Act to amend section eleven hundred and twenty of the Political Code of the State of California, relating to qualification of voters.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1114—An Act to amend section eleven hundred and forty-two of the Political Code of the State of California, relating to boards of election.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1115—An Act to amend section eleven hundred and ninety-two of the Political Code of the State of California, relating to the filing of certificates of nomination.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1116—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1117—An Act to amend section twelve hundred and eighty-five of the Political Code of the State of California, relating to returns of election of district officers.

Bill read first time, and ordered on file without reference.

By Mr. Hinkle: Assembly Bill No. 1118—An Act giving and granting to the city of San Diego the right to grant to the State of California certain lands in Balboa Park for the use of a state agricultural cottage and forestry school in San Diego, California.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Jones: Assembly Bill No. 1119—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, and 124 thereof, and by adding new Sections 12a, 52, 53, and 84 thereto.

Bill read first time, and referred to Committee on Banks and Banking.

Also: Assembly Bill No. 1120—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61, and 68 thereof, and by adding a new section to be numbered 68½.

Bill read first time, and referred to Committee on Banks and Banking.

Also (by request): Assembly Bill No. 1131—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, and to add a new section to said Code of Civil Procedure to be known as and numbered Section 337a, both relating to the time of the commencement of actions other than for the recovery of real property.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Benedict: Assembly Bill No. 1122—An Act to amend Section 14 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1123—An Act to add a new section to the Political Code to be known as section two thousand and ninety-six, relating to public ferries.

Bill read first time, and referred to Committee on Common Carriers.

By Mr. Judson (by request): Assembly Bill No. 1124—An Act to conduct investigations and demonstrations for the reclamation of arid lands, and the establishment of experimental farms for such purpose, and the appropriation of money therefor.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

By Mr. Gaylord: Assembly Bill No. 1125—An Act to amend Section 241 of the Penal Code, relating to the punishment of the crime of assault.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1126—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *q*, relating to the hunting or shooting of game or game birds with automatic shotguns or pump guns.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 1127—An Act to establish the legality of certain school districts, and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such district.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1128—An Act to amend Section 637*a* of the Penal Code of the State of California, relating to the killing of birds other than game birds.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Stevenot: Assembly Bill No. 1129—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. Randall (by request): Assembly Bill No. 1130—An Act entitled "An Act to amend Section 1543 of the Political Code of the State of California," relating to the duties of the county superintendent of schools of each county.

Bill read first time, and referred to Committee on Education.

By Mr. Wilson: Assembly Bill No. 1131—An Act to amend Sections 1, 2, 3, and 4 of an Act entitled "An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district," approved April 21, 1909, and to add nine new sections thereto to be numbered 1*a*, 3½, 3*a*, 3*b*, 5, 6, 7, 8 and 9, and to repeal Section 4½ of said Act

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

By Mr. Hayes: Assembly Bill No. 1132—An Act to regulate the practice of stationary and steam engineering; the construction and operation of steam boilers; providing for the registration and licensing of persons to carry on such practice; the appointment of a state boiler inspector and state board of examining engineers and boiler inspection.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Harlan: Assembly Bill No. 1133—An Act to amend Section 4258 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-ninth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1134—An Act to provide for the culture and propagation of domesticated trout or other fish in ponds situated upon lands held in private ownership, and to regulate and license the possession, sale, and disposition of such domesticated trout or

other fish, and to provide revenue therefrom for the preservation and propagation of fish.

Bill read first time, and referred to Committee on Fish and Game

By Mr. Farwell (by request): Assembly Bill No. 1135—An Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Bill read first time, and referred to Committee on Education.

Also (by request): Assembly Bill No. 1136—An Act entitled "An Act to amend Section 1549 of the Political Code of the State of California, relating to the appointment of deputy county superintendents of school.

Bill read first time, and referred to Committee on Education

By Mr. Griffiths: Assembly Bill No. 1137—An Act to create a reservation for fish, shell fish, shrimp and crabs, within the sloughs, rivers, streams, and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps, or seines.

Bill read first time, and referred to Committee on Fish and Game

By Mr. Rutherford: Assembly Bill No. 1138—An Act amending an Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship of the board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Guill: Assembly Bill No. 1139—An Act to provide for equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 1140—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. McGowen: Assembly Bill No. 1141—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of state hospitals

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Bohnett: Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of article six thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the Superior Courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant

reporters, and the appointment by the District Courts of Appeal of its clerk, and also relating to the duties and compensation of such officers.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Young: Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of said State, relating to the election and salary of Superintendent of Public Instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution, and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction.

Read, and referred to Committee on Constitutional Amendments

By Mr. Hinkle: Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a Secretary of State, a Controller, a Treasurer, an Attorney General, and a Surveyor General, and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General

Read, and referred to Committee on Constitutional Amendments.

By Mr. Smith: Assembly Joint Resolution No. 12—Relative to a more strict enforcement of the immigration laws.

Read, and referred to Committee on Federal Relations.

By Mr. Benedict: Assembly Concurrent Resolution No. 14—Relative to a building for the California State Library, the Supreme Court, and the Third District Court of Appeal.

Read, and referred to Committee on State Library.

RESOLUTION.

The following resolution was offered:

By Mr. Schmitt:

WHEREAS, In a certain resolution adopted February 7, 1911, wherein certain leaves of absence were granted to members of the Committee on Commerce and Navigation, there were contained the names of Messrs Wilson and Callaghan, and

WHEREAS, Said Messrs Wilson and Callaghan are unable to take advantage of such leave, and

WHEREAS, Messrs. Williams and Flint have requested that they be substituted in the places above mentioned; now therefore be it

Resolved, That Mr. Williams be substituted in the place and stead of Mr. Wilson, and that Mr. Flint be substituted in the place and stead of Mr. Callaghan, as in said resolution of February 7, 1911, designated.

Mr. Schmitt moved the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Sbragia, Schmitt, Smith, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, and Wyllie—54

NOES—Messrs Judson, Kehoe, and Mendenhall—3

RULES SUSPENDED.

Mr. Freeman moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 17.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wylie, and Young—65

NOES—None

CONSIDERATION OF SENATE JOINT RESOLUTION.

The question being on the adoption of the Senate joint resolution.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wylie, and Young—63.

NOES—None.

Resolution ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 17.

Relative to request to our Senators in Congress to favor a joint resolution for the amendment of the Constitution.

WHEREAS, There is pending before the Senate of the United States a joint resolution providing for the amendment of the Constitution of the United States permitting the popular election of United States Senators, and

WHEREAS, The people of the State of California have already indicated a desire to elect United States Senators directly now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That our Senators in Congress be requested to use all honorable means to secure the passage of said pending joint resolution, and the Senate of the United States to pass the same, and be it further

Resolved, That the Secretary of the Senate be, and he is hereby, directed to transmit this resolution by telegraph to each of the said United States Senators and to the President of the United States Senate.

INTRODUCTION OF JOINT RESOLUTION

The following joint resolution was introduced:

By Mr. Hall:

ASSEMBLY JOINT RESOLUTION No 13

WHEREAS, By reason of uncertainties in the law relating to the location of oil claims and title thereto under the placer mining law caused by the decision of the Interior Department of the United States reversing a long line of precedents, including decisions of the Supreme Courts of this and other states and the ruling of the department itself, locators of mineral oil lands have been justly expecting Congress at this session to pass some legislation for the benefit of oil locators who have gone on in good faith and made locations and done work and spent money in compliance with the provisions of the law as interpreted by the courts and the department for many years before such reversal; and

WHEREAS, Without such legislation at this session of Congress the work of development of oil lands will be curtailed to the lowest possible expenditure, which means that thousands of workmen will be thrown out of employment, the production of oil greatly lessened, and the price of oil materially enhanced, all of which would be detrimental to labor and the industries of this State now, therefore,

Resolved, That we request our Senators and Representatives in Washington to urge upon Congress the importance and grave necessity for immediate relief legislation at this session of Congress, to the end that the interests of labor may be protected and the progress of oil development be not retarded, and further

Resolved, That a copy of this resolution be transmitted by telegraph to each of the Senators and Representatives in Congress from this State.

SUSPENSION OF RULES.

Mr. Hall moved that the rules be suspended for the purpose of considering joint resolution.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Chandler, Coghlan, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hushaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylie, and Young—66.

NOES—None.

PREVIOUS QUESTION.

At eleven o'clock and thirty minutes P. M., Mr. Coghlan moved the previous question.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Chandler, Coghlan, Crosby, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Jasper, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, and Young—59.

NOES—Messrs. Bohnett, Callaghan, Fitzgerald, Joel, and Telfer—5.

The question being on the adoption of the Assembly joint resolution.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, and Wylie—65.

NOES—None.

Resolution ordered transmitted to the Senate.

SPECIAL ORDERS CONTINUED.

On motion of Mr. Griffiths, the special orders heretofore set for eleven o'clock A. M. of Thursday, February 9, 1911, were continued until eleven o'clock A. M. of Tuesday, February 14, 1911.

THIRD READING OF BILLS.

Assembly Bill No 381—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor," approved March 25, 1903.

During the third reading of the bill, Mr. March moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out of Section 2, page 2, lines 19 and 20, of printed bill, the words: "provide itself with an office in the city and county of San Francisco," and insert in lieu thereof the following: "have its office in the city of Sacramento."

SPECIAL ORDER SET.

On motion of Mr. Coghlan, the consideration of Assembly Bill No. 381, with amendments, was made a special order for Thursday, February 9, 1911, at two o'clock p. m.

Assembly Bill No. 889—An Act to amend section one of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885" (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 889 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, and Young—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 118—An Act providing an appropriation of \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 118 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, and Wyllie—58.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 119—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 119 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb,

Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, and Wyllie—59

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120—An Act providing for an appropriation of \$750 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 120 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walker, Williams, Wyllie and Young—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 539—An Act to prevent the fishing, or the taking of fish by means of wiers, dams, nets, traps, or seines in certain portions of Monterey Bay, within the county of Santa Cruz.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 539 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie and Young—66

NOES—Mr. Denegri—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 508—An Act to amend Sections 851 and 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill considered.

RECESS

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day, the consideration of Assembly Bill No. 508 being continued until the hour of reconvening

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker pro tem. Cattell in the chair.

The question being the consideration of Assembly Bill No. 508.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 508 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Denegri, Farwell, Fitzgerald, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Joel, Judson, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McGowan, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Sbragia, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Williams, Wylie, and Young—51.

NOES—Messrs. Bennink, Bishop, Cronin, Cunningham, Freeman, Gaylord, Guill, Hayes, Held, Jasper, Kehoe, McDonald, Mendenhall, Stevenot, Stuckenbruck, and Walker—16.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER SET.

On motion of Mr. Griffin, the consideration of Assembly Bill No. 248 was made a special order for Thursday, February 9, 1911, at eleven o'clock A. M.

THIRD READING OF SENATE BILLS.

Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 278 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Guill, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walker, Walsh, and Williams—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 133—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estate.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 133 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosen-

dale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, and Williams—GO.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILL.

Senate Bill No. 469—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In line 8, of the printed bill, the last word "lus" should be stricken out, and insert the word "its".

Amendment adopted.

AMENDMENT No. 2

On page 2, of the printed bill, strike out all of Section 2

Amendment adopted.

Bill read second time, and ordered to reprint and on file for third reading.

RECONSIDERATION.

In accordance with notice previously given, Mr. Bohnett moved that the vote whereby Assembly Bill No. 765 was passed be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Bohnett, the reconsideration of Assembly Bill No. 765 was made a special order for Thursday, February 9, 1911, at ten o'clock and forty minutes A. M.

RECONSIDERATION.

In accordance with notice previously given, Mr. Randall moved that the vote whereby Assembly Bill No. 663 was passed be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Randall, the reconsideration of Assembly Bill No. 663 was made a special order for Thursday, February 9, 1911, at ten o'clock and fifty minutes A. M.

SECOND READING OF BILLS.

Assembly Bill No. 43—An Act to protect the lives and property of the patrons of all public hotels, lodging, and rooming houses in the State of California.

During second reading of bill, the following amendment was submitted by the committee:

On line 8, Section 1, of the printed bill, strike out the words "at any time of the day or night".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

During second reading of bill, the following amendment was submitted by the committee:

In line 6, of the printed bill, strike out the word "twenty-five", and insert in lieu thereof "ten".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven *a* thereof, and regulating the business of selling spirituous, malt, fermented, or vinous liquors or any admixture thereof in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold, and providing the punishment for the violation thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 857—An Act to amend section two hundred and forty of the Penal Code of the State of California, defining the crime of assault.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 855—An Act to repeal Section 250 of the Political Code of the State of California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 389—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known as Section 593*b*, and relating to party telephone lines and wires.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 7, Section 1, of the printed bill, strike out the words "connect and place", and insert in lieu thereof "maintain".

Amendment adopted.

AMENDMENT No. 2.

In line 8, of the printed bill, after the word "wire" insert "with".

Amendment adopted.

AMENDMENT No. 3.

In line 9, of the printed bill, strike out the word "with".

Amendment adopted.

AMENDMENT No. 4.

In line 9, of the printed bill, after the word "residence" insert a comma.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 849—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 193—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due

employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, Section 1, line 11, of the printed bill, strike out the semicolon and balance of paragraph following the word "States", and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 3, line 6, strike out the word "ten", and insert in lieu thereof the word "twenty".

Amendment adopted.

AMENDMENT No. 3

On page 2, Section 3, line 7, strike out the semicolon and balance of paragraph following the word "payable", and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 4

On page 2, strike out all of Section 4, and add a new section to be known as Section 4, and to read as follows: "Every employer referred to in this Act who shall violate any of the provisions thereof shall be guilty of a misdemeanor."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 928—An Act to amend Section 980 of the Code of Civil Procedure of the State of California, relating to appeals from justices' courts.

During second reading of bill, the following amendment was submitted by the committee:

In line 3, of the printed bill, strike out the word "section"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 636—An Act to amend the Penal Code of California by adding a new section thereto to be known as Section 626p, relating to the protection of beaver.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 716—An Act to prohibit the use of nets, seines, traps, or weirs in the Napa River and its tributaries, in the counties of Sonoma, Napa, and Solano.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of line 2, Section 1, of the printed bill, all after the word "mouth", and in line 3, of Section 1, of the printed bill, amend by striking out the words "and Solano, State of California".

Amendment adopted.

AMENDMENT No. 2

Amend by striking out of line 4, Section 1, of the printed bill, the words "in either county" and the comma (,) after the word "county".

Amendment adopted.

AMENDMENT No. 3

Amend by striking out the comma (,) in line 10, Section 1. of the printed bill

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 907—An Act to provide for the cancellation of applications for lieu lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lieu lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the Register and Receiver of the local United States land office and given a register and receiver's number, and forwarded to the General Land Office at Washington, D. C., and of record therein.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 908—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of lieu land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909; and providing also that no further action thereon shall be taken.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 909—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 910—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General, in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 911—An Act to amend Section 3498 of the Political Code, relating to approval of applications for State lands.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 832—An Act authorizing levee districts of the State to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals; or for any and all of said purposes.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 881—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of

Contra Costa, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 999—An Act legalizing the formation and organization of reclamation district number five hundred and forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1000—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter County," approved March 20, 1874.

Bill read second time, and ordered to engrossment and third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills.

Assembly Bill No. 859—An Act to provide for the appointment of humane officers with the powers of peace officers, to have the authority in any city or county, or city and county, in the State of California.

Assembly Bill No. 488—An Act to provide for the regulation of the business of watchmen, guards and private detectives in the State of California; to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Assembly Bill No. 888—An Act to authorize and regulate the employment of prisoners in the State prisons of this State, and to provide for the disposition of the products of their skill and labor.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled.

Assembly Joint Resolution No. 9—Relative to the Panama International Exposition.

Assembly Bill No. 5—An Act to amend section four thousand fourteen of the Political Code of the State of California, relating to township officers.

And were presented to the Governor, February 7, at four o'clock and thirty minutes P. M.

RANDALL, Chairman.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 472—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five *b*, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 472 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crown, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, and Walsh—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 605—An Act to amend Section 4052*b* of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 605 was refused passage by the following vote:

AYES—Messrs. Bliss, Bohnett, Butler, Cattell, Chandler, Farwell, Flint, Freeman, Gaylord, Griffiths, Hayes, Hinkle, Hinshaw, Jasper, Judson, Lamb, Lyon of Los Angeles, McGowen, Mendenhall, Preisker, Rogers of Alameda, Rutherford, Stevenot, Telfer, Tibbits, Walsh, and Wilson—27.

NOES—Messrs. Beckett, Bennink, Brown, Callaghan, Coghlan, Cronin, Crosby, Denegri, Feeley, Fitzgerald, Gerdes, Gull, Hall, Harlan, Joel, Kehoe, Lyon of San Francisco, Maher, March, Mullally, Polsley, Raudall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Smith, Stuckenbruck, and Williams—30.

NOTICE OF MOTION TO RECONSIDER.

Mr. Randall gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 605 was this day refused passage.

Assembly Bill No. 622—An Act amending Section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 662 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Crown, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, and Wyllie—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103—An Act to amend the Code of Civil Procedure by adding a new section thereto to be known as Section 1928, relating to deeds purporting to have been executed in pursuance of legal process of the courts of this State, making such deeds, their record, and certified copies of such record prima facie evidence of title.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 103 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walker, Walsh, and Williams—58.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 843—An Act to adopt a State song for the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 843 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylhe, and Young—70.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 625—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 625 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Jasper, Jones, Joel, Judson, Lynch, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wylhe, and Young—57.

NOES—Messrs. Bliss, and Harlan—2.

Title read and approved.

Bill ordered transmitted to the Senate.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Tibbits rose to a question of personal privilege and made a statement relative to an article appearing in certain daily papers.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 920—An Act to allow union high school districts to establish and maintain public libraries, to provide for the formation, government and operation thereof—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 851—An Act to amend Section 1768 of the Political Code of the State of California, relating to county boards of education—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 20—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn and re-referred to the Committee on Judiciary.

COGHLIN, Chairman.

The above reported bill re-referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 12—Approving an amendment to the charter of the city of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the 2d day of November, 1909.

Also: Assembly Bill No. 1006—An Act to amend an Act entitled "An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909, extending the provisions of said Act to include sanitary districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGHLIN, Chairman.

The above reported bills ordered on file for second reading.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 228—An Act making an appropriation for the erection of a building to be used as a dormitory for farm hands at the Sonoma State Home, and for furnishing said building.

Also: Assembly Bill No. 231—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Assembly Bill No. 232—An Act authorizing and directing the construction and furnishing of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended, and be re-referred to the Committee on Ways and Means.

McGOWEN, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 235—An Act authorizing and directing the construction of a commissary building at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Assembly Bill No. 229—An Act making an appropriation for the improvement of the farm and grounds at the Sonoma State Home, at Eldridge, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

McGOWEN, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 1002—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185c, relating to arrest, hearing, and commitment of inebriates and drug habitues to a State hospital for the insane.

Also: Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home, at Eldridge, California.

Also: Assembly Bill No. 233—An Act authorizing and directing the construction of a septic tank at the Sonoma State Home, at Eldridge, California, also the making of such changes as may be necessary in the present sewer system at said home, and making an appropriation therefor.

Also: Assembly Bill No. 234—An Act authorizing and directing the reflooting of the manse and main building at the Sonoma State Home, and making an appropriation therefor.

Also: Assembly Bill No. 582—An Act making an appropriation to furnish the school and assembly hall at the Sonoma State Home.

Also: Assembly Bill No. 581—An Act to provide for the furnishing of four cottages at the Sonoma State Home, and making an appropriation therefor.

Also: Assembly Bill 583—An Act making an appropriation to furnish a dormitory for farm hands at the Sonoma State Home.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Ways and Means.

McGOWEN, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies, their officers, agents and employees and other persons, and providing penalties for such offenses, and making an appropriation for the purpose of carrying out the provisions of this Act and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission

of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1878, and also repealing an Act entitled 'An Act to organize and define the powers of the Board of Railroad Commissioners,' approved April 15, 1880," approved March 20, 1909; also repealing an Act entitled "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909; also repealing all Acts or parts of Acts inconsistent with the provisions of this Act.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bill ordered to enrollment.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Lyon of San Francisco: Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Gerdes: Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture, and sewing machines for the girls' cottage of the Whittier State School.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

By Mr. McDonald: Assembly Bill No. 1144—An Act to amend the Code of Civil Procedure by adding thereto Title 5a, Part III, relating to the support of bastards, and proceedings therefor.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cronin: Assembly Bill No. 1145—An Act appropriating money to pay the claim of J. W. Kavanaugh against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Mendenhall (by request): Assembly Bill No. 1146—An Act to give to the Superior Courts of the State power to parole persons convicted of a violation of the criminal laws of the State, and to provide for their supervision when under parole, and for terminating such parole when deemed advisable, and for fixing the status of prisoners paroled or charged under this Act.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Lynch (by request): Assembly Bill No. 1147—An Act creating the department of state police, providing for the appointment of a superintendent thereof, together with the officers and men who should constitute the force; defining their powers and duties, and making appropriations for the expenses connected therewith.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Jones: Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article X thereof, relating to state institutions and public buildings.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Brown: Assembly Bill No. 1148—An Act to provide for the payment of judgments against school districts.

Bill read first time, and referred to Committee on Education.

By Mr. Schmitt: Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Peixotto, C. C. McDougall, A. J. Hechtman, and James Rolph, Jr., against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Claims.

By Mr. Coghlan: Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys, and public highways for the purpose of carrying steam to be used for heating purposes.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Bliss: Assembly Bill No. 1151—An Act to provide for the purchase of filing cases in the office of the Department of Engineering, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1152—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319h, and 2319j of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers, duties, and compensation of said State Commissioner of Horticulture, and the officers and the employees appointed by said commissioner, and providing methods, means, and penalties for the enforcement of such powers and duties, and providing for the appointment of additional officers, fixing their compensation, and prescribing their duties.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

By Mr. Telfer: Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and appropriate money therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Beckett: Assembly Bill No. 1155—An Act making an appropriation to pay the claim of San Luis Obispo County against the State of California.

Bill read first time, and referred to Committee on Claims.

By Mr. Harlan: Assembly Bill No. 1156—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State

School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding Section 10½, relating to probation officers in counties of the twentieth, twenty-ninth, and thirtieth classes.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Maher: Assembly Concurrent Resolution No 15—Approving charter of the city of Santa Cruz, county of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the thirty-first day of January, 1911.

Read and referred to Committee on Municipal Corporations.

ADJOURNMENT.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Kehoe, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, February 9, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Thursday, February 9, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Deuegni, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wyllie, and Young—(3)

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rodgers of San Francisco, its further reading was dispensed with.

PETITION.

The following petition was presented, and, on motion of Mr Polsley, ordered printed in the Journal:

The board of supervisors of Tehama County respectfully represents. That the State Legislature is considering several constitutional amendments and bills which will have the effect, if adopted and passed, of creating a public service commission with jurisdiction over all public service corporations in the State. It is proposed by most of the measures that the powers of the commissions so created be merely advisory, that is, the local boards will as at present continue their rate fixing and regulating functions, and the state commission will perform practically the same work, the corporations still being given the right to carry disputed questions to the courts.

That such a commission as the one proposed will add to the work of the legislative bodies rather than reduce it; therefore, be it

Resolved, That the board of supervisors of Tehama County respectfully petitions that instead of an advisory commission, an absolute commission with power to fix rates be created, and that an amendment be adopted that will relieve the local legislative bodies of all jurisdiction and responsibility in the matter of fixing rates or regulating public service corporations.

It was moved by Supervisor G. W. Vestal that the foregoing resolution be adopted. The motion was duly seconded by Supervisor H. C. Kauffman, and carried by unanimous vote of the board.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 850—An Act providing for the construction of a manual arts and avocational school building for the use of the State Normal at San Diego, California, and making an appropriation therefor.

Also Assembly Bill No. 866—An Act to establish a state agricultural college and forestry school at San Diego, California.

Also Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 661—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding, of an exposition in Balboa Park in said city of San Diego, California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HINKLE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 134—An Act to appropriate money for the erection of three cottages for officers and employees at the California Polytechnic School.

Also Assembly Bill No. 155—An Act to appropriate money for the construction and equipment of a foundry and pattern shop at the California Polytechnic School.

Also Assembly Bill No. 157—An Act to appropriate money for the erection and equipment of an additional school building at the California Polytechnic School.

Also Assembly Bill No. 158—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also Assembly Bill No. 767—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the manufacturers' building, and to build an addition thereto.

equal in its dimensions to the present structure, providing for its equipment, and making an appropriation therefor.

Also: Assembly Bill No. 831—An Act making an appropriation for the maintenance of the exposition building in Exposition Park, Los Angeles.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 150—An Act to appropriate money for the construction and furnishing of dormitories for the California Polytechnic School—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass as amended, and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed.

Also: Assembly Bill No. 966—An Act to add a new section to the Code of Civil Procedure to be known as Section 1251a, relating to eminent domain.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property, or property held by joint tenants or owner's death, in certain cases.

Also: Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work, or property.

Also: Assembly Bill No. 871—An Act to amend Section 69 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors" approved March 26, 1895.

Also: Senate Bill No. 348—An Act to amend Section 2193 of the Political Code, with relation to moneys due the State by reason of commitments to the Sonoma State Home.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 619—An Act to amend Section 7 of the Civil Code of the State of California, relating to holidays.

Also: Assembly Bill No. 620—An Act to amend Section 10 of the Political Code of the State of California, relating to holidays.

Also: Assembly Bill No. 621—An Act to amend Section 10 of the Code of Civil Procedure of the State of California, relating to holidays.

Have had the same under consideration, and respectfully report the same back, and recommend that the author, Mr. Denegri, be permitted to withdraw the same.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 137—An Act to amend Section 1418 of the Penal Code, relating to reprieves, commutations, and pardons.

Also: Assembly Bill No. 138—An Act to amend Section 1417 of the Penal Code, relating to reprieves, commutations, and pardons.

Have had the same under consideration, and respectfully report the same back, and recommend that their author, Mr. Cattell, be permitted to withdraw the same.

KEHOE, Chairman.

The above reported bills withdrawn by author.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

GERDES, Chairman.

The above reported bills ordered on file for second reading, and referred to Committee on Ways and Means.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires—have had the same under consideration, and respectfully report the same back with amendment, and recommend that it do pass as amended.

FLINT, Chairman.

The above reported bill ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts has had the enclosed matter under consideration, and begs to report that the following resolution be adopted.

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two hundred seventy-two and fifteen one-hundredths (\$272.15) dollars in favor of El H. Whyte, Sergeant-at-Arms at the Assembly, the same being for the payment of the following bills attached:

Fred Warren Transfer Company-----	\$8 50
Whiskey Hill Water Company-----	24 00
Mrs. C. McCall -----	12 00
Henry E. Sleeper & Co.-----	16 50
John Brenner Company-----	4 25
William Eberhardt -----	122 60
W. F. Purnell -----	64 70
McDowell & Harding -----	7 60
Wahl Stationery Co -----	12 00

\$272 15

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Prejsker, Randall, Rimplinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, and Young—58.

NOES—None

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following

Committee Substitute for Senate Bill No. 296—An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of olives, olive oil, salad oil, soda water, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages; repealing "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891; also repealing "An Act to amend an Act entitled an Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages (approved March 31, 1891), by adding thereto a new section after Section 4 thereof relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof," approved March 5, 1908.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Assembly Bill No. 255 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 454—An Act to amend section twenty-one of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes, the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891.

Also Senate Bill No. 472—An Act to regulate the occupation of barbering; to create a board of examiners for the licensing of persons to carry on such practice, to insure the better education of such practitioners; to provide rules regulating the proper sanitation of barber shops, barber schools and colleges; preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service, and providing penalties for violations thereof.

Also Senate Bill No. 262—An Act to amend section thirteen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation", approved March 14, 1907, relating to the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, and providing penalties for violation thereof and hereof, and for so practicing without having at the time of so doing a valid, unrevoked certificate as provided in said Act.

Also Senate Bill No. 601—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Also Senate Bill No. 602—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Also Senate Bill No. 600—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Also Senate Bill No. 622—An Act to recognize and declare valid all proceedings in South San Joaquin Irrigation District.

Also: Senate Bill No. 191—An Act providing for the removal of human remains from cemeteries in any city or city and county in this State, and repealing all Acts in conflict therewith.

Also Senate Bill No. 97—An Act to amend Section 548 of the Code of Civil Procedure of the State of California, relating to the service of summons, issued out of a justice's court, outside of the county in which the action is brought

WALTER N. PARRISII, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Committee substitute for Senate Bill No. 296 read first time, and referred to Committee on Judiciary.

Senate Bill No. 454 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 472 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 262 read first time, and referred to Committee on Medical and Dental Laws.

Senate Bill No. 601 read first time, and referred to Committee on Irrigation and Drainage.

Senate Bill No. 602 read first time, and referred to Committee on Irrigation and Drainage.

Senate Bill No. 600 read first time, and referred to Committee on Irrigation and Drainage.

Senate Bill No. 622 read first time, and referred to Committee on Irrigation and Drainage.

Senate Bill No. 191 read first time, and referred to Committee on Judiciary.

Senate Bill No. 97 read first time, and referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Sutherland: Assembly Bill No. 1157—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also, Assembly Bill No. 1158—An Act to amend Section 1195 of the Political Code, relating to the submission of constitutional amendments to the people.

Bill read first time, and referred to Committee on Constitutional Amendments.

Also (by request): Assembly Bill No. 1159—An Act to amend Section 1617 of the Political Code, relating to the powers and duties of trustees of school districts.

Bill read first time, and referred to Committee on Education.

Also (by request): Assembly Bill 1160—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill 1161—An Act to amend section three hundred and thirty-seven of the Code of Civil Procedure, relating to the time of commencing actions.

Bill read first time, and referred to Committee on Judiciary.

By Mr. McGowen: Assembly Bill No. 1162—An Act to provide for the construction of an exposition building in agricultural district num-

ber two on State property, to be known as State Agricultural Park, at Stockton, which building is to be used by all of the counties of this State, for the purpose of maintaining therein exhibits of their industries, industrial enterprises, resources and products, and to make an appropriation for the construction of such building.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Fitzgerald: Assembly Bill No. 1163—An Act to amend section sixty-eight of an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Smith: Assembly Bill No. 1164—An Act to create a public buildings committee, defining its powers and duties, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Gaylord: Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road a state highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Gerdes: Assembly Bill No. 1166—An Act to provide for the licensing and regulation of hospitals and special hospital nurses in the State of California.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Rosendale: Assembly Bill No. 1167—An Act to add a new section to the Penal Code of the State of California to be numbered 382c, forbidding the transportation within the State of California of any misbranded, mislabeled, or adulterated drug, or food.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 1168—An Act to add a new section to the Penal Code of the State of California to be numbered 382a, forbidding the advertisement of any misbranded, mislabeled or adulterated food, liquor, drug, medicine, or remedy.

Bill read first time, and referred to Committee on Medical and Dental Laws.

Also: Assembly Bill No. 1169—An Act to add a new section to the Penal Code of the State of California to be numbered 382b, forbidding the publication, circulation, or distribution of advertisements of any food, liquor, drug, medicine, or remedy, which advertisements shall be false or misleading.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Denegri: Assembly Bill No. 1170—An Act authorizing and requiring the State Harbor Commissioners of the city and county of San Francisco to repair and construct, or have repaired and constructed, the designated portions of the seawall, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Judson: Assembly Bill No. 1171—An Act to insure the better education of practitioners of dental surgery, and to regulate the

practice of dentistry in the State of California; providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California; providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California," approved March 12, 1885, approved March 23, 1901.

Bill read first time, and referred to Committee on Medical and Dental Laws.

By Mr. Bliss: Assembly Bill No. 1172—An Act to prohibit the conduct of games or athletic sports within a certain distance of a public cemetery or burying ground.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1173—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Bill read first time, and referred to Committee on Judiciary.

By Mr. McDonald: Assembly Bill No. 1174—An Act to repeal Section 6260 of the Penal Code of the State of California, relating to shooting from motor boats.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 1175—An Act to amend Sections 737 and 738 of the Political Code, relating to the salaries of superior judges, and the computation and payment of the same.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Joel (by request): Assembly Bill No. 1176—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Butler: Assembly Bill No. 1177—An Act to provide for the division of municipalities into sewer districts, and for the acquisition, construction, and maintenance of sewers therein; providing a system of district sewer bonds to pay the cost of work in such sewer districts, and also for the payment of such bonds.

Bill read first time, and referred to Committee on Municipal Corporations

By Messrs. Young and Griffin: Assembly Bill No. 1178—An Act to amend the Penal Code, relative to bucket shops and fixing penalties.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Jones: Assembly Bill No. 1179—An Act to amend Section 2969 of the Civil Code of the State of California, relating to limitation of rights of officers to levy on mortgaged personal property.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Jones: Assembly Bill No. 1180—An Act to amend Section 4245 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the sixteenth class

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Hinshaw (by request): Assembly Bill No. 1181—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of school trustees and of city boards of education.

Bill read first time, and referred to Committee on Education.

By Committee on Education: Assembly Bill No. 1182—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California, as the said article was amended November 8, 1910, in so far as the same relates to the public school system and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the Political Code of the State of California to be numbered Section 461, relating to the public schools, and creating a fund for their support.

Bill read first time, and ordered on file without reference.

By Mr. Wyllie: Assembly Bill No. 1183—An Act to add a new Article to Chapter III, Title I, Part III of the Political Code to be designated Article XX, providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the Capitol building and grounds, his assistants and employees; defining their powers and duties, and fixing their compensations; and repealing all Acts or parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 1184—An Act to amend Sections 5, 6, 9, and 11 of an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds, and property within the State of California; and for the planting, care, protection, and preservation of shade and ornamental trees, hedges, lawns, shrubs, and flowers growing and to be grown in and upon such roads, highways, grounds, and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs, and flowers."

Bill read first time, and referred to Committee on Conservation.

By Mr. Benedict: Assembly Bill No. 1185—An Act granting to municipal corporations of the State of California the right to construct, operate, and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue, or highway, or across any railway, canal, ditch or flume.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1186—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the commencement of work on water claims.

Bill read first time, and referred to Committee on Conservation.

Also (by request): Assembly Bill No. 1187—An Act directing, authorizing and empowering the trustees of the State Normal School at

Los Angeles to exchange certain real property and improvements thereon, the property of the State of California, and used as a site for the State Normal School at Los Angeles, for other real property within the city of Los Angeles, the property of said city, prescribing the terms of such exchange, providing for the erection of suitable buildings thereon, equipping and furnishing the same, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Williams (by request): Assembly Bill No. 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Bill read first time, and referred to Committee on Education.

By Mr. Harlan (by request): Assembly Bill No. 1189—An Act to amend section eight of an Act entitled "An Act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition and construction or completion thereof," which became a law without the Governor's approval February 25, 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Brown: Assembly Bill No. 1190—An Act to amend section number twelve of an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, and amended April 15, 1909, the amendment relating to the definition of the term "boulevard."

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county; providing for the voting, issuing, and selling of county bonds, and the acceptance of donations to pay for such work and improvements; providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits, and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes, and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon, of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing, and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, the amendment relating to the powers of the

board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 1193—An Act to add a new section to the Political Code of the State of California, to be designated and numbered three hundred and thirty-one, relating to the appointment to office of relatives by state officers and judges.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Mott: Assembly Bill No. 1194—An Act to amend Section 4259 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Wilson: Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 1196—An Act to amend Section 269a of the Penal Code of the State of California, relating to open and notorious fornication and adultery.

Bill read first time, and referred to Committee on Public Morals.

Also (by request): Assembly Bill No. 1197—An Act to add a new section to the Penal Code of California to be known as 310a, pertaining to soliciting orders, sale, and gift of intoxicating liquors in prohibited territory.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 1198—An Act to amend section four of an Act entitled "An Act providing for the purchase of a university farm for the use of the college of agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm; providing for a school of agriculture and a system of instruction on said farm and appropriating money therefor," approved March 18, 1905, relating to providing for the appointment of a board of trustees for the administration of the affairs of the university farm.

Bill read first time, and referred to Committee on Universities.

Also: Assembly Bill No. 1199—An Act to provide for the naming and care of highways, avenues, and other public ways.

Bill read first time, and referred to Committee on Roads and Highways

By Mr. Beatty (by request): Assembly Bill No. 1200—An Act to amend the Political Code of the State of California by adding a new section thereto to be known as Section 2522a thereof, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Committee on Election Laws: Assembly Bill No. 1201—An Act to amend section ten hundred and forty-four of the Political Code of the State of California, relating to conduct of municipal elections.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1202—An Act to amend Section 1079 of the Political Code of the State of California, relating to expenditures in respect to elections.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1203—An Act to amend Section 1188 of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1204—An Act to repeal Sections 1186, 1187, 1189, 1190, 1193, 1194, 1357, 1358, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1367a, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375 of the Political Code of the State of California, relating to elections.

Bill read first time, and ordered on file without reference.

By Mr. Hall: Assembly Bill No. 1205—An Act to amend Section 198 of the Code of Civil Procedure of California, relating to persons competent to act as jurors.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1206—An Act to repeal Section 39 of an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California; defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled "An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges of transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein," approved April 1, 1878, and also repealing an Act entitled "An Act to organize and define the powers of the Board of Railroad Commissioners," approved April 15, 1880.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Held: Assembly Bill No. 1207—An Act to amend Section 4243 of the Political Code, relating to salaries and fees of officers in counties of the fourteenth class, and to amend Section 4243a of said Code, relating to fees and mileage of jurors in counties of the fourteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Coghlan: Assembly Constitutional Amendment No. 37—Relative to the formation of and consolidation of city and county governments.

Read and referred to Committee on Constitutional Amendments.

By Mr. March (at request of Code Commissioner): Assembly Bill No. 1208—An Act to repeal An Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1209—An Act to repeal an Act entitled "An Act fixing the rates of interest and charges on loans upon chattel

mortgages on certain personal property, and prescribing penalties for the violation of the Act," approved March 20, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1210—An Act to repeal an Act entitled "An Act to provide for a lunch hour for laborers in sawmills, shake mills, shingle mills, and logging camps," approved February 28, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1211—An Act to repeal an Act entitled "An Act requiring the marking of packages of butter containing less than six pounds and more than one-half pound, so as to advise the purchaser or others as to the weight of butter contained in such package," approved March 20, 1905.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1212—An Act to repeal an Act entitled "An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1213—An Act to repeal an Act entitled "An Act to authorize the managers of orphan asylums to give their consent to the adoption of certain children under their care," approved April 1, 1878.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1214—An Act to repeal an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1215—An Act to repeal an Act entitled "An Act to protect the school districts of this State from injury during the year eighteen hundred and eighty, by the operation of section twelve, of article thirteen, of the Constitution," approved April 15, 1880.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1216—An Act to repeal an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor," approved March 27, 1895.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1217—An Act to repeal an Act entitled "An Act providing that all encampments of the National Guard shall

be held at the state camp of instruction, unless otherwise ordered," approved March 20, 1899.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1218—An Act to repeal an Act entitled "An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove," approved April 15, 1880.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1219—An Act to repeal an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1220—An Act to repeal an Act entitled "An Act to regulate and govern the state prisons of California."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1221—An Act to repeal an Act entitled "An Act to authorize the Justices of the Supreme Court to appoint a librarian for said court, and fixing a salary."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1222—An Act to repeal an Act entitled "An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill 1223—An Act to repeal an Act entitled "An Act in relation to the currency of the United States."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1224—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California; to provide for the appointment and to define the powers and duties of said officer and his deputies, and their compensation; and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1225—An Act to repeal an Act entitled "An Act regarding organizations, officers, and members of the National Guard who entered the United States volunteer service in the Spanish-American war of eighteen hundred and ninety-eight, their privileges and exemptions, and retirements, and providing for the return to the National Guard of such organizations, officers, and members."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1226—An Act to repeal an Act entitled "An Act authorizing and directing district attorneys to bring suits to abate public nuisances," approved March 15, 1899.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1227—An Act to repeal an Act entitled "An Act to abolish attorney's fees, and other charges in foreclosure suits."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1228—An Act to add a new section to the Political Code of the State of California to be known as section twenty-three hundred and twenty-nine, relating to forbidding the employment of the inmates of state institutions in the manufacture or production of articles for the use of State officers or officers or employees of state institutions.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1229—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of state institutions in the manufacture or production of articles for the use of state officers, or the officers and employers (employees) of state institutions."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1230—An Act to add a new section to the Political Code of the State of California to be known as section nine hundred and eighty-eight, relating to the payment of premiums on official bonds.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1231—An Act to repeal an Act entitled "An Act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1232—An Act to add a new section to the Political Code of the State of California to be known as section thirty-five hundred and seventy-five, relating to forfeiture of title to lands sold by the State.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1233—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for state lands where a fraudulent title was sought to be obtained thereto."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1234—An Act to add a new section to the Political Code of the State of California to be known as section forty-two hundred and twenty-one, relating to markings of government survey.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1235—An Act to repeal an Act entitled "An Act to further perpetuate the markings of the Government survey."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1236—An Act to add to Chapter III, Title VII, Part III of the Political Code of the State of California, thirteen new sections, to be numbered as sections thirty hundred and seventy-four $\frac{1}{2}$, thirty hundred and seventy-five $\frac{1}{2}$, thirty hundred and eighty *a*, thirty hundred and eighty *b*, thirty hundred and eighty *c*, thirty hundred and eighty *d*, thirty hundred and eighty *e*, thirty hundred and eighty *f*, thirty hundred and eighty *g*, thirty hundred and eighty *h*, thirty hundred and eighty *i*, thirty hundred and eighty *j*, and thirty hundred and eighty-four, relating to the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing the penalty for the violation thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1237—An Act to repeal an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons, and other persons in relation to such registration, and fixing penalties for the violation of this Act."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1238—An Act to add three new sections to the Political Code of the State of California, to be known as sections six hundred and eighty-six, six hundred and eighty-seven, and six hundred and eighty-eight, providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1239—An Act to repeal an Act entitled "An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1240—An Act to add a new section to Chapter XII, Title II, Part IV of the Political Code of the State of California, to be known as section forty-three hundred and twenty-six, relating to charges of city justices and constables against counties.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1241—An Act to repeal an Act entitled "An Act forbidding the payment of municipal officers out of the funds of the county."

Bill read first time, and referred to Committee on Revision and Reform of Laws

Also: Assembly Bill No. 1242—An Act to add a new section to Article III, Chapter III, Title VI, Part III of the Political Code of the State of California, to be known as section twenty-eight hundred and eighty-two, relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expenses thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1243—An Act to repeal an Act entitled "An Act relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1244—An Act to add a new section to the Political Code of the State of California to be known as section six hundred and eighty-nine, prohibiting the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity, and on consent of the Governor, Secretary of State, and Attorney General.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1245—An Act to repeal an Act entitled "An Act to prohibit the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity and on consent of the Board of Examiners."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1246—An Act to amend section one hundred eighty-three of the Penal Code of California, relating to a conspiracy to commit any crime against the person of the President or Vice-President of the United States, the Governor of any state or territory, or any United States justice or judge, or the secretary of any executive department of the United States, and providing a penalty therefor

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1247—An Act to repeal an Act entitled "An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President, the Vice-President of the United States, or Governor of any state or territory, any United States justice or judge, or the secretary of any executive department of the United States a felony, and providing a penalty therefor," approved February 28, 1903.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1248—An Act to add a new section to the Penal Code of California to be known as section two hundred and forty-seven, making an attempt to kill or commit an assault upon the President or the Vice-President of the United States, the Governor of any state or territory, or any United States justice or judge, or the

secretary of any executive department of the United States a felony, and providing a penalty therefor.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1249—An Act to add a new section to the Penal Code of California to be known as section seventy-nine, relating to school officers and teachers acting as agents.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1250—An Act to add a new section to the Penal Code of California to be known as section seventy-eight, relating to the prevention of irregular issuance of teachers' certificates.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1251—An Act to add a new section to the Penal Code of California to be known as section four hundred and twenty-two, relating to disturbing schools or school meetings.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1252—An Act to repeal sections eighteen hundred sixty-seven, eighteen hundred sixty-eight, eighteen hundred sixty-nine, and eighteen hundred and seventy of the Political Code of the State of California.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1253—An Act to add a new section to the Penal Code of California to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1254—An Act to repeal an Act entitled "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1255—An Act to add a new section to the Penal Code of California to be known as section six hundred and fifty-three e, regulating the use of illuminating gas, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1256—An Act to repeal an Act entitled "An Act to regulate the use of illuminating gas."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1257—An Act to add a new section to the Penal Code of California to be known as section two hundred and ninety-six, relating to the injury or destruction of property in cemeteries.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1258—An Act to add two new sections to the Penal Code of California to be known as sections five hundred and ninety-six *a* and five hundred and ninety-six *b*, relating to the unlawful administering of drugs to animals on exhibition.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1259—An Act to repeal an Act entitled “An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other live stock, except for medicinal purposes, and making the same a misdemeanor.”

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1260—An Act to add a new section to the Penal Code of California to be known as section seven hundred twenty-eight, providing for the appointment of policemen on cars or boats of railroad and steamship companies.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1261—An Act to repeal An Act entitled “An Act to provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars or boats of railroad and steamship companies.”

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1262—An Act to add a new section to the Penal Code of California to be known as section six hundred and forty-eight *b*, relating to advertising on the American flag.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1263—An Act to repeal An Act entitled “An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor.”

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1264—An Act to add three new sections to the Penal Code of California to be known as sections three hundred and seventy-four *b*, three hundred and seventy-four *c*, and three hundred and seventy-four *d*, preventing the spread of contagious diseases among animals.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1265—An Act to repeal An Act entitled “An Act to prevent the spread of contagious diseases among animals.”

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1266—An Act to add a new section to the Penal Code of California to be known as section seven hundred and twenty-one, relating to authorizing and requiring boards or commissions having the management and control of paid police force to grant the members thereof yearly vacations.

Bill read first time, and referred to Committee on Revision and Reform of Laws

Also: Assembly Bill No. 1267—An Act to repeal an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid police force to grant the members thereof yearly vacations."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1268—An Act to add a new section to the Penal Code of California to be known as section seven hundred and seventy-three, relating to the intoxication of officers.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1269—An Act to repeal An Act entitled "An Act relating to the intoxication of officers."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1270—An Act to add a new section to the Penal Code of California to be known as section fifteen hundred ninety-six *a*, relating to authorizing and empowering the State Board of Prison Directors to purchase California grown hemp, to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold, and the payment of the expenses and costs of the trial of convicts for crimes committed in the state prison, and to pay the costs of the trial, or escaped convicts, and to pay for the expenses of coroner's inquests in said prison.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1271—An Act to repeal an Act entitled "An Act to authorize and empower the State Board of Prison Directors to purchase California grown hemp, to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1272—An Act to add a new section to the Penal Code of California to be known as section five hundred and two *a*, relating to larceny of real estate.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1273—An Act to repeal an Act entitled "An Act to more fully define the crime of larceny."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1274—An Act to add a new section to the Penal Code of California to be known as section three hundred and seventy-four *a*, relating to contagious or infectious diseases among domestic animals

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1275—An Act to repeal an Act entitled "An Act to prevent the spread of contagious or infectious diseases among domestic animals."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1276—An Act to amend section five hundred and ninety-seven of the Penal Code of California, relating to cruelty to animals.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1277—An Act to repeal an Act entitled "An Act to prohibit the use of the bristle bur, tack fur, or other like devices on horses or other animals in this State."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1278—An Act to amend section five hundred sixty-four of the Penal Code of California, relating to false statements by officers of corporations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1279—An Act to repeal an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1280—An Act to amend section seventy-four *a* of the Penal Code of California, relating to the protection of labor and wages of employees on public works.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1281—An Act to repeal an Act entitled "An Act to protect the wages of labor and the salaries and fees of subordinate officers."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Held: Assembly Bill No. 1282—An Act to provide for the recall of certain state, county, township, or municipal officers in the State of California, and for the election of a successor thereof.

Bill read first time, and referred to Committee on Direct Legislation.

By Mr. Preisker: Assembly Bill No. 1283—An Act to provide an appropriation for assisting Santa Maria Reclamation District No. 798 in protecting the banks of the Santa Maria River from erosion, by means of levees and piling, and to protect the roads and bridge near the city of Santa Maria.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Also: Assembly Bill No. 1284—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Mullally: Assembly Bill No. 1285—An Act to add a new section to the Penal Code of the State of California to be known as section six hundred and twenty-eight and one-half, relating to the selling or giving away of any lobster or crawfish, and providing the punishment for the violation thereof.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. March: Assembly Bill No. 1286—An Act to add a new section to the Penal Code of the State of California to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time, and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Bill read first time, and referred to Committee on State Prisons and Reformatory Institutions.

Also: Assembly Bill No. 1287—An Act to authorize the State of California to convey to the county of Sacramento the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of Section 17, said point being the northwest corner of the property deeded to the board of supervisors of Sacramento County by James Lansing, on April 8, 1869, and recorded in Book 51 of Deeds, page 633, on file in the office of the county recorder of Sacramento County, and described as "the west 17 chains of the east 22 chains of the north half of the northeast quarter of section 17, township 8 north, range 5 east, M. D. B. & M., and running thence from said point of beginning south 224.6 feet; thence south 40 degrees 56 minutes, west 201.6 feet; thence south 89 degrees 22 minutes, west 327.3 feet to the east line of the Wright & Kimbrough Subdivision No. 14; thence north 380.5 feet along said east line to the northeast corner of said subdivision on the north line of section 17; thence east 464.2 feet along said section line to the place of beginning, containing 3 78 acres. All the above described property lying in section 17, township 8 north, range 5 east, M. D. B. & M., and in Sacramento County, California; in consideration of the county of Sacramento conveying to the State of California the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the property line between the County Hospital grounds and the Elmhurst subdivision, said point being in section 17, township 8 north, range 5 east, M. D. B. & M., distant south 0 degrees 27 minutes, west 215.7 feet from the north line of said Section 17, at a distance of 330 feet west from the northeast corner thereof, and running thence north 71 degrees 06 minutes west 621.2 feet; thence south 89 degrees 22 minutes west 178.3 feet; thence south 84 degrees 52 minutes west 54.7 feet; thence south 80 degrees 56 minutes west 65.3 feet; thence south 73 degrees 08 minutes west 56.3 feet; thence south 66 degrees 43 minutes west 64 feet; thence south 57 degrees 52 minutes west 42.6 feet; thence south 55 degrees 29 minutes west 69.7 feet; thence south 49 degrees 37 minutes west 119.7 feet; thence south 40 degrees 56 minutes west 15.6 feet; to the property line between the County Hospital property and the property of the State Agricultural Society at a distance of 224.6 feet south along said property line from the northwest corner of the tract of land deeded by James Lansing to the board of supervisors of Sacramento County on April 8, 1869, and recorded in Book 51 of Deeds, page 633, on file in the office of the county recorder of Sacramento County, and described as "the west 17 chains of the east 22 chains of the north one half of the northeast quarter of section 17, township 8 north, range 5 east, M. D. B. & M.;"

thence south 458 feet along the west line of said tract to the southwest corner thereof; thence east 1183 feet along the south line of said tract to the southeast corner thereof; thence north 467 feet along the east line of said tract to the point of beginning, containing 16.12 acres. All the above described land lying in section 17, township 8 north, range 5 east, M. D. B. & M., and in Sacramento County, California; the purpose of this Act being to perfect of record the title of the county of Sacramento to the real property first above described, and to perfect of record the title of the State of California to the real property last above described.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1288—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1289—An Act amending section two of an Act entitled "An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of such gardener," approved March 21, 1907.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Guill (by request): Assembly Bill No. 1290—An Act to add a new section to the Penal Code to be known as Section 309a, relating to and prohibiting minors under sixteen years of age from being allowed to play on any billiard or pool table kept for hire or profit, and further relating to prohibiting such minors from visiting a place where a billiard or pool table is kept for such purposes, and prescribing the penalty therefor.

Bill read first time, and referred to Committee on Public Morals.

LEAVES OF ABSENCE.

On motion of Mr. Polsley, leave of absence was granted to Mr. Malone for the day.

At the request of Mr. Cattell, Speaker pro tem., leave of absence was granted to Speaker A. H. Hewitt for the day.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Gerdes:

WHEREAS, There has been reported to the Committee on State Prisons and Reformatory Institutions certain bills calling for appropriations for the state prison at San Quentin, and

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit said institution, said committee now, through the chairman thereof, applies to this Assembly for leave of absence for the members of said committee hereinafter designated. That the occasion and necessity for visiting said institution are as above stated; that the names of the committeemen designated by the chairman for the purpose aforesaid are as follows, to wit: Messrs Bishop, Cattell, Cunningham, Gerdes, Harlan, Lynch, Rogers, Stevenot, and Telfer to visit the state prison at San Quentin; and application is hereby made to this Assembly for a leave of absence for the above named members of said committee for the period extending from and including Friday, the 17th day of February, 1911, at 3 o'clock P. M., to and including Monday, the 20th day of February, 1911; therefore, be it now

Resolved, That the above named members on said Committee on State Prisons and Reformatory Institutions be and they are hereby granted leave of absence from and including the 17th day of February, 1911, at three o'clock P. M., to and including the 20th day of February, 1911.

Resolution read, and referred to Committee on Rules and Regulations.
By Mr. Walker:

WHEREAS, The twenty-first biennial report of the Board of Fish and Game Commissioners of the State of California, for the years 1909-1910, shows that large sums of money have been received and expended by said commission; and

WHEREAS, Many citizens of this State are complaining that the money received by said commission has been extravagantly spent, and that the business of the commission is conducted in an ineffective manner; therefore, be it

Resolved by the Assembly, That the Speaker of the Assembly is hereby authorized and directed to appoint a special committee of five members whose duty it shall be to investigate the books and accounts of the said Board of Fish and Game Commissioners; the manner in which, and the purpose for which, the moneys received by the commission have been expended, and the effect of the work of the commission on the preservation and protection of fish and game in this State; and be it further

Resolved, That said committee, after making such investigations, report to the Assembly the result of its investigation; and be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, and also to issue subpoenas and compel attendance of witnesses when necessary; and be it further

Resolved, That the Clerk of the Assembly is hereby instructed to assign for duty to such committee a sergeant-at-arms, and such stenographers and clerical assistance now in the service of the Assembly as may be necessary in the said investigation.

Resolution read, and referred to Committee on Fish and Game.

SPECIAL ORDER CONTINUED.

On motion of Mr. Bohnett, consideration of Assembly Bill No. 765, heretofore set for ten o'clock and forty minutes A. M. of Thursday, February 9, 1911, was continued until eleven o'clock A. M. of Friday, February 10, 1911.

SPECIAL ORDER.

The hour of ten o'clock and fifty minutes A. M. having arrived, the special order heretofore set for this hour was taken up.

The question being the motion to reconsider the vote on Assembly Bill No. 663—An act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

MOTION.

Mr. Randall moved that the question be made a special order for eleven o'clock A. M. Friday, February 10, 1911.

Mr. Rodgers of San Francisco moved as a substitute, that the question be taken up at this time.

Substitute motion carried.

The question being the motion to reconsider the vote whereby Assembly Bill No 663 was passed.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Randall moved a call of the House.

Roll call regularly demanded.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Beatty, Beckett, Rennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Harlan, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Maher, Mendenhall, Mott, Polsley, Preisker, Randall, Stevenot, Sutherland, Telfer, Tibbits, Wyllie, and Young—36.

NOES—Messrs. Callaghan, Coghlan, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Griffin, Hamilton, Hayes, Jasper, Jones, Joel, Lyon of Los Angeles, March, McDonald, McGowen, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stuckenbruck, Walker, Walsh, Williams, and Wilson—36.

The roll of the absentees was called, and the motion to reconsider lost by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Mendenhall, Mott, Polsley, Preisker, Randall, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, and Young—38.

NOES—Messrs. Beatty, Callaghan, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Griffin, Hamilton, Hayes, Jasper, Jones, Joel, Lyon of Los Angeles, March, McDonald, McGowen, Mullally, Nolan, Rimlinger, Rogers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Walker, Walsh, and Williams—34.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act.

During the consideration of the bill, Mr. Bishop moved that the Speaker appoint a select committee of one to amend the bill as follows:

At the end of line 14, on page 2, of the printed bill, strike out the period and bracket, and insert in lieu thereof the following: "*Provided further*, that in laundries and dyeing and cleaning establishments women may work during the first three days of any one week, nine hours per day, but not to exceed fifty-one hours in any one week, or nine hours in any one day."

Motion lost.

MOTION.

Mr. Freeman moved that the bill be re-referred to the Committee on Judiciary.

Motion lost

Mr. Farwell moved that a select committee of one be appointed to amend the bill as follows:

Add in Section 1, line 13, page 2, of printed bill, the word "packing", between the words "curing" and "canning".

Roll call regularly demanded.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Butler, Cattell, Chandler, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hinshaw, Jones, Judson, Lamb, Lynch, Rogers of Alameda, Rosendale, Slater, Sutherland, Walker, Wyllie, and Young—30.

NOES—Messrs. Beatty, Beckett, Bohnett, Brown, Callaghan, Clark, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Griffin, Hayes, Hinkle, Jasper, Joel, Kehoe, Lyon of Los Angeles, Maher, March, McDonald, McGowen, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, and Williams—40.

During the further consideration of the bill, Mr. Bishop moved that the Speaker appoint a select committee of one to amend the bill as follows:

By adding a new section to read as follows:

"SEC. 4. This Act shall take effect and be in force from and after July 1, 1911."

Motion lost.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 248 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Heid, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, and Young—72.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to revenue and taxation; providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907; amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Bill read second time, and ordered to engrossment and third reading.

WITHDRAWAL OF BILL.

Mr. Randall asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 676.

Bill withdrawn, and ordered stricken from the file.

THIRD READING OF BILL.

Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

During consideration of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the enacting clause, insert the following: "A new section is hereby added to the Political Code of the State of California to be numbered 1566, and to read as follows."

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 1, strike out "Section".

Amendment adopted.

AMENDMENT No. 3.

Strike out of the printed bill, on page 1, all of lines 8 to 13, both inclusive.

Amendment adopted.

AMENDMENT No. 4.

On page 1, of the printed bill, strike out "Sec. 2".

Amendment adopted.

AMENDMENT No. 5.

On page 2, of the printed bill, strike out "Sec. 3."

Amendment adopted.

AMENDMENT No. 6.

On page 2, of the printed bill, strike out "Sec. 4."

Amendment adopted.

AMENDMENT No. 7.

On page 2, of the printed bill, strike out "Sec. 5."

Amendment adopted.

Bill read third time, and ordered to reprint, reëngrossment, and on file for passage.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker pro tem. Cattell in the chair.

SPECIAL ORDER.

The hour of two o'clock having arrived, the special order heretofore set for this time was taken up for consideration.

The question being the consideration of Assembly Bill No. 381—An Act to amend an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and

appropriating money therefor," approved March 25, 1903—with the following select committee amendment:

Strike out of Section 2, page 2, lines 19 and 20, of printed bill, the words: "provide itself with an office in the city and county of San Francisco," and insert in lieu thereof the following: "have its office in the city of Sacramento"

A vote was taken on the motion to amend.

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 381 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Feeley, Freeman, Gerdes, Griffin, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walker, Williams, Wilson, and Young—52.

NOES—Messrs. Held, and Preisker—2

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF SENATE BILL.

Senate Bill No. 220—An Act to amend section five hundred and twenty-seven of the Code of Civil Procedure, relating to the manner of granting temporary injunctions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 220 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Crosby, Denegri, Feeley, Flint, Gaylord, Gerdes, Griffin, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McDonald, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walker, Williams, Wilson, and Young—53

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 272—An Act to amend Section 593 of the Civil Code of the State of California, relating to the incorporation of religious, social, and benevolent corporations and other corporations not organized for pecuniary profit.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 273—An Act to amend Section 599 of the Civil Code of the State of California, relating to the by-laws of corporations organized for purposes other than profit.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 424—An Act to add a new section to the Penal Code of the State of California to be known as section six hundred and thirty-two (4), relating to fishing through the ice in the waters of this State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 185—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing, or tracking of deer with dogs.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of line 5, of the printed bill, the word "two", and inserting in lieu thereof the word "one".

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out after the word "said", in line 5, of the printed bill, the word "dogs", and insert in lieu thereof the word "dog".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

WITHDRAWAL OF BILL.

Mr. Bennink asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 60.

Bill withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS.

Assembly Bill No. 57—An Act to amend the Civil Code by adding a new section thereto to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations, and prescribing a penalty therefor.

During second reading of bill, the following amendments were submitted by the committee:

On page 1, Section 1, line 4, after the word "cemetery" insert the words "corporation or".

Amendment adopted.

On page 1, Section 1, line 6, after the word "such" insert the words "corporation or".

Amendment adopted.

On page 1, Section 1, line 9, after the word "such" insert the words "corporation or".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 727—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered 598a, providing for the creation of a bonded indebtedness upon personal property by corporations organized where pecuniary profit is not their object.

During second reading of bill, the following amendments were submitted by the committee:

On page 1, Section 1, line 1, strike out lines 1 and 2, and insert in lieu thereof the following "A new section is hereby added to the Civil Code to be numbered 598a, and to read as follows".

Amendment adopted.

On page 1, Section 1, line 3, strike out the word "section".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 1, line 23, after the word "or" insert the words "acquired or".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 718—An Act to protect fraternal, benevolent, and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 798—An Act to add a new section to the Civil Code of the State of California to be numbered 292a, relating to articles of incorporation, and requiring that the signature of each person therein named as director shall be affixed to said articles of incorporation and acknowledged.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 of said Act, relative to the levying of assessments.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 782—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 783—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 784—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 972—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of fish.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill 947—An Act to amend Section 628a of the Penal Code of the State of California, relating to striped bass.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "section", in line 3, page 1, of the printed bill

Amendment adopted.

AMENDMENT No. 2

Amend line 15, page 1, of the printed bill, by inserting after the first word of said line a comma (,) and the words "or transports" and a comma (,).

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In line 12, of Section 1, on page 1, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "ten".

Amendment adopted.

AMENDMENT No. 2

Amend line 29, of Section 1, on page 2, of the printed bill, by striking out the word "subdivisions", and inserting in lieu thereof the word "subdivision"

Amendment adopted.

AMENDMENT No. 3.

In line 34, of Section 1, on page 2, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "ten"

Amendment adopted

AMENDMENT No. 4.

In line 30, on page 2, of the printed bill, strike out the words "six hundred dollars", and insert in lieu thereof the words "five hundred and fifty dollars"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 368—An Act to repeal Article VIII, of Title III, of Part III of the Political Code.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 904—An Act to amend Section 1521 of the Political Code of California, relating to the powers and duties of the State Board of Education.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 1006—An Act to amend an Act entitled "An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein; also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes." approved March 22, 1909; extending the provisions of said Act to include sanitary districts.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 920—An Act to allow union high school districts to establish, equip, and maintain public libraries; to provide for the formation, government and operation of such library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2, Section 2, page 1, of the printed bill, strike out the words "said town or village", and insert in lieu thereof the words "any union high school district".

Amendment adopted.

AMENDMENT No. 2.

In line 2, Section 7, page 2, of the printed bill, insert after the letter "a" the words "union high school".

Amendment adopted.

AMENDMENT No. 3.

In line 7, Section 13, page 5, of the printed bill, strike out the word "public", and insert in lieu thereof the words "union high school".

Amendment adopted.

AMENDMENT No. 4.

In line 1, Section 15, page 6, of the printed bill, after the word "every" insert the words "union high school".

Amendment adopted.

AMENDMENT No. 5.

In line 10, Section 18, page 7, of the printed bill, strike out the word "public", and insert in lieu thereof the words "union high school".

Amendment adopted.

AMENDMENT No. 6.

In lines 7, 8, 9, 10, 11, 12, and 13, Section 25, page 10, of the printed bill, strike out the words "any incorporated town or city that may at such time be in occupation of a major portion of the territory of such library district, and including within its town or city limits the property and building wherein the library is situated, and if there be no such incorporated town or city, then the property shall be vested in the board of supervisors of the county until the formation of such a town or city", and insert in lieu thereof the words "the union high school district in which said library is situated".

Amendment adopted.

AMENDMENT No. 7.

In lines 21, 22, and 23, Section 25, page 10, of the printed bill, strike out the words "the legislative authority of such incorporated town or city, or the board of supervisors, if there be no such incorporated town or city," and insert in lieu thereof the words "and the board of supervisors".

Amendment adopted.

AMENDMENT No. 8.

In line 3, Section 27, page 10, of the printed bill, strike out the period where it appears after the word "trustee", and insert in lieu thereof a comma and the words "and where the words library, library district, or library districts appear in this Act the same shall be construed to mean 'union high school library districts'".

Amendment adopted.

AMENDMENT No. 9.

In line 4, Section 20, page 7, of the printed bill, strike out the word "majority", and insert in lieu thereof the word "two-thirds".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 851—An Act to amend Section 1768 of the Political Code of the State of California, relating to county boards of education.
Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF BILLS.

Assembly Bill No. 195—An Act to provide for the registration of farm, ranch, and villa names in California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 195 passed by the following vote:

AYES—Messrs. Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Feeley, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Harlan, Hayes, Hinkle, Jasper, Joel, Judson, Kehoe, Lyon of Los Angeles, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rutherford, Ryan, Slater, Smith, Stevenot, Tibbits, Wilson, and Young—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one *a*, relating to filing a copy of printed notice to creditors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 290 passed by the following vote:

AYES—Messrs. Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Wilson, and Young—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410*a*, and relating to the forfeiture of the right to do business by any corporation which shall remove, or make application to remove, actions brought against it from the State courts to the courts of the United States.

RE-REFERENCE OF BILL.

On motion of Mr. Kehoe, Assembly Bill No. 241 was re-referred to Committee on Judiciary.

Assembly Bill No. 208—An Act to authorize James Touhey to bring suit against the State of California.

During the consideration of the bill, Mr. Bliss moved that the Speaker appoint a select committee of one to amend the bill as follows:

In the title of said Act, strike out the name "James Touhey", and insert in lieu thereof the following: "the personal representative of James Touhey, deceased".

Also. Strike out all of Section 1, and insert in lieu thereof the following.

SECTION 1 It being claimed that James Touhey, now deceased, who, at and for the agreed price of fourteen thousand dollars, of which sum ten thousand five hundred dollars has been paid, entered into a contract on July 23, 1902, with the State of California, acting by and through its Highway Commissioner, to construct a portion of a state highway in Levingz Creek Canyon, Mono County, State of California, and it being further claimed that said James Touhey did perform the work required by said contract in accordance with the conditions thereof, and that he was not paid in full by the State and that the State failed to pay three thousand five hundred dollars owing to said James Touhey on said contract, and that the State also received and retained the sum of one thousand dollars belonging to said James Touhey, which said James Touhey furnished as security for the performance of his contract, the personal representative of James Touhey, deceased, is hereby authorized and permitted to bring suit against the State of California, in the Superior Court of the county of Sacramento, State of California, for the sum of three thousand five hundred dollars claimed to be still due from the State of California, on said contract, and also for said further sum of one thousand dollars, claimed to be due from the State of California, by reason of the State having received and retained said sum of one thousand dollars, which said James Touhey furnished as security for the performance of his said contract.

Also: In line 2, Section 2, page 2, of the printed bill, strike out the name "James Touhey", and insert in lieu thereof the following: "the personal representative of said James Touhey, deceased".

Also. Strike out all of Section 4

Motion carried.

The Speaker appointed Mr Bliss as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 208 with instructions, do now report back the instructions of the Assembly have been carried out.

BLISS, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 667—An Act to regulate the keeping of bathing places and swimming resorts on rivers and streams.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 667 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Cunningham, Farwell, Feeley, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbitts, Walker, Walsh, and Wilson—57

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays: providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts or parts of Acts now in force relating to estrays," approved March 23, 1901

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 643 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Denegri, Farwell, Freeman, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Wilson, and Young—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 888—An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the product of their skill and labor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 888 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Wilson, and Young—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 890—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin and of Folsom prisons, and the disposition thereof.

During the third reading of the bill, Mr. Gerdes moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, line 4, of printed bill, strike out the word "Section".

Also On page 2, strike out all of lines 35 and 36, and in lieu thereof insert the following:

"Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

"Sec. 3. This Act shall take effect from and after its passage."

Motion carried.

The Speaker appointed Mr. Gerdes as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 890, with instructions, do now report that the instructions of the Assembly have been carried out

GERDES, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 355 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Crosby, Flint, Freeman, Guill, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, and Young—48.

NOES—Mr. Farwell—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 571—An Act to amend Section 1576 of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder, or any part of the remainder, of the district or districts, from which such city or incorporated town was organized

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 571 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Cronin, Crosby, Cunningham, Flint, Freeman, Gaylord, Gedes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Lamb, Lynch, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimplinger, Rodgers of San Francisco, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Telfer, Walker, Walsh, Wilson, Wyllie, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER Your Committee on Military Affairs, to whom was referred Assembly Bill No. 1003—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

CROSBY, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 1007—An Act to appropriate money to pay enlisted men of the National Guard of California for attendance at joint maneuver camps of said National Guard and the United States army in the years 1907, 1908, and 1910, as provided by Section 2076 of the Political Code—have had the under consideration, and respectfully report the same back, and recommend that it do pass and that it be re-referred to Committee on Ways and Means.

CROSBY, Chairman.

The above reported bill ordered on file for second reading, and referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER Your Committee on Military Affairs, to whom was referred Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Also: Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CROSBY, Chairman.

The above reported bills ordered on file for second reading:

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 287—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California—have had the same under consideration, and respectfully report the same back and recommend the following committee substitute and recommend it do pass and be referred to Committee on Ways and Means:

"An Act to provide for the purchase by the State of California of the armory building and wharf located on the bay of San Diego, and making an appropriation therefor."

CROSBY, Chairman.

Committee substitute adopted.

Read first time, and referred to Committee on Ways and Means.

ON LIVE STOCK, DAIRIES, AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Live Stock, Dairies, and Dairy Products, to whom was referred Senate Bill No. 344—An Act to regulate the public service of stallions and jacks in the State of California.

Also: Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

Also: Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Also: Senate Bill No. 542—An Act to prevent the importation of horses, mules, and asses affected with glanders into the State of California.

Also: Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State, for the purpose of determining whether any horse, mule, or ass is affected with glanders, and providing for penalties for violations of this Act.

Also: Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California, and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep," approved March 24, 1902.

Also: Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they do pass.

HAMILTON, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911

MR. SPEAKER: Your Committee on Live Stock, Dairies, and Dairy Products, to whom was referred Assembly Bill No. 756—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal year such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies, providing for the compensation and expenses of such inspectors, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass and be re-referred to the Committee on Ways and Means.

HAMILTON, Chairman

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9 1911

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 704—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

COGHILAN, Chairman.

The above reported bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills, etc.:

Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 13 of Article XX thereof, relating to the manner of electing officers of cities, and the number of votes necessary to constitute a choice.

Assembly Bill No. 388—An Act to amend Section 349a of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven a thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors or any admixture thereof in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold, and providing the punishment for the violation thereof

Assembly Bill No. 855—An Act to repeal Section 250 of the Political Code of the State of California.

Assembly Bill No. 849—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants.

Assembly Bill No. 636—An Act to amend the Penal Code of California, by adding a new section thereto to be known as Section 626p, relating to the protection of beaver.

Assembly Bill No. 907—An Act to provide for the cancellation of applications for lieu lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States land office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lieu lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the Register and Receiver of the local United States land office and given a Register and Receiver's number, and forwarded to the General Land Office at Washington, D. C., and of record therein

Assembly Bill No. 908—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of lieu land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Assembly Bill No. 909—An Act to amend Section 3494 of the Political Code relating to the sale of school lands.

Assembly Bill No. 910—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Assembly Bill No. 911—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Assembly Bill No. 832—An Act authorizing levee districts of the State to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals; or for any and all of said purposes.

Assembly Bill No. 881—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California; fixing, defining and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Assembly Bill No. 999—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Assembly Bill No. 1000—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California, fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

ON CONTINGENT EXPENSES AND ACCOUNTS.

MR. SPEAKER Your Committee on Contingent Expenses and Accounts have had the enclosed matter under consideration, and beg to report that the following resolution be adopted:

Resolved. That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two thousand one hundred and eighty-nine and twenty-eight one-hundredths dollars in favor of L. B. Mallory, Chief Clerk of the Assembly, the same being for the payment of the following bills attached

H S Crocker Company-----	\$20 00
Bender Moss Company-----	1850 00
Bancroft-Whitney Company -----	450 00
Henry E. Sleeper & Co.-----	54 28
Expenses of Hospital Committee-----	315 20
	<hr/>
	\$2189 28

STEVENOT, Chairman

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gerdes, Guilt, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Lamb, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, and Young—50.

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Brown: Assembly Bill No. 1291—An Act requiring relatives to support dependent poor persons who are unable to earn a livelihood in consequence of any bodily or mental infirmity, or other unavoidable cause

Bill read first time, and referred to Committee on Judiciary.

By Committee on Military Affairs: Assembly Bill No. 1292—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. McDonald: Assembly Bill No. 1293—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Bill read first time, and referred to Committee on Education.

By Messrs. Guill and Wilson: Assembly Bill No. 1294—An Act defining commission merchants: providing for a license for the conduct of the business of commission merchants and the procedure for obtaining the same; also providing regulations for the conduct of the said business, and for penalties for violations of this Act.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests

By Mr. Mendenhall: Assembly Bill No. 1295—An Act to amend Section 4273 of the Political Code of the State of California, relating to the salaries and fees of the county officers of the forty-fourth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Harlan (by request): Assembly Bill No. 1296—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto thirty-four new sections numbered 887 to 921, inclusive, so as to provide for municipal corporations of the seventh class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Stuckenbruck: Assembly Bill No. 1297—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees; providing how acknowledgments of such indebtedness shall be paid; fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Griffin: Assembly Bill No. 1298—An Act to amend Section 647 of the Civil Code of California, relating to investment of funds of building and loan associations.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Assembly Bill No. 1299—An Act to amend Section 574 of the Civil Code of California, relating to property that may be owned by savings and loan corporations.

Bill read first time, and referred to Committee on Building and Loan Associations.

Also: Assembly Bill No. 1300—An Act to amend an Act entitled "An Act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein, and providing a penalty for the illegal deposit and use thereof," approved March 23, 1907, by amending section one thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1301—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six, sixty-one and sixty-

seven thereof, relating to what securities banks may invest in or loan their funds upon.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Rutherford: Assembly Bill No. 1302—An Act to amend section four thousand two hundred and sixty-three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fourth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Rogers of Alameda: Assembly Bill No. 1303—An Act to amend the Penal Code of California by adding new sections thereto, to be numbered 270*d*, 270*e*, and 273*h*, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove, and the punishment of such offenses.

Bill read first time, and referred to Committee on Public Charities and Corrections.

Also: Assembly Bill No. 1304—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children"; providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 15 thereof, relating to the powers of probation officers.

Bill read first time, and referred to Committee on Public Charities and Corrections.

By Mr. Young: Assembly Bill No. 1305—An Act to amend "An Act regulating the employment and hours of labor of children; prohibiting the employment of minors under certain ages; prohibiting the employment of certain illiterate minors; providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Preisker: Assembly Bill No. 1306—An Act to amend an Act entitled "An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, to obtain data and information, from any corporation, company, or person supplying water to such city and county, city, or town, requiring such boards, town council, or other legislative body to perform the duties prescribed by section one, of article fourteen, of the Constitution, and prescribing penalties for the non-performance of such duties," approved March 7, 1881, by amending sections one, two, six,

and seven, making persons, companies, associations, and corporations furnishing gas or electricity subject to the provisions of this Act.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Maher: Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors relating to roads.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Benedict: Assembly Bill No. 1308—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1309—An Act to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the board of health of the city and county of San Francisco," approved March 31, 1891.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1310—An Act to amend Sections 2521, 2522, and 2552 of the Political Code, relating to the officers appointed by the State Harbor Commission of the port of San Francisco and their duties.

Bill read first time, and referred to Committee on Ways and Means

Also: Assembly Bill No. 1311—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 121 of said Act in relation to the appointees of the Superintendent of Banks.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Brown: Assembly Constitutional Amendment No. 38—Relating to the State Board of State Prison Directors

Read, and referred to Committee on Constitutional Amendments.

ADJOURNMENT.

At three o'clock and forty-five minutes P. M., on motion of Mr. Brown, the Assembly was declared adjourned until ten o'clock A. M. of Friday, February 10, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Friday, February 10, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby,

Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Presker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Wilson, Willie, Young, and Mr. Speaker—73

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hayes, its further reading was dispensed with

PETITIONS.

The following petitions were received and filed.

By Mr. Crosby:

Petition favoring the construction and equipment of a state armory building in the city of Oakland

Also:

Petition favoring the passage of Senate Bill No. 271 for the protection of game.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 841—An Act to amend Sections 1245, 1246, and 1248 of the Civil Code of the State of California, relating to proceedings on execution against homesteads

Also. Assembly Bill No. 532—An Act to add a new section to the Penal Code to be known as Section 345, relating to loans upon salaries or wages and limiting the amount of interest to be charged thereon, and providing a penalty for the violation thereof.

Also. Assembly Bill No. 796—An Act to amend the Civil Code of the State of California by adding three new sections thereto to be numbered 3474, 3475, and 3476, requiring all assignments of wages to be earned in the future to be recorded in the county in which said wages are to be earned, and prescribing the effect thereof, and the fees therefor, and requiring all assignments of wages to be earned in the future when the assignor thereof is a married man or woman to be signed by the wife or husband of the assignor.

Also: Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, mislabeled, or misbranded foods and liquors, and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs, and making an appropriation therefor

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

KEHOE, Chairman

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 929—An Act to authorize and require the payment by the counties of interest on state highway bonds

Also. Senate Bill No. 297—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure.

Also. Assembly Bill No. 996—An Act to amend Section 715 of the Civil Code, relating to leases of city and town lots

Also Assembly Bill No. 931—An Act to amend the Political Code of California by adding thereto a new section to be numbered 41566, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of, or act as counsel for, any person or persons, association or corporation accused of a crime in any county or city and county in the State, during their incumbency.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911

MR. SPEAKER. Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose.

Also Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Also Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Also Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Also Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Also Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishing of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Also Assembly Bill No. 736—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Also Assembly Bill No. 737—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Also Assembly Bill No. 738—An Act to provide for the construction of a new building upon the grounds of the State Normal School at San Francisco and to make appropriation for same.

Also Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Also Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Also Assembly Bill No. 220—An Act making an appropriation of three hundred thousand (\$300,000) dollars for the construction of a building to be erected by the regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON MINES AND MINING INTERESTS

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911

MR. SPEAKER. Your Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 1031—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

RUTHERFORD, Chairman.

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home, at Eldridge, California.

Also: Assembly Bill No. 76—An Act authorizing and directing the Board of Managers of the Napa State Hospital to construct and restore the principal tower of the buildings of the Napa State Hospital, damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Also: Assembly Bill No. 231—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Assembly Bill No. 234—An Act authorizing and directing the reflooring of the manse and main building at the Sonoma State Home, and making an appropriation therefor.

Also: Assembly No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 581—An Act to provide for the furnishing of four cottages at the Sonoma State Home and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGSWELL, Chairman

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 694—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 695—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Also: Assembly Bill No. 82—An Act to provide for the building, equipping, and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Also: Assembly Bill No. 330—An Act making an appropriation to pay the claim of Marin County against the State of California.

Also: Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California.

Also: Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 691—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make appropriation for the same.

Also: Assembly Bill No. 178—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Also: Assembly Bill No. 190—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also: Assembly Bill No. 696—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells, and necessary piping to connect wells with buildings, and to conduct water about the grounds, and to make appropriation for the same.

Also: Assembly Bill No. 689—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make appropriation for the same.

Also: Assembly Bill No. 81—An Act to provide for the building, equipping, and purchasing of machinery for an ice and cold-storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Also: Assembly Bill No. 272—An Act to provide for the erection, equipping, and furnishing of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 207—An Act to provide for the erection, equipping, and furnishing of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 506—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 569—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

Also: Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Also: Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Also: Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School.

Also: Senate Bill No. 360—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 10—Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910—Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

COGHLAN, Chairman.

The above Assembly concurrent resolution ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 5—Approving charter of city of Oakland, respectfully beg leave to report the same back, and recommend that it be sent back to the Senate, in conformity with the request heretofore transmitted by that honorable body.

COGHLAN, Chairman.

The above Assembly concurrent resolution ordered transmitted to the Senate.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 660—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and repealing an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909, and an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within this municipality, and also for the payment of such bonds," approved February 27, 1893, and the amendments thereto—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn from the files under the provisions of Rule No. 8 of this House.

GOGHLAN, Chairman

The above reported bill withdrawn, by consent of author.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 719—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and, to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Debris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven—have had the same under consideration, and respectfully report the same back without recommendation.

CHANDLER, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 982—An Act to make an appropriation for the location, survey and construction of a state highway from the Calaveras Big Tree Grove, located in Calaveras County, to Dorrington, Calaveras County, thence running easterly following what is known as the Big Tree and Carson Valley Turnpike through Calaveras and Alpine counties to Markleeville, Alpine County, California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Ways and Means.

CHANDLER, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means

Also :

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CHANDLER, Chairman

The above reported bill ordered on file for second reading

Also :

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, racks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any highway in the State of California, and prescribing a penalty for the violation of such section

Also: Senate Bill No. 378—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367d, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while leaving said automobile, motor cycle or other motor vehicle, and prescribing a penalty for the violation of said section.

Also: Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367c, concerning the operation or driving of an automobile, motor cycle or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle or other motor vehicle, and who while so operating said automobile, motor cycle or other motor vehicle, causes the death of or bodily injury to any person, and prescribing a penalty for the violation of said section

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CHANDLER, Chairman

The above reported bills ordered on file for second reading

ON ATTACHÉS AND EMPLOYÉS

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Attachés and Employés begs leave to report the following resolution and recommends its adoption, to wit:

Resolved, That the name of Lee Sheril, heretofore appointed as committee clerk at a per diem of \$4.00 be stricken from the rolls, and be it further

Resolved, That the following named person be and she is hereby appointed and employed for the position and at the per diem set opposite her name, said per diem to be paid out of the appropriations for the contingent expenses of the Assembly, said appointment to date from and include the tenth day of February, 1911, and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the following named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz.

Miss Wilse H. Ford, Committee Clerk.....\$4.00

BLISS, Chairman

Mr Bliss moved the adoption of the report and resolution

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogblan, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Preisker, Rumlenger, Rodgers of San Francisco, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Teller, Tibbitts, Walker, Walsh, Wilson, and Mr. Speaker—55

NOES—None

Also :

MR. SPEAKER: Your Committee on Attachés and Employés begs leave to report the following resolution, and recommends its adoption, to wit:

Resolved, That the name of Mrs. M. Robinson, heretofore appointed as Committee Clerk at a per diem of \$4.00, be stricken from the rolls, and be it further

Resolved, That the following named person be, and she is hereby, appointed and employed for the position, and at the per diem set opposite her name, said per diem to be paid out of the appropriations for contingent expenses of the Assembly, said appointment to date from and to include the tenth day of February, 1911; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the following named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz:

H. G. Cattell, Stenographer-----\$5 00

BLISS, Chairman.

Mr Bliss moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Lamb, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—58

NOES—None.

Also:

MR. SPEAKER. Your Committee on Attachés and Employés, in compliance with the requirements of Section 246 of the Political Code, which provides for the election of additional Assistant Engrossing and Enrolling Clerks on the thirtieth day of the session, respectfully recommends the adoption of the following resolution:

Resolved, That the following named person be, and he is hereby, appointed and employed for the position and at the per diem set opposite his name, said per diem to be paid out of the appropriations for contingent expenses of the Assembly, said appointment to date from and to include the tenth day of February, 1911; and the State Controller is hereby authorized and directed to draw his warrants upon the said fund in favor of the following named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same, viz:

D. R. MacMullen, Assistant Engrossing and Enrolling Clerk-----\$5 00

BLISS, Chairman.

Mr Bliss moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs Beatty, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Shragia, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate has adopted Senate Concurrent Resolution No. 11—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

Also Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article VI thereof, to be numbered Section 44, relating to appeals in criminal cases.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February, 9, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 603—An Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months, requiring the labeling thereof by all persons selling or offering the same for sale, empowering and directing the State Board of Health to make rules and regulations to carry this Act into effect, and fixing penalties for the violation of the same, or any of the provisions.

Also Senate Bill No. 497—An Act to amend "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," by amending section thirty-nine of said Act relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half relating to the redemption of property sold for taxes.

Also Senate Bill No. 498—An Act to amend "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto to be numbered section two and one half.

Also Senate Bill No. 337—An Act to add a new section to the Political Code of the State of California to be numbered Section 3224, relating to the standard of weights and measures for flour and bran in sacks.

Also Senate Bill No. 338—An Act to add a new section to the Penal Code of the State of California to be numbered Section 556, relating to selling or offering for sale flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

Also Senate Bill No. 492—An Act to amend Sections 2, 3, 4, and 6 of an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909.

Also Senate Bill No. 588—An Act to add a new section to the Civil Code of the State of California to be numbered 292a, relating to articles of incorporation, and requiring that the signatures of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Also Senate Bill No. 589—An Act to amend Section 292 of the Code of Civil Procedure of the State of California so as to provide for service by publication of a citation requiring the accused to answer in proceedings for the removal or suspension of attorneys and counselors at law.

Also Senate Bill No. 98—An Act to amend Section 907 of the Political Code of the State of California, relating to the time within which the oath of office must be taken.

Also Senate Bill No. 119—An Act to amend section three thousand seven hundred and seventy-six and repeal section three thousand seven hundred and seventy-seven of the Political Code, relating to tax sales.

Also Senate Bill No. 202—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Also Senate Bill No. 113—An Act to amend an Act entitled "An Act to establish and maintain a State Hygienic Laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the State Hygienic Laboratory.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February, 9, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February, 9, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 80—An Act to amend Section 3793 of the Political Code of the State of California, relating to the seizure and sale of personal property by the assessor.

Also: Senate Bill No. 400—An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the board of directors of the California Institution for the Deaf and the Blind.

Also: Senate Bill No. 590—An Act to amend Section 287 of the Code of Civil Procedure of the State of California, relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

Also: Senate Bill No. 429—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five b, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Also: Senate Bill No. 591—An Act to add a new section to the Code of Civil Procedure of California to be numbered 749, relating to the effect of judgments in actions affecting the title to real property.

Also: Senate Bill No. 271—An Act to add a new section to the Civil Code to be numbered seven hundred and nineteen, and relating to leases for hunting privileges.

Also: Senate Bill No. 740—An Act to amend the Penal Code of the State of California by adding a new section thereto to be known as Section 620p, relating to the protection of beaver.

Also: Senate Bill No. 709—An Act to provide for the cancellation of application for lieu lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lieu lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States land office and given a register and receiver's number, and forwarded to the General Land Office, at Washington, D. C., and of record therein.

Also: Senate Bill No. 710—An Act to amend Section 3198 of the Political Code, relating to approval of applications for State lands.

Also: Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Also: Senate Bill No. 741—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California.

Also: Senate Bill No. 708—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of lieu land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended; also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Senate Concurrent Resolution No. 11 read, and referred to Committee on Municipal Corporations.

Senate Constitutional Amendment No. 26 read, and referred to Committee on Constitutional Amendments.

Senate Bill No. 603 read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Senate Bill No. 497 read first time, and referred to Committee on Irrigation and Drainage.

Senate Bill No. 498 read first time, and referred to Committee on Irrigation and Drainage.

Senate Bill No. 337 read first time, and referred to Committee on Judiciary.

Senate Bill No. 338 read first time, and referred to Committee on Judiciary.

Senate Bill No. 492 read first time, and referred to Committee on Judiciary.

Senate Bill No. 588 read first time, and referred to Committee on Corporations.

Senate Bill No. 589 read first time, and referred to Committee on Judiciary.

Senate Bill No. 98 read first time, and referred to Committee on Judiciary.

Senate Bill No. 119 read first time, and referred to Committee on Judiciary.

Senate Bill No. 202 read first time, and referred to Committee on Judiciary.

Senate Bill No. 113 read first time, and referred to Committee on Public Health and Quarantine.

Senate Constitutional Amendment No. 22 read, and referred to Committee on Constitutional Amendments.

Senate Bill No. 80 read first time, and referred to Committee on Judiciary.

Senate Bill No. 400 read first time, and referred to Committee on Education

Senate Bill No. 590 read first time, and referred to Committee on Judiciary

Senate Bill No. 429 read first time, and referred to Committee on Judiciary

Senate Bill No. 591 read first time, and referred to Committee on Judiciary.

Senate Bill No. 271 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 740 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 709 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 710 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 712 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 741 read first time, and referred to Committee on Education.

Senate Bill No. 708 read first time, and referred to Committee on Public Lands and Forestry.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1911

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 217—An Act to amend Section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy

Also: Assembly Bill No. 102—An Act to amend Section 1724 of the Code of Civil Procedure, relating to establishing who are or were the heirs at law of persons to whom patent for lands has been or shall be issued in cases where the person entering such lands has died or shall die before the issuance of such patent

Also: Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego.

Also: Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the State Prison at San Quentin (Ch 214, Stats. 1905)

Also: Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year.

Also: Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against

the Sutter Fort property by the city of Sacramento for street work (Ch. 579, Stats. 1909).

Also: Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind (Ch. 210, Stats. 1907).

WALTER N. PARISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above Assembly bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No. 13—Relative to pending legislation in Congress affecting the title to oil lands in the State of California

WALTER N. PARISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly joint resolution ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to Senate Bill No. 133—An Act to amend section seven hundred and eighty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to termination of estates

Also: Senate Bill No. 278—An Act to amend Section 682 of the Penal Code, relating to the prosecution of public offenses.

WALTER N. PARISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended in Senate February 6, 1911, Assembly Bill No. 369—An Act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing "An Act entitled 'An Act to provide county library systems,' approved April 12, 1909, and all Acts and parts of Acts in conflict with this Act"—and respectfully request your honorable body to concur in the Senate amendments to said bill.

WALTER N. PARISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 369?"

In the title of the printed bill, strike out the period immediately following the word "California", in the second line, and add the following: "and repealing an Act entitled 'An Act to provide county library systems,' approved April 12, 1909, and all Acts and parts of Acts in conflict with this Act."

Also: On page 9, Section 17, line 2, strike out the word "or", and insert in lieu thereof the word "and".

The roll was called, and Senate amendments to Assembly Bill No. 369 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Shragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Teller, Tibbits, Walker, Wilson, and Mr. Speaker—57.

NOES—None.

Assembly Bill No. 369 ordered to enrollment.

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Sutherland (by request): Assembly Bill No. 1312—An Act to amend Section 1767 of the Code of Civil Procedure stating the definition of "incompetent", "mentally incompetent", and "incapable".

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 1313—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann.

Bill read first time, and referred to Committee on Claims

By Mr. Hall: Assembly Bill No. 1314—An Act to amend Section 4240 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the eleventh class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Maher: Assembly Bill No. 1315—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park, in Santa Cruz County, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Lands and Forestry.

By Mr. Rosendale: Assembly Bill No. 1316—An Act to amend section eight hundred and sixty-three of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," adopted —, 1883.

Bill read first time, and referred to Committee on Municipal Corporations

Also: Assembly Bill No. 1317—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township governments and the compensation of the county and township officers of counties of the twenty-third class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Held: Assembly Bill No. 1318—An Act to limit expenses of nomination and election of candidates for public office.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Joel: Assembly Bill No. 1319—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, and to repeal Section 975 thereof, both relating to appeals from judgment of justices' or police courts.

Bill read first time and referred to Committee on Judiciary.

Also: Assembly Bill No. 1320—An Act to amend Section 976 of the Code of Civil Procedure of the State of California, relating to appeals to superior courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1321—An Act to amend Section 977 of the Code of Civil Procedure of the State of California, relating to the transmission of papers to the appellate courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1322—An Act to repeal Section 980 of the Code of Civil Procedure of the State of California, relating to powers of Superior Court on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1323—An Act to amend Section 92 of the Code of Civil Procedure of the State of California, relating to certificates, transcripts, and other papers in cases certified to the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beckett: Assembly Bill No. 1324—An Act to amend the Penal Code of California by adding two new sections thereto to be numbered 326*n* and 326*p*, and relating to lotteries.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 1325—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 337*b*, relating to possession of gambling devices, their seizure and disposition

Bill read first time, and referred to Committee on Public Morals.

By Mr. Clark: Assembly Bill No. 1326—An Act to amend Sections 593, 598, 603, and 604 of the Civil Code, and to repeal Sections 594, all relating to religious, social, and benevolent corporations.

Bill read first time and referred to Committee on Corporations.

Also: Assembly Bill No. 1327—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the rejection of claims against estates of deceased persons, notice thereof, and actions and proceedings on rejected claims.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Hamilton: Assembly Bill No. 1329—An Act to add six new sections to the Political Code of the State of California, relating to weights and measures.

Bill read first time, and referred to Committee on Commissions and Public Expenditures

Also: Assembly Bill No. 1330—An Act to amend Section 3223 of the Political Code of the State of California, relating to the weights of bushels of various commodities

Bill read first time, and referred to Committee on Commissions and Public Expenditures

Also: Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measures of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

Bill read first time, and referred to Committee on Commissions and Public Expenditures.

By Mr. McDonald: Assembly Bill No. 1332—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 626*p*, relating to shooting from blinds.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 1333—An Act to amend Section 6260 of the Penal Code, relating to shooting from moving boats.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Gerdes: Assembly Bill No. 1334—An Act to regulate the employment of females in public places.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Rogers of Alameda: Assembly Bill No. 1335—An Act to amend Section 161a of the Penal Code of the State of California, relating to falsely acting or advertising as an attorney.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1336—An Act adding a new section to the Code of Civil Procedure to be numbered 1060, relating to the allowance, taxation, and recovery of costs in civil actions.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cronin: Assembly Bill No. 1337—An Act to provide for the regulation of smelters and the maintenance and operation thereof in the State of California, and for the licensing and supervision thereof.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also (by request): Assembly Bill No. 1338—An Act authorizing the payment of the claim of Lewis A. Hilborn against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Claims

By Committee on Municipal Corporations: Assembly Bill No. 1339—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places, and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, lanes, alleys, courts, places, and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof, and providing a method for the payment of such bonds.

Bill read first time, and ordered on file without reference.

By Mr. Benedict: Assembly Bill No. 1340—An Act to amend Section 3513 of the Political Code, relating to the non-payment of principal and interest for State lands.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1341—An Act to amend Section 3570 of the Political Code, relating to the abandonment or relinquishment of state lands embraced in certificates of purchase, by conveyance of title, by the owner of the lands, to the State of California.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1342—An Act to amend Section 3659 of the Political Code, relating to the duty of the Register of the State Land Office in relation to lands sold by the State.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1344—An Act to repeal Sections 3444, 3496 and 3501 of the Political Code, relating to affidavit for purchase of state lands when applicant is a female

Bill read first time, and referred to Committee on Public Lands and Forestry

Also: Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1346—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof

Bill read first time, and referred to Committee on Public Lands and Forestry

Also: Assembly Bill No. 1347—An Act to amend Section 3408*d* of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason; providing a method for the sale at public auction of indemnity certificates or scrip entitling the owner to have selected for him Government lands in lieu thereof.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1348—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1349—An Act providing for the conveyance by quitclaim deed from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1350—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lieu selections, in accordance with the provisions of Section 3406 of the Political Code.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1351—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

Bill read first time, and referred to Committee on Public Lands and Forestry.

Also: Assembly Bill No. 1352—An Act to amend section sixty-seven *a* of the Code of Civil Procedure, relating to the number of the Superior Court judges, and providing for the appointment of two additional Superior Court judges in and for counties of the first class, and providing for their compensation.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1353—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1354—An Act to amend section seven hundred ninety-one of the Political Code, relating to the number of notaries public.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1355—An Act to add a new section to the Penal Code to be numbered section five hundred thirty-eight *c*, relating to giving or receiving rebates on premiums on policies of insurance.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

Also: Assembly Bill No. 1356—An Act to add a new section to the Political Code to be numbered section four thousand one hundred fifty-six *b*, relating to the duties of district attorneys in counties of the first class.

Bill read first time, and referred to Committee on County and Township Governments.

Also (by request): Assembly Bill No. 1357—An Act to amend Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cunningham: Assembly Bill No. 1358—An Act to amend Section 656 of the Civil Code of the State of California, relating to the ownership of wild animals while living.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Hinkle: Assembly Bill No. 1359—An Act to amend Section 4238 of the Political Code by amending subdivision six, relating to officers and salaries in counties of the ninth class.

Bill read first time, and referred to Committee on County and Township Governments

Also: Assembly Bill No. 1360—An Act to provide for a State exhibit at the Panama California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Pauama Canal, and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition, and making an appropriation therefor

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 1361—An Act to repeal Sections 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, and 2608 of the Political Code of the State of California, all relating to the establishing of a Board of State Harbor Commissioners for the bay of San Diego

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Bliss (by request): Assembly Bill No. 1362—An Act to amend section four thousand and twenty-three of the Political Code, relating to the qualifications of county live stock inspectors.

Bill read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

By Mr. Gaylord: Assembly Bill No. 1363—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the thirty-first class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Jones: Assembly Bill No. 1364—An Act to add a new section to the Political Code of the State of California to be numbered 4179b, relating to the attendance of the sheriffs at a state convention of sheriffs.

Bill read first time, referred to Committee on County and Township Governments.

By Mr. Brown: Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities: withdrawing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

Bill read first time, and referred to Committee on Conservation.

Also: Assembly Bill No. 1366—An Act to amend section one thousand four hundred and ninety-four of the Code of Civil Procedure of the State of California, relating to claims against the estates of decedents, and interest thereon.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1367—An Act to amend section 737 of the Political Code, relating to the salary of Superior Judges.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1368—An Act to provide for locating, surveying, and maintaining a state highway from Pescadero, in the county of San Mateo, to the Santa Cruz County line, to connect with a road to the California Redwood Park, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Lynch (by request): Assembly Bill No. 1369—An Act requiring the true consideration to be stated in contracts of insurance, and providing penalties for the violation of the provisions hereof.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Wyllie: Assembly Bill No. 1370—An Act to amend "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation, approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for

the remainder of the forty-eighth fiscal year," approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March seventeenth, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties, and compensation to be expended under his direction in the discharge of his duties and compensation of Débris Commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, by amending Sections 1, 1 $\frac{1}{2}$, 2, 3, 6, 7, 10 and 17 thereof.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Assembly Bill No. 1371—An Act to amend Section 69 of the Civil Code, and to add two new sections thereto to be numbered 69a and 69b, relating to the issuance of marriage licenses.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bishop: Assembly Bill No. 1372—An Act to regulate the business of fishing by foreigners, and providing a license therefor.

Bill read first time, and referred to Committee on Fish and Game.

Also: Assembly Bill No. 1373—An Act to add three new sections to the Penal Code of the State of California to be numbered Sections 626p, 626q and 626r.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Fitzgerald (by request): Assembly Bill No. 1374—An Act to add a new section to the Penal Code to be known as Section ———, prohibiting the use of a coil box for the purpose of cooling alcoholic liquids.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Guill: Assembly Bill No. 1375—An Act to create a reclamation district to be called Reclamation District Number 831, and providing for the control and management thereof.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Also: Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the state forestry station at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 1377—An Act to provide for the construction of a fence around the premises of the state forestry station at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 1378—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 1379—An Act to provide for the repairing, altering, and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

Also: Assembly Bill No. 1380—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Priesker: Assembly Bill No. 1381—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city, or town, and granting to said board of supervisors, town council, board of aldermen, or other legislative body the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city or town.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1382—An Act to add five new sections to be numbered 4½, 4½a, 4½b, and 6½, and to amend Section 1 of an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make appropriations for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board of Commis-

sioners of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions, in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March 11, 1907.

Bill read first time, and referred to Committee on Roads and Highways

By Mr. Hinshaw (by request): Assembly Bill No. 1383—An Act to provide for the sanitation of public plunge baths in the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Mr. Walker: Assembly Bill No. 1384—An Act to recognize and declare valid all proceedings in consolidated Reclamation District No. 812.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements

By Mr. Young: Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909.

Bill read first time, and referred to Committee on Election Laws.

By Mr. Rutherford: Assembly Bill No. 1386—An Act to amend section thirteen hundred and seventy-five of the Code of Civil Procedure, relating to the publication of notice to creditors.

Bill read first time, and referred to Committee on Judiciary

By Mr. Young: Assembly Bill No. 1387—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act,' approved March 22, 1905, by amending Sections 2, 3, 4, and 6 of said Act, and by adding thereto a new section to be numbered 8a," by adding thereto a new section to be numbered 5a.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Beatty: Assembly Bill No. 1388—An Act entitled “An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to confidential communications.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1389—An Act entitled “An Act to amend section one thousand five hundred and eighty-two of the Code of Civil Procedure of the State of California, relating to actions maintained by executors and administrators.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 1390—An Act to amend Section 1475 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 1391—An Act to amend Section 1737 of the Code of Civil Procedure.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled “An Act to establish and support the Bureau of Labor Statistics,” approved March 3, 1883, and the several Acts amendatory thereof; prescribing his duties, providing for his compensation, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Jones (by request): Assembly Bill No. 1393—An Act to create for the State of California a department of architecture, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses of said department of architecture, and repealing all Acts or parts of Acts in conflict herewith.

Bill read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Telfer: Assembly Bill No. 1394—An Act to amend section six hundred and fifty-three *c* of the Penal Code of the State of California, relating to crimes against employees.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Assembly Bill No. 1395—An Act to amend the Penal Code by adding a new section thereto to be known as section six hundred fifty-three *e*, relating to wages of employees.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Lyon: Assembly Bill No. 1396—An Act relating to the opening of streets through cemeteries.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Ryan: Assembly Bill No. 1397—An Act to regulate the use of drinking cups, glasses, or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches and other places, and providing for the punishment for a violation of this Act

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 1398—An Act controlling the sanitation of shell fish grounds and premises where shellfish are opened, packed or prepared for the market, and controlling the sale of oysters and shellfish for food purposes and providing a penalty.

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Assembly Bill No. 1399—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon, and to limit the meaning of "conspiracy" in certain cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1400—An Act making an appropriation to pay the claim of J. Harry Russell.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 1401—An Act to amend the Penal Code of the State of California by adding thereto a new section to be numbered 515, relating to punishment for the crime of embezzlement.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1402—An Act entitled "An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime."

Bill read first time, and referred to Committee on Judiciary.

By Mr. March: Assembly Bill No. 1403—An Act to amend an Act entitled "An Act requiring persons, corporations, receivers, or trustees operating lines of railway to furnish cars for the shipment of freight upon written application from shippers of freight, and providing a penalty and damages to be paid by such persons, corporations, receivers, or trustees operating such railway lines by the applicant or shipper for the failure to load or unload cars so furnished," approved April 20, 1909.

Bill read first time, and referred to Committee on Common Carriers.

Also: Assembly Bill No. 1404—An Act to amend section eight hundred and sixty-eight of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs and constables of counties other than the one in which said justice's court may be situated.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1405—An Act making an appropriation of two thousand sixteen dollars and sixty-seven (\$2,016.67) cents to pay the claim of Gustav Wilmunder against the State of California, and prescribing the duties of the Controller and Treasurer of State in relation thereto.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 1406—An Act amending an Act entitled "An Act providing that in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same,

and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance or information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations: nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed," approved March 23, 1907.

Bill read first time, and referred to Committee on Municipal Corporations.

Also (at request of Code Commissioner): Assembly Bill No 1407—An Act to repeal an Act entitled "An Act to encourage and provide for a general vaccination in the State of California

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1408—An Act to add a new section to the Political Code of the State of California to be known as section thirty-two hundred and thirty-six, relating to insurance on property belonging to the State.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1409—An Act to repeal an Act entitled "An Act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property, or credit."

Bill read first time, and referred to Committee on Revision and Reform of Laws

Also: Assembly Bill No. 1410—An Act to repeal an Act entitled "An Act relative to the non-insurance of property belonging to the State against risk of damage or destruction by fire.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No 1411—An Act to add five new sections to the Political Code of the State of California to be known as sections twenty-nine hundred ninety-five, twenty-nine hundred ninety-six, twenty-nine hundred ninety-seven, twenty-nine hundred ninety-eight, and twenty-nine hundred ninety-nine, relating to vaccination.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1412—An Act to repeal an Act entitled "An Act to regulate the sale of imitation olive oil, and to repeal an Act entitled 'An Act to regulate the sale of olive oil.'"

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1413—An Act to repeal an Act entitled "An Act to prevent combinations to obstruct the sale of live stock in the State of California."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1414—An Act to repeal an Act entitled "An Act to prevent hunting and shooting on private inclosed grounds, and the destruction of growing timber on private grounds in certain counties in this State."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1415—An Act to repeal an Act entitled "An Act permitting all ex-Union soldiers and sailors of the civil war, honorably discharged from the military or marine service of the United States, the right to vend, hawk, and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality in the State of California, without paying a license."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1416—An Act to repeal an Act entitled "An Act to regulate and protect bee keeping in the county of San Bernardino."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1417—An Act to repeal an Act entitled "An Act to provide for public administrators in certain cases."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1418—An Act to repeal section thirteen hundred and fifty-four of the Civil Code of the State of California, relating to liens of bankers.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1419—An Act to repeal an Act entitled "An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1420—An Act to repeal section five hundred and ninety-eight of the Civil Code of the State of California, relating to benevolent and religious corporations.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1421—An Act to repeal an Act entitled "An Act to promote emigration from the the State of California."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1422—An Act to repeal An Act entitled “An Act to legalize applications heretofore made for the purchase of lands belonging to this State, and to confirm the title of the purchasers under such applications.”

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1423—An Act to repeal An Act entitled “An Act to prevent discrimination against female teachers”

Bill read first time, and referred to Committee on Revision and Reform of Laws

Also: Assembly Bill No. 1424—An Act to repeal An Act entitled “An Act to regulate medical practice to prevent blindness in infants.”

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly No. 1425—An Act to repeal An Act entitled “An Act to authorize counties, cities and counties, and incorporated towns, and chartered or incorporated cities to license bicycles, tricycles, and similar vehicles, and collect a fee therefor, for the purpose of devoting such fee to the construction of paths along country roads for use of pedestrians, and the wheeling thereon of such vehicles.”

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1426—An Act to add a new section to the Code of Civil Procedure of California to be known as section ten hundred and sixty, relating to bonds receivers, assignees, trustees, guardians, administrators, and executors against trust estate.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1427—An Act to repeal an Act entitled “An Act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators, and executors chargeable to a certain extent against the trust estate.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1428—An Act to add a new section to the Code of Civil Procedure of California, to be known as section eighty, relating to validity of writs, process and certificates issued by the superior courts or the clerks thereof, before such courts shall have been legally provided with seals.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1429—An Act to repeal An Act entitled “An Act to declare valid writs, process, and certificates issued by the superior courts of this State, or the clerks thereof, before such courts shall have been legally provided with seals.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1430—An Act to add three new sections to the Code of Civil Procedure of California to be known as sections one thousand and forty, one thousand and forty-one, and one thousand and forty-two, relating to libel and slander.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1431—An Act to repeal an Act entitled "An Act concerning actions for libel and slander."

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1432—An Act to amend the Political Code of the State of California by adding thereto three new sections to be numbered as sections 3251, 3253, and 3254, relating to the exclusion of all persons except native born and naturalized citizens of the United States, from employment in any department of the state, county, city and county, or incorporated city or town government in this State.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1433—An Act to repeal an Act entitled "An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the state, county, city and county, or incorporated city or town government in this State," approved March 23, 1901.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1434—An Act to amend section 3975 of the Political Code of the State of California, relating to the collection of taxes levied previous to the organization of new counties.

Bill read first time, and referred to Committee on Revision and Reform of Laws

Also: Assembly Bill No. 1435—An Act to repeal an Act entitled "An Act to provide for the transfer of certain moneys from one county to another when a new county has been formed and organized," approved March 23, 1893.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1436—An Act to add three new sections to the Political Code of the State of California to be known as Sections 2985, 2986, and 2987, relating to the prevention of contagious and infectious diseases.

Bill read first time, and referred to Committee on Revision and Reform of Laws

Also: Assembly Bill No. 1437—An Act to repeal An Act entitled "An Act to prevent the introduction of contagious and infectious diseases," approved March 15, 1883.

Bill read first time, and referred to Committee on Revision and Reform of Laws

By Mr. Bohett: Assembly Bill No. 1438—An Act authorizing and instructing the Board of Trustees of the California State Library to purchase a set of records of the Supreme Court of the United States, and making an appropriation therefor

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1439—An Act to amend Section 940 of the Code of Civil Procedure, relating to appeals.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1440—An Act to repeal Section 941 of the Code of Civil Procedure, relating to undertakings or deposits on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1441—An Act to amend Section 947 of the Code of Civil Procedure, relating to undertakings.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1442—An Act to amend Section 948 of the Code of Civil Procedure, relating to justification of sureties on undertakings on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1443—An Act to amend Section 949 of the Code of Civil Procedure, relating to undertakings to stay proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1444—An Act to amend Section 950 of the Code of Civil Procedure, relating to papers to be used on appeal.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1445—An Act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California, and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the State.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1446—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof relating to free and reduced rate transportation for freight and passengers.

Bill read first time, and referred to Committee on Common Carriers.

Also: Assembly Bill No. 1447—An Act to amend section one hundred twenty-five of the Political Code, relating to the division of the State into equalization districts.

Bill read first time, and referred to Committee on Reapportionment.

Also: Assembly Bill No. 1448—An Act to amend section one hundred thirty of the Political Code, relating to the division of the State into railroad districts.

Bill read first time, and referred to Committee on Reapportionment.

Also: Assembly Bill No. 1449—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State of California into congressional districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein," approved March 23, 1901, and all other Acts in conflict herewith.

Bill read first time, and referred to Committee on Reapportionment.

Also: Assembly Bill No. 1450—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts, and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891: and also to repeal an Act entitled "An Act to divide the State into legislative districts and to

provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict herewith.

Bill read first time, and referred to Committee on Reapportionment.

By Mr. Farwell: Assembly Bill No. 1451—An Act to add three new sections to the Civil Code to be numbered 447, 448, and 449 of Chapter 111, Title 2, relating to insurance corporations

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Wilson: Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California

Bill read first time and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Also: Assembly Bill No. 1453—An Act to prevent the destruction of deer on Blue Mountain, in the counties of Napa, Solano and Yolo

Bill read first time, and referred to Committee on Fish and Game

Also: Assembly Bill No. 1454—An Act to establish a department of agriculture for the State of California, to provide for officers and employees thereof and to fix their compensation and prescribe their powers and duties, and to provide for the transfer to said department of the power and duties of the State Board of Agriculture, the State Agricultural Society, the State Dairy Bureau, the University Farm and School of Agriculture at Davis, the State Veterinarian, the State Commission of Horticulture, the State Board of Forestry, the powers and duties of the State Board of Health relating to the pure foods, liquors and drugs law, and the powers and duties of the Board of Regents of the University of California relating to the University farm and school of agriculture at Davis, and the holding of farmers' institutes, and repealing all Acts and parts of Acts in conflict with or inconsistent with this Act.

Bill read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

Also: Assembly Bill No. 1455—An Act to amend sections one, two, three, and four and to repeal sections four and one half and five of an Act entitled "An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district," approved April 21, 1909, and to add one new section to said Act to be numbered six.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees, and River Improvements.

By Mr. Lyon of Los Angeles: Assembly Bill No. 1456—An Act to amend Section 33 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1457—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities,

and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as Section 1 $\frac{1}{2}$.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1458—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2*a*, and by amending section four thereof.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1459—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty, and one thousand two hundred forty-two, of the Penal Code, all relating to appeals to the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1460—An Act to add a new section to the Code of Civil Procedure to be known as section one thousand two hundred forty-eight *a*, relating to the removal or relocation of railroad, street and interurban railway tracks situated on lands or rights of way taken for road, highway, boulevard, street, or alley purposes under the right of eminent domain, and to the compensation for such removal or relocation.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1461—An Act to amend an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1462—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities in cases where any damages to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be known as section twenty-one *a*, relating to the proof of posting and publishing of notices.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1463—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be known as section five *a*, relating to the proof of posting and publishing of notices.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1464—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1465—An Act to repeal an Act entitled “An Act to provide for work upon and the construction of sidewalks and curbing within municipalities,” approved March 6, 1909.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1466—An Act to authorize cities of the first and one-half class to have and exercise jurisdiction in certain cases outside of their territorial limits.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1467—An Act to amend sections fifteen, thirty, thirty-one, thirty-four, thirty-nine, fifty-five and sixty-one of an Act entitled “An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes,” approved March 31, 1897.

Bill read first time, and referred to Committee on Irrigation and Drainage.

By Mr. Walsh: Assembly Bill No. 1468—An Act to add a new section to the Political Code of the State of California to be numbered 4179b, relating to the attendance of the county recorder or a deputy county recorder at a state convention of county recorders.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Kehoe: Assembly Bill No. 1469—An Act relating to the liability of common carriers by railroad in this State for injuries or death sustained by their employees.

Bill read first time, and referred to Committee on Judiciary.

By Mr. McGowen: Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients.

Bill read first time, and referred to Committee on State Hospitals.

By Mr. Hewitt: Assembly Bill No. 1471—An Act to amend Section 1632 of the Code of Civil Procedure of the State of California, relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1472—An Act authorizing and empowering Reclamation District No. 818 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Also: Assembly Bill No. 1473—An Act authorizing and empowering Reclamation District No. 818 to contract for, and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees or other joint works of reclamation.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Also: Assembly Bill No. 1474—An Act authorizing the payment of assessments levied in Reclamation District No. 818 to be made to the county treasurer of the county of Sutter.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Also: Assembly Bill No. 1475—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Also: Assembly Bill No. 1476—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

By Mr. Coghlan: Assembly Bill No. 1477—An Act to amend section six hundred and fifty-three of the Penal Code of the State of California, relating to crimes against employees.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Beatty: Assembly Bill No. 1478—An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners and the defrayal of the expense thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1479—An Act to add a new section to the Code of Civil Procedure of the State of California to be known as section one thousand seven hundred and twenty-six *a*, relating to the payment of the burial expenses of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Polsley (by request): Assembly Bill No. 1480—An Act to amend Section 3629 of the Political Code, relating to statement of property required by assessor.

Bill read first time, and referred to Committee on Revenue and Taxation.

Also (by request): Assembly Bill No. 1481—An Act to amend Section 3607 of the Political Code, relating to property in the State subject to taxation.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. McGowen: Assembly Bill No. 1482—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

By Mr. Harlan: Assembly Bill No. 1483—An Act to establish a standard for evaporated milk and condensed milk.

Bill read first time, and referred to Committee on Public Health and Quarantine

By Mr. Brown: Assembly Bill No. 1484—An Act to amend sections eleven and eighteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways; to provide for the formation, government, and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein, and the creation of ex officio boards of supervisors," approved March 20, 1909, relating to the duties of supervisors, the fixing of rates to be paid, and the disposition of property on dissolution of district.

Bill read first time, and referred to Committee on Municipal Corporations

By Mr. Bohnett: Assembly Bill No. 1485—An Act to make an appropriation for the contingent expenses of the Assembly for the session of the thirty-ninth Legislature of the State of California, during the sixty-second fiscal year.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Sutherland: Assembly Constitutional Amendment No. 39—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California by adding to said article a new section to be numbered twenty-two *a* (22*a*), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public

Read, and referred to Committee on Constitutional Amendments.

By Mr. Benedict: Assembly Constitutional Amendment No. 40—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Young: Assembly Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending section nine of article nine thereof, relating to the University of California and its organization and government, by so increasing the number of its Regents that the President of the Alumni Association of the University of California shall be ex officio a Regent.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Beatty: Assembly Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 8 of Article XI thereof, relating to the amendment of charters of cities and cities and counties.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Polsley (by request): Assembly Constitutional Amendment No. 43—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, providing that lands belonging to the United States in the State of California, now or hereafter withdrawn from entry, leased, rented, or contracted out, by the United States, for forest reserves, water power purposes, oil, oil mining, coal, coal mining, or any purpose other than public governmental purpose, shall be subject to taxation, and to that end amending section one of article thirteen of the Constitution of the State of California.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Sutherland: Assembly Concurrent Resolution No. 16—A resolution recommending the calling of a convention for the revision of the Constitution of the State of California, recommending that the electors of the State vote at the next general election for the calling of a convention to revise the Constitution, and to provide the number and qualification, compensation, and manner of electing the delegates to such convention.

Read, and referred to Committee on Constitutional Amendments

APPOINTMENT OF STANDING COMMITTEE.

In accordance with the rules of the House, the Speaker appointed Messrs. Chandler, Bohnett, and Cattell as the Committee on Introduction of Bills After the Fortieth Day.

RUSH ORDERS.

On motion of Mr. Bohnett, Assembly Bill No 1485 was ordered to print with a rush order.

On motion of Mr. Hamilton, Assembly Bills Nos. 1329, 1330, and 1331 were ordered to print with a rush order.

RESOLUTION.

The following resolution was offered:

By Mr. Slater:

WHEREAS, The public press has given prominence to an article in the "Western Journal of Education," alleged to have been written by State Superintendent of Public Instruction Hyatt, in part as follows:

"Not much traveling for me to record this month. The Legislature is here, an innumerable host—Senators and Assemblymen, Messengers, Clerks, Stenographers, Pages, Elevator Men, Porters, Sergeants-at-Arms, Janitors, Electricians

"And all this innumerable throng is excited, buzzing about, rushing hither and thither, babbling, scrapping. Most of the males are smoking large, fat cigars, languid cigarettes, plebeian pipes

"They buzz all day and nearly all the night. They eat strange foods at unearthly hours, and drink unaccustomed liquors and breathe poisoned air. They are on a fierce nervous strain all the time. Banguers and social doings stalk on their trails.

"No wonder that stomachs give way and tired nature reels and reason totters on her throne during these three strenuous months. No wonder that the Sacramento climate is roundly abused in a thousand happy homes from Oregon to Mexico!" and

WHEREAS, Members of this honorable body are desirous of further information concerning the subject-matter of said publication, and

WHEREAS, We, as legislators, are enjoying and are not abusing Sacramento climate as the aftermath of "strange foods," unearthly hours, "fat cigars or languid cigarettes" or at all; therefore, be it

Resolved, That a committee of three be appointed to wait upon the State Superintendent to ascertain the panacea he recommends for the undue stir that will, we fear, further disturb the nerves of our great educational department in the State Capitol.

Resolution read and, on motion of Mr. Bennink, referred to Committee on State Hospitals and Asylums.

SPECIAL ORDER CONTINUED.

On motion of Mr. Bohnett, consideration of Assembly Bill No. 765, heretofore set for eleven o'clock A. M. of Friday, February 10, 1911, was continued until Friday afternoon, February 10, 1911, after the consideration of Senate bills.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 13 of Article XX thereof, relating to the manner of electing officers of cities and the number of votes necessary to constitute a choice.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and the Assembly constitutional amendment adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Assembly constitutional amendment ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 4, after the word "several" insert the word "staff".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 14, strike out the word "for", and insert in lieu thereof the word "from".

Amendment adopted.

AMENDMENT No. 3.

On page 4, Section 5, line 10, strike out the word "the", and insert in lieu thereof the word "an".

Amendment adopted.

AMENDMENT No. 4.

On page 4, Section 5, line 11, strike out the word "men", and insert in lieu thereof the word "man".

Amendment adopted.

AMENDMENT No. 5.

On page 4, Section 5, line 37, strike out the words "his present enlistment", and insert in lieu thereof the words "the term of enlistment in force at the time of his application for such discharge".

Amendment adopted.

AMENDMENT No. 6.

On page 5, line 51, strike out the word "requesting", and insert the word, in lieu thereof, "for".

Amendment adopted.

AMENDMENT No. 7.

On page 5, line 57, after the word "discharge" insert the words "without honor "

Amendment adopted.

AMENDMENT No. 8.

On page 5, line 57, strike out the words "the last named", and insert in lieu thereof the word "such".

Amendment adopted.

AMENDMENT No. 9.

On page 5, line 68, strike out the words "forward all the papers in the case to the next higher authority, who, if he approve, will direct the proper officer to".

Amendment adopted.

AMENDMENT No. 10.

On page 5, line 71, strike out the word "be", and insert in lieu thereof the word "will".

Amendment adopted.

AMENDMENT No. 11.

On page 5, line 71, after the word "not" insert the word "be".

Amendment adopted.

AMENDMENT No. 12.

On page 6, Section 7, line 3, after the word "medal" insert the words "or bar".

Amendment adopted.

AMENDMENT No. 13.

On page 6, Section 7, line 4, strike out the following: "to be determined by the commander-in-chief. Such medal or medals".

Amendment adopted.

AMENDMENT No. 14.

On page 6, Section 7, line 6, strike out the word "active".

Amendment adopted.

AMENDMENT No. 15.

On page 6, Section 7, line 6, strike out the word "in", and insert in lieu thereof the words "on the active list of".

Amendment adopted.

AMENDMENT No. 16.

On page 6, Section 7, line 7, after the word "medals" insert the words "or bars".

Amendment adopted.

AMENDMENT No. 17.

On page 6, Section 7, line 7, after the word "for" insert the word "such".

Amendment adopted.

AMENDMENT No. 18.

On page 6, Section 7, line 8, after the word "medals" insert the words "or bars".

Amendment adopted.

AMENDMENT No. 19.

On page 7, Section 8, line 9, after the word "from" insert the word "the".

Amendment adopted.

AMENDMENT No. 20.

On page 7, Section 8, line 9, strike out the word "service", and insert in lieu thereof the word "list".

Amendment adopted.

AMENDMENT No. 21.

On page 7, Section 8, line 6, after the word "and" insert the following: "if not, then such proportion of said sum as the time served bears to said year;"

Amendment adopted.

AMENDMENT No. 22.

On page 8, Section 10, line 3, strike out the word "annual".

Amendment adopted.

AMENDMENT No. 23.

On page 8, Section 10, line 4, after the word "and" insert the word "annually".

Amendment adopted.

AMENDMENT No. 24.

On page 8, Section 10, line 8, strike out the word "officer", and insert in lieu thereof the word "officers".

AMENDMENT No. 25.

Amendment adopted.

On page 9, Section 12, line 11, strike out the word "command-", and insert in lieu thereof the word "commanding".

Amendment adopted.

AMENDMENT No. 26.

On page 9, Section 12, line 30, strike out the word "similar", and insert in lieu thereof the word "corresponding".

Amendment adopted.

AMENDMENT No. 27.

On page 9, Section 12, line 35, strike out the word "similar", and insert in lieu thereof the word "corresponding".

Amendment adopted.

AMENDMENT No. 28.

On page 10, line 63, strike out the word "similar", and insert in lieu thereof the word "corresponding".

Amendment adopted.

AMENDMENT No. 29.

On page 11, line 78, strike out the word "subsequent", and insert in lieu thereof the word "consequent".

Amendment adopted.

AMENDMENT No. 30.

On page 11, line 95, strike out "efficiency", and insert in lieu thereof the word "efficiency".

Amendment adopted.

AMENDMENT No. 31.

On page 11, line 97, after the word "may" insert the word "be".

Amendment adopted.

AMENDMENT NO. 32.

On page 12, line 114, beginning with the word "and", strike out the remaining of Section 12, and insert in lieu thereof the following: "the allowance for which shall be as provided for in Section 2079 of this chapter."

Amendments adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

WITHDRAWAL OF BILL.

Mr. Gaylord asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 637.

Bill withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS.

Assembly Bill No. 388—An Act to amend Section 349a of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 388 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wilson, Young, and Mr. Speaker—61.

NOES—Mr. Harlan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 382—An Act to amend Sections 1490 and 1491 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 382 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Cogblan, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowen, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—Mr. Brown—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven a thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors or any admixture thereof in less quantity than one quart at a

time, when the same is sold to be consumed upon the premises where sold, and providing the punishment for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 25 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Harlan, Hayes, Hinshaw, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—Mr. Walker—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 855—An Act to repeal Section 250 of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 855 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Callaghan, Cattell, Chandler, Coghlan, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None

TITLE AMENDED.

The following amendment to title was submitted by Mr. Kehoe.

Strike out the period after the word "California", in the title, and insert in lieu thereof the following: "relating to codification by the Judiciary Committee of laws referred to other committees".

Amendment adopted.

Title, as amended, read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 907—An Act to provide for the cancellation of applications for lieu lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lieu lands made prior to March 24 1909, where the selections of the lands described therein were not duly forwarded to and received by the Register and Receiver of the local United States land office and given a Register and Receiver's number, and forwarded to the General Land Office at Washington, D. C., and of record therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 907 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Crosby, Cunningham, Denegri,

Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guitt, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Maher, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

MOTION.

Mr. Jones moved that when the Assembly adjourn this day, it do so until ten o'clock A. M. of Monday, February 13, 1911.

Motion carried.

THIRD READING OF SENATE BILLS.

Senate Bill No. 272—An Act to amend Section 593 of the Civil Code of the State of California, relating to the incorporation of religious, social and benevolent corporations, and other corporations not organized for pecuniary profit.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 272 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Callaghan, Cattell, Clark, Cronin, Denegri, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rogers of Alameda, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 273—An Act to amend Section 599 of the Civil Code of the State of California, relating to the by-laws of corporations organized for purposes other than profit.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 273 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Callaghan, Cattell, Cunningham, Denegri, Feeley, Freeman, Gaylord, Gerdes, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Slater, Smith, Stevenot, Telfer, Tibbitts, Walker, Walsh, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 424—An Act to add a new section to the Penal Code of the State of California to be known as section six hundred and thirty-two (4), relating to fishing through the ice in the waters of this State

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 424 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Callaghan, Cattell, Chandler, Coghlan, Cunningham, Feeley, Freeman, Gavlord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rogers of Alameda, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Young, and Mr. Speaker—53.

NOES—Mr. Denegri—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 348—An Act to amend Section 2193 of the Political Code with relation to moneys due the State by reason of commitments to the Sonoma State Home.

Bill read second time, and ordered on file for third reading

Senate Bill No. 344—An Act to regulate the public service of stallions in California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 542—An Act to prevent the importation of horses, mules, and asses affected with glanders into the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State for the purpose of determining whether any horse, mule, or ass is affected with glanders, and providing for penalties for violations of this Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep." approved March 24, 1903.

Bill read second time, and ordered on file for third reading

Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a Board of Sheep Commissioners, and for the appointment of inspectors, prescribing

their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 849—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants, and the salaries of the deputy and assistants

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 849 passed by the following vote.

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Callaghan, Cattell, Chandler, Cronin, Cunningham, Denegri, Farwell, Feeley, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson Kehoe, Lamb, Lyon of Los Angeles, Maher, March, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Wylhe, Young, and Mr. Speaker—51.

NOES—Mr. Held—1.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No 908—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of lieu land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grunts made to the State, and said section as hereby amended; also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 908 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Cronin, Cunningham, Farwell, Feeley, Freeman, Gordes, Griffin of Modesto, Guill, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Maher, March, McDonald, McGowen, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Wilson, Wylhe, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 909—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

During the third reading of the bill, Mr. Benedict moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out of Section 1, page 2, lines 30 and 40, the words "in effect before the passage hereof," and insert in lieu thereof the following: "of one dollar and twenty-five cents (\$1.25) per acre, in gold coin, payable, twenty per cent of the principal within fifty days from the date of the certificate of location, the balance, bearing

interest at the rate of seven per cent per annum, in advance, is due and payable within one year after the passage of any Act of the Legislature requiring such payment, or before, it desired by the purchaser *provided*, said application be good and valid and said applicant shall have complied in all respects with the laws in relation to the sale of such lands."

Motion carried.

The Speaker appointed Mr. Benedict as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 909 with instructions, do now report that the instructions of the Assembly have been carried out.

BENEDICT, Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 910—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates or purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 910 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Coahlan, Cronin, Cunningham, Farwell, Feeley, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Shragia, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wylie, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 911—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 911 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Cunningham, Farwell, Feeley, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowen, Mott, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Shragia, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wilson, Wylie, Young, and Mr. Speaker—54

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 832—An Act authorizing levee districts of the State to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals for such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals, or for any and all of said purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 832 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Freeman, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowen, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Telfer, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 881—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 881 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogblan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowen, Mendenhall, Mott, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 999—An Act legalizing the formation and organization of reclamation district number five hundred and forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts and repealing all Acts and parts of Acts inconsistent therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 999 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles,

Maher, March, McGowen, Mendenhall, Mott, Randall, Rogers of Alameda, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1000—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts, and repealing all Acts and parts of Acts inconsistent therewith.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1000 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hunsbaw, Jasper, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wyllie, Young, and Mr. Speaker—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 661—An Act giving and granting to the city of San Diego the right to hold or to authorize the holding of an exposition in Balboa Park, in said city of San Diego, California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, of the printed bill, strike out "3550", and insert in lieu thereof "1".

Amendment adopted

AMENDMENT No. 2.

In line 3, of the printed bill, strike out "Sec."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 966—An Act to add a new section to the Code of Civil Procedure to be known as Section 1251a, relating to eminent domain.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 4, of the printed bill, strike out the word "section".

Amendment adopted.

AMENDMENT No. 2.

On line 5. of the printed bill, strike out "it", and insert in lieu thereof "plaintiff".

Amendment adopted.

Bill read second time. and ordered to reprint, engrossment. and third reading.

Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property, or property held by joint tenants on owner's death in certain cases

Bill read second time. and ordered to engrossment and third reading.

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work, or property.

Bill read second time. and ordered to engrossment and third reading.

Assembly Bill No. 871—An Act to amend section sixty-nine of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Bill read second time, and ordered to engrossment and third reading.

WITHDRAWAL OF BILLS.

Mr. Denegri asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 619, 620, and 621.

Bills withdrawn, and ordered stricken from the file.

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

During second reading of bill, the following amendment was submitted by the committee:

In the 39th and 40th lines of Section 4 of said Assembly Bill No. 980, strike out the following words: "except such as use oil exclusively for fuel".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1003—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1. Section 1, line 3, after the word "regiment" insert comma

Amendment adopted.

AMENDMENT No. 2.

On page 1. Section 1, line 5, strike out the word "six", and insert in lieu thereof the following: "four".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 8, strike out the word "five", and insert in lieu thereof the following: "four".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 704—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Bill read second time, and ordered to engrossment and third reading

INTRODUCTION OF BILLS.

The following bills were introduced, and referred as indicated:

By Mr. Jones: Assembly Bill No. 1486—An Act to amend Section 2468 of the Civil Code of the State of California, relating to fictitious partnerships.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Beatty (by request): Assembly Bill No. 1487—An Act providing for the recovery of a penalty by the insured, in addition to actual loss or damage sustained by a holder of a policy of insurance, in cases where the insurer has entered into any combination or agreement, or is a member of any board, association, or corporation organized or maintained for the purpose of fixing the amount of premiums for any class of insurance risks.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Maher: Assembly Bill No. 1488—An Act to add a new section to the Political Code to be known as section five hundred ninety-four *b* thereof, relating to the conditions upon which bonding, surety, or fidelity business may be transacted in this State.

Bill read first time, and referred to Committee on Insurance and Insurance Laws

Also: Assembly Bill No. 1489—An Act to amend section one thousand seven hundred fifty-one of the Political Code, relating to the admission of pupils to high schools.

Bill read first time, and referred to Committee on Education.

By Mr. McDonald: Assembly Bill No. 1490—An Act to regulate the business of loaning money on security of any kind by persons, firms, companies or corporations other than those engaged in or conducting said business under the supervision and control of such official or officials as are by law vested therewith; providing for the supervision and control of such business under the direction of the official who is by law vested with the supervision and control of banks and banking, and who is herein designated as the Superintendent of Banks, and under the immediate direction of a deputy, clerks and examiners; to authorize the appointment of such deputy, clerks and examiners, and providing for their compensation; prescribing the duties, powers and authority of the deputy, who is to be known as the "loan supervising deputy"; providing for the office of the said deputy, to be known as the "loan supervising bureau"; providing for a fund, to be known as the "loan supervising fund"; providing for a system for licensing and supervising persons, firms, companies, and corporations doing the business

herein defined, and for assessing and collecting the license fees and other sums necessary to meet the salaries and other expenses thereof; prescribing what Acts or omissions shall constitute violations of the Act; providing a course of procedure; providing penalties for violations of law regulating such business, or failure to comply with the provisions of this Act; and repealing inconsistent Acts or parts of Acts, including an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909.

Bill read first time, and referred to Committee on Banks and Banking.

By Mr. Chandler. Assembly Bill No. 1491—An Act to add to the Political Code a new section to be numbered 1874b, relating to the publishing, and printing and distributing of school text books.

Bill read first time, and referred to Committee on Education.

By Mr. Beckett: Assembly Bill No. 1492—An Act to add a new section to the Penal Code of the State of California to be known and numbered as Section 628f, relating to gathering clams and prescribing a penalty for gathering clams under a certain size, or for having more than a certain number in one's possession.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. McGowen: Assembly Bill No. 1493—An Act to amend Section 171 of the Code of Civil Procedure of the State of California, relating to the disqualification of certain persons to practice law.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bohnett (by request): Assembly Bill No. 1494—An Act to create a commission to regulate horse racing in the State of California.

Bill read first time, and referred to Committee on Public Morals.

Also: Assembly Bill No. 1495—An Act to amend Section 1386 of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Walker (by request): Assembly Bill No. 1496—An Act relating to revenue and taxation, providing for license taxes on distilled spirits or compounded, rectified, adulterated or blended distilled spirits brewed, fermented or malted liquors, manufactured tobacco and cigarettes, and providing penalties for violations of its provisions, and creating a revenue department for the enforcement and collection of said license taxes.

Bill read first time, and referred to Committee on Revenue and Taxation.

By Mr. Cattell: Assembly Bill No. 1497—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Butler: Assembly Bill No. 1498—An Act to amend Sections 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, and 2166, and to repeal Sections 2142a, 2153a, and 2165a of the Political Code, relating to the powers and duties of the State Commission in Lunacy, the powers and duties of the General Superintendent of State Hospitals and Medical Superin-

tendents of State Hospitals and of their appointees; to provide for the government and management of state hospitals for the insane and other incompetent persons, and to provide for the care, custody, and maintenance of such persons, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on State Hospitals and Asylums.

Also: Assembly Bill No. 1499—An Act to amend section two of an Act entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau, and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments, levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office; and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for the appointment, salary, term of office and qualification of two commissioners to be known as Building and Loan Commissioners, and also providing for the appointment by them of a secretary, and prescribing his duties.

Bill read first time, and referred to Committee on Building and Loan Associations.

By Mr. Polsley: Assembly Bill No. 1500—An Act to amend an Act entitled "An Act for the support of certain cemeteries in Tehama County." approved April 1, 1872.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1501—An Act to add a new section to the Penal Code of the State of California to be known and numbered as Section 308a, referring to dance halls, and providing a penalty for its violation.

Bill read first time, and referred to Committee on Public Morals.

By Mr. Bliss: Assembly Bill No. 1502—An Act to amend Section 527 of the Code of Civil Procedure, relating to the granting of injunctions.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1503—An Act to amend Section 3466 of the Political Code of the State of California, relating to reclamation districts and to the collection of unpaid assessments in reclamation districts.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees, and River Improvements.

By Mr. Muilally: Assembly Bill No. 1504—An Act to prohibit bucket-shops, to define "bucket-shops", to define "futures", "dealing in futures", and "future contracts", to prohibit the making of future contracts, except as herein provided; to prohibit renting property to be used for carrying on bucket-shops, or knowingly permitting the same to be so used; to prohibit any one from acting as the agent or broker of any other person in making any future contract; to prohibit any person from making any future contract for himself; to prohibit telegraph or telephone companies from allowing their wires or instruments to be used by or remain in any bucket shop; to prescribe penalties for the violation of this Act, and to exempt from prosecution persons testifying as to the violations of this Act.

Bill read first time, and referred to Committee on Public Morals

By Mr. Ryan: Assembly Bill No. 1505—An Act to provide for the erection of a memorial monument to Abraham Lincoln, appointing a commission therefor, and providing an appropriation to carry the Act into effect.

Bill read first time, and referred to Committee on Ways and Means.

By Messrs. Schmitt and Coghlan: Assembly Bill No. 1506—An Act relating to the Panama-Pacific International Exposition Commission of the State of California, and defining its powers and duties.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Sbragia: Assembly Bill No. 1507—An Act to amend Section 679a of the Penal Code.

Bill read first time, and referred to Committee on Labor and Capital.

By Mr. Cronin: Assembly Bill No. 1508—An Act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Brown: Assembly Bill No. 1509—An Act to amend Section 3106 of the Political Code of the State of California, relating to cemeteries, and defining what constitutes a public cemetery.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 1510—An Act to amend Section 538 of the Code of Civil Procedure of the State of California, relating to attachments in civil actions, and providing what the affidavit for attachment shall contain

Bill read first time, and referred to Committee on Judiciary.

By Mr. Bohnett: Assembly Bill No. 1511—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Mr. Lamb (by request): Assembly Bill No. 1512—An Act providing for township organization, the assessment and collection of revenue, and the management and transaction of the business of townships.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Randall: Assembly Bill No. 1513—An Act to provide for the establishment by municipalities of assessment districts, and the assessment of property therein to pay the expense of making various improvements of a public nature within such assessment district, and to provide for the appointment of an improvement committee which shall direct such expenditures.

Bill read first time, and referred to Committee on Municipal Corporations.

Also (by request): Assembly Bill No. 1514—An Act entitled "An Act to provide State aid for the support of postgraduate courses in high schools.

Bill read first time, and referred to Committee on Education.

Also (by request): Assembly Bill No. 1515—An Act entitled "An Act to amend Section 1775 of the Political Code, relating to the issuing of teachers' certificates upon credentials."

Bill read first time, and referred to Committee on Education.

Also: Assembly Bill No. 1516—An Act to amend an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes.

Bill read first time, and referred to Committee on Municipal Corporations.

Also (by request): Assembly Bill No. 1517—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Assembly Bill No. 1518—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Farwell: Assembly Bill No. 1519—An Act to add a new section to the Penal Code to be known and numbered as Section 383b, relating to adulteration and sale of white lead, paint, or compound intended to be used as such, providing for its enforcement, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1520—An Act to provide for old age pensions, and making an appropriation therefor.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 1521—An Act authorizing the Governor to appoint a commission to investigate and report concerning the adoption of a system of old age insurance and pensions, and making an appropriation therefor.

Bill read first time, and referred to Committee on Insurance and Insurance Laws.

By Mr. Smith: Assembly Bill No. 1522—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees, and River Improvements.

By Mr. March (at request of Code Commissioner): Assembly Bill No. 1523—An Act to repeal an Act entitled "An Act to furnish arms for the use of military academies in the State," approved February 20, 1872.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1524—An Act to amend Section 182 of the Penal Code of the State of California, relating to criminal conspiracies.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hinkle: Assembly Bill No. 1525—An Act to add a new section to the Penal Code of the State of California to be numbered Section 367c.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hall: Assembly Bill No. 1526—An Act to authorize the legislative body of a municipality of the fifth class to create a water system district within its boundaries, provide a system of water bonds for the construction of a water system therein, and to provide for the payment of said bonds.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Griffiths: Assembly Bill No. 1527—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State."

Bill read first time, and referred to Committee on Judiciary.

By Mr. Hewitt: Assembly Bill No. 1528—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Kehoe: Assembly Bill No. 1529—An Act to amend Section 670 of the Code of Civil Procedure, relative to judgment rolls.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Benedict: Assembly Bill No. 1530—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said court, and to fix the compensation of certain officers thereof," which Act became a law under constitutional

provision, without the Governor's approval, March 5, 1901, and to add a new section to said Act to be numbered section five and one half.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Assembly Bill No. 1531—An Act to amend section four thousand one hundred thirty-seven of the Political Code, relating to the filing and indorsement of the instruments, papers, and notices for record in recorder's office.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Walsh: Assembly Constitutional Amendment No. 44—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Section 3 of Article IV of the Constitution, relating to the election of members of the general assembly, by providing for minority representation in the general assembly.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Butler: Assembly Constitutional Amendment No. 45—A resolution to propose to the people of the State of California amendments to the Constitution of the State of California repealing Section 14, Article XIII, amending Section 10, Article XIII, and adding a new section to Article XI to be known as Section 10, all relating to the separation of the sources of revenue for state purposes from the sources of revenue for county and municipal purposes.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Brown: Assembly Constitutional Amendment No. 46—A resolution to propose to the people of the State of California an amendment to section eighteen of article four of the Constitution of the State of California, in relation to the impeachment of State officers and judges.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Randall: Assembly Constitutional Amendment No. 47—A resolution to propose to the people of the State of California an amendment to Sections 5 and 6 of Article IV of the Constitution of the State of California, relating to assembly and senatorial districts and membership thereof.

Read, and referred to Committee on Constitutional Amendments.

Also: Assembly Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new section thereto, relating to the exemption of property from taxation to be known as Section 1½ of article thirteen of the Constitution of the State of California.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Hall: Assembly Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by striking therefrom all of section fourteen of article thirteen thereof.

Read, and referred to Committee on Constitutional Amendments.

By Mr. Beckett: Assembly Concurrent Resolution No. 17—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

Read, and referred to Committee on Municipal Corporations.

By Mr. Tibbits: Assembly Bill No. 1532—An Act to amend Section 4041 of the Political Code, relating to the general permanent powers of boards of supervisors.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Slater: Assembly Bill No. 1533—An Act providing for the acquisition of suitable lands to establish a branch state fish hatchery on or near Russian River, in Sonoma County, California, and appropriating money therefor.

Bill read first time, and referred to Committee on Fish and Game.

RUSH ORDER.

On motion of Mr. Coghlan, Assembly Bill No. 1506 was ordered to print with a rush order.

NOTICE OF MOTION TO RECONSIDER.

Mr. Maher gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 25 was this day passed.

REPORTS OF STANDING COMMITTEES,

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 29—An Act to amend Section 67 of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of four additional Superior Court judges in and for the city and county of San Francisco, and providing for their compensation.

Assembly Bill No. 611—An Act making an appropriation for costs and expenses of suits wherein the State is a party in interest.

Assembly Bill No. 463—An Act to provide for the organization of the Railroad Commission, to define its powers and duties and the powers and duties of railroad and other transportation companies, their officers, agents and employees, and the rights, duties and remedies of shippers and to define offenses by shippers and railroad and other transportation companies their officers, agents and employees and other persons, and providing penalties for such offenses and making an appropriation for the purpose of carrying out the provisions of this Act, and also repealing an Act entitled "An Act providing for the organization of the Railroad Commission of the State of California, defining its powers and duties and the powers and duties of transportation companies, their officers and employees, and defining offenses by transportation companies, their officers, employees and other persons, and providing penalties therefor; and repealing an Act entitled 'An Act to create the office of Commissioner of Transportation, and to define its powers and duties; to fix the maximum charges for transporting passengers and freight on certain railroads, and to prevent extortion and unjust discrimination therein,' approved April 1, 1873, and also repealing an Act entitled 'An Act to organize and define the powers of the board of Railroad Commissioners,' approved April 15th, 1880," approved March 20, 1909; also repealing an Act entitled "An Act requiring persons, corporations, receivers or trustees operating lines of railway to furnish cars for shipment of freight upon written application from shippers of freight and providing a penalty and damages to be paid by such persons, corporations, receivers or trustees to shippers for failure to do so and providing a penalty and damages to be paid to persons, corporations, receivers or trustees operating such railway lines by the applicant or shipper for failure to load or unload cars so furnished," approved April 20, 1909; also repealing all Acts or parts of Acts inconsistent with the provisions of this Act.

And were presented to the Governor February 9th, at four o'clock and forty-five minutes P. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906, amended, approved March 19, 1907; amended, approved March 20, 1907; amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Assembly Bill No. 718—An Act to protect fraternal, benevolent and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

Assembly Bill No. 798—An Act to add a new section to the Civil Code of the State of California to be numbered 292a, relating to articles of incorporation and requiring that the signature of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 of said Act, relative to the levying of assessments.

Assembly Bill No. 782—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Assembly Bill No. 783—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Assembly Bill No. 784—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Assembly Bill No. 972—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of fish.

Assembly Bill No. 368—An Act to repeal Article VIII, of Title III, Part III, of the Political Code.

Assembly Bill No. 904—An Act to amend Section 1521 of the Political Code of California, relating to the powers and duties of the State Board of Education.

Assembly Bill No. 1006—An Act to amend an Act entitled "An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein; also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909, extending the provisions of said Act to include sanitary districts.

Assembly Bill No. 851—An Act to amend Section 1768 of the Political Code of the State of California, relating to county boards of education.

Assembly Bill No. 857—An Act to amend section two hundred and forty of the Penal Code of the State of California, defining the crime of assault.

Assembly Bill No. 389—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known as Section 593b, and relating to party telephone lines and wires.

Assembly Bill No. 716—An Act to prohibit the use of nets, seines, traps, or weirs in the Napa River and its tributaries, in the counties of Sonoma, Napa and Solano.

Assembly Bill No. 43—An Act to protect the lives and property of the patrons of all public hotels, lodging and rooming houses in the State of California.

Assembly Bill No. 928—An Act to amend Section 980 of the Code of Civil Procedure of the State of California, relating to appeals from justices' courts.

Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

Assembly Bill No. 193—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees providing how acknowledgments of such indebtedness shall be paid; fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages.

Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to dehue the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter County," approved March 20, 1874.

And report that the same have been correctly engrossed

RANDALL, Chairman

ON CONSERVATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911

MR. SPEAKER: Your Committee on Conservation, to whom was referred Assembly Bill No. 1042—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being

carried by pipes, conduits, ditches, tunnels, or canals into other states, for use therein—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CLARK, Chairman

The above reported bill ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Assembly Bill No. 1068—An Act to amend section ten of an Act entitled "An Act to define the boundary and provide for the government of levee district number two of Sutter County," approved March 23, 1876—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LYNCH, Chairman

The above reported bill ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts has had the enclosed matter under consideration, and begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two hundred seventy-two and fifteen one-hundredths (\$272 15) dollars in favor of Ed H. White, Sergeant-at-Arms at the Assembly, the same being for the payment of the following bills attached:

Fred Warren Transfer Company-----	\$8 50
Whiskey Hill Water Company-----	24 00
Mrs. C. McCall-----	12 00
Henry E. Steepel & Co.-----	16 50
John Breuner Company-----	4 25
William Eberhardt-----	122 60
W. F. Purnell-----	64 70
McDowell & Harding-----	7 60
Wahl Stationery Company-----	12 00
	<hr/>
	\$272 15

After further consideration, desire to have the same re-referred to said committee for correction, and therefore would move that the action on said resolution be rescinded, and the same returned to Committee on Contingent Expenses and Accounts.

STEVENOT, Chairman.

Mr Stevenot moved the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Gerdes, Hamilton, Harlan, Hayes, Hinkle, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowen, Mendenhall, Poisley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Wilson, Young, and Mr. Speaker—49.

NOES—None.

The above matter re-referred to the Committee on Contingent Expenses and Accounts.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts has had the enclosed matter under consideration, and begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the contingent fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of one hundred seventeen and ninety-five one-hun-

dreths (\$117.95) dollars in favor of Ed H. Whyte, Sergeant-at-Arms of the Assembly, the same being for the payment of the following bills attached:

Fred Warren Transfer Company-----	\$8 50
Whiskey Hill Water Company-----	24 00
Mrs. C. McCall-----	12 00
Henry E. Sleeper & Co.-----	16 50
John Breuner Company-----	4 25
McDowell & Harding-----	7 60
W. F. Purnell-----	33 10
Wahl Stationery Company-----	12 00
	<hr/>
	\$117 95

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennuk, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowen, Mendenhall, Mott, Polslev, Preisker, Randall, Rodgers of San Francisco, Ryan, Slater, Smith, Sutherland, Telfer, Walker, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 116—An Act appropriating money to purchase cement and the necessary material for laying a concrete floor in the basement of the refectory building under officers and boys' dining-room.

Also Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting, and repairing the administration building and the east and west cottages at the Preston School of Industry.

Also Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Also Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Also Assembly Bill No. 127—An Act appropriating money for the equipment of the trades buildings at the Preston School of Industry.

Also Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Also Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Also Assembly Bill No. 232—An Act authorizing and directing the construction and furnishing of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 360—An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Also Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

COGHLAN, Chairman.

The above reported bills ordered on file for second reading.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes, and amendments to the Constitution and to enact the same at the polls independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or any part of any Act of the Legislature.

During the consideration of the Assembly constitutional amendment, Mr. Clark moved that the Speaker appoint a select committee of one to amend the Assembly constitutional amendment as follows:

On page 2, line 10, of the printed resolution as amended, strike out the words: "of this State".

Also: On page 2, line 30, of the printed resolution as amended, strike out the words: "of said petition aforesaid", and insert in lieu thereof the following: "afore-said of said petition".

Also: On page 4, line 120, of the printed resolution as amended, strike out the following: "approved by the electors,".

Also: On page 5, line 126, of the printed resolution as amended, strike out after the word "Legislature", the balance of line 126 and all of lines 127, 128, and 129; in lieu thereof insert the following: "and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate."

Also: On page 5, line 147, of the printed resolution as amended, insert after the word "signatures" the following: "within the county or city and county of which he is an elector".

Also. On page 5, line 152, of the printed resolution as amended, insert after the word "stating" the following: "his own qualifications and".

Also: On page 6, line 192, of the printed resolution as amended, insert a comma after the word "certificate".

Also: On page 7, line 200, of the printed resolution as amended, strike out the last word of said line and all of line 207, and insert in lieu thereof the following: "or cities and counties having charters adopted under the provisions of section eight of article eleven of this Constitution."

Motion carried.

The Speaker appointed Mr. Clark as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Constitutional Amendment No. 20 with instructions, do now report that the instructions of the Assembly have been carried out.

CLARK, Select Committee

Report of select committee, and amendments, adopted.

Assembly constitutional amendment ordered to reprint, reëngrossment, and on file for adoption.

RUSH ORDER.

On motion of Mr. Clark, Assembly Constitutional Amendment No. 20 was ordered to reprint with a rush order.

RECESS.

At three o'clock and fifty-five minutes P. M., the Assembly was declared at recess until four o'clock and five minutes P. M. of this day.

REASSEMBLED.

At four o'clock and five minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bill: Assembly Bill No. 61—An Act to repeal Title XV of Part IV of Division Third of the Civil Code of the State of California, and to add a new Title XV of Part IV of Division Third of said Code in place thereof, relating to negotiable instruments, and to make the law of negotiable instruments in the State of California uniform with the laws of other states—and report that the same has been correctly engrossed.

RANDALL, Chairman.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1911

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution, and to enact the same at the polls independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

SUTHERLAND, Chairman.

The above Senate constitutional amendment ordered on file for adoption.

ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Monday, February 13, 1911 }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylbie, Young, and Mr. Speaker—73

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rogers, of Alameda, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion of Mr. Smith, leave of absence was granted Mr. Callaghan for the day.

On motion of Mr. Mott, leave of absence was granted Mr. Hall for the day.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Monday, February 6, Tuesday, February 7, Wednesday, February 8, Thursday, February 9, and Friday February 10, were approved as corrected by the Minute Clerk.

PETITION.

The following petition was presented by Speaker Hewitt, and on motion of Mr. Bohnett ordered printed in the Journal:

Hon. Mr. Hewitt, Speaker of the Assembly, State Capitol, Sacramento, Cal.

The following is a copy of lettergram sent under current date.

Senator Thos. Finn, Sacramento, Cal.

The executive board of the Asiatic Exclusion League regrets that regardless of previous communication on the subject we have not been afforded an opportunity to examine the anti-alien Asiatic bills which you introduced in the Senate Friday. It is the sense of the board that such bills as these at the present time are not conducive to the final enactment of effective and permanent Asiatic exclusion legislation and which only can be had through Act of Congress. The school segregation question has for some years been fairly satisfactorily settled and alien land tenure is judiciously and sanely dealt with by this league and the State labor bodies. We respectfully request that you proceed cautiously in this matter, as pressing measures of this kind now would mean irreparable injury to the exclusion cause.

O. A. TVEITMOE, President.

A. E. YOELL, Secretary-Treasurer.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11 and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish interior courts—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same be adopted as amended.

SUTHERLAND, Chairman.

The above Assembly constitutional amendment ordered on file for adoption.

ON RULES AND REGULATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Assembly Concurrent Resolution No. 13—Relative to the observance of Washington's birthday—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

PREISKER, Chairman.

MOTION.

Mr. Priesker moved that Assembly Concurrent Resolution No. 13 be taken up for consideration.

Motion carried.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walker, Williams, Wilson, Wylhe, Young, and Mr. Speaker—59.

NOES—None.

Assembly Concurrent Resolution No. 13 ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION No. 13.

Relative to the Observance of Washington's Birthday.

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session at an hour and place to be selected by the committee as hereinafter provided, on February 22d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it

Resolved, That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate, to arrange a program of exercises, and to provide a place and fix a time of said joint meeting, said committee to be appointed by the Speaker of the Assembly and the President of the Senate, respectively, and any expenses, not exceeding two hundred dollars (\$200), incurred, to be paid equally by the Assembly and Senate out of their contingent funds.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 10, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended on February 6, 1911, and on this day passed as amended Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables—and respectfully request that your honorable body concur in the Senate amendments to said bill.

WALTER N. PARRISH, Secretary of Senate
By **FRANK MATTISON**, Assistant Secretary.

The question being put: "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 68?"

On page 1, Section 1, lines 3, 5, and 6, strike out the words "to be served within their townships"; and insert in lieu thereof the following: "if served within the township where issued".

Also On page 1, strike out all of Section 2.

The roll was called, and Senate amendments to Assembly Bill No. 68 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Butler, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Harlan, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Lyon of Los Angeles, Maher, McGowen, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wylhe, Young, and Mr. Speaker—47.

NOES—Messrs. Bishop, Freeman, Guill, Hamilton, Mendenhall, Mott, and Walker—7.

Assembly Bill No. 68 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on January 17, 1911, adopted Senate Concurrent Resolution No. 5—Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Concurrent Resolution No. 5 read and referred to Committee on Municipal Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, February 10, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of not less than 300,000 and not more than 400,000.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 540 read first time, and referred to Committee on Judiciary

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:
By Mr. Held:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying joint resolution, the title of which reads as follows, viz: Relative to Panama-Pacific International Exposition.

HELD, Member Sixth District.

Request referred to Committee on Introduction of Bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying joint resolution, the title of which reads as follows, viz: Relative to Panama-Pacific International Exposition.

HELD, Member Sixth District.

Request referred to Committee on Introduction of Bills.

RESOLUTION.

The following resolution was offered:

By Mr. Hinkle:

WHEREAS, Leave of absence was granted by this Assembly to the following members of the Committee on Public Buildings and Grounds:

J. H. Tibbits, J. H. Guill, Jr., to visit institutions at Davis, Berkeley, San Francisco, and San Jose; J. J. Ryan, John C. March, and C. L. Preisker, to visit institutions and investigate appropriation bills at San Diego, Los Angeles, and San Luis Obispo; and

WHEREAS, The said members of said committee have submitted the following as a statement of their actual expenses:

J. H. Tibbits—		
Railroad fare -----		\$6 00
Expenses -----		8 00
Total -----		\$14 00
J. H. Guill, Jr.—		
Railroad fare -----		\$6 00
Expenses -----		8 00
Total -----		\$14 00

J. J. Ryan—	
Railroad fare and Pullman accommodation-----	\$40 85
Incidental expenses including meals, lodging, etc.-----	37 50
Total -----	\$78 35
John C. Marsh—	
Railroad fare and Pullman accommodation-----	\$40 85
Incidental expenses including meals, lodging, etc.-----	37 50
Total -----	\$78 35
C. L. Preisker—	
Railroad fare and Pullman accommodation-----	\$33 10
Incidental expenses including meals, lodging, etc.-----	37 50
Total -----	\$70 60

Now, therefore, the undersigned chairman recommends that said members be allowed their actual expenses as per Assembly Rule No. 80, and respectfully asks that the aforesaid accounts be referred to the Committee on Contingent Expenses and Accounts.

HINKLE, Chairman.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls, independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

During the consideration of Senate constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, line 34 of the printed resolution as adopted by the Senate, strike out the word "black" and insert in lieu thereof the word "black-face".

Amendment adopted.

AMENDMENT No. 2

On page 3, line 62 of the printed resolution as adopted by the Senate, strike out the word "black" and insert in lieu thereof the word "black-face"

Amendment adopted.

AMENDMENT No 3

On page 5, line 126 of the printed resolution as adopted by the Senate, strike out after the word "legislature" the balance of lines 126, 127, and 128, and insert in lieu thereof the following " ; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate "

Amendment adopted.

AMENDMENT No. 4.

On page 7, line 218 of the printed resolution as adopted by the Senate, strike out the following words: "freeholders' charters" and insert in lieu thereof the following "charters adopted under the provisions of section eight of article eleven of this constitution".

Amendment adopted.

AMENDMENT No. 5.

On page 7, line 222 of the printed resolution as adopted by the Senate, strike out the word "self-enacting" and insert in lieu thereof the word "self-executing".

Amendment adopted.

AMENDMENT No. 6.

On page 5, line 147, of the printed resolution as adopted by the Senate, insert after the word "signature", the following: "within the county, or city and county of which he is an elector."

Amendment adopted.

AMENDMENT No. 7.

On page 5, line 152 of the printed resolution as adopted by the Senate, insert after the word "stating", the following: "his own qualifications and".

Amendment adopted.

Senate constitutional amendment read and ordered to reprint, and on file for adoption.

SECOND READING OF BILLS.

Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Bill read second time.

Assembly Bill No. 569—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

During second reading of bill, the following amendment was submitted by the committee:

In line 1, Section 1 of the printed bill, strike out the word "five" and insert in lieu thereof the word "three".

Amendment adopted.

Bill read second time.

Assembly Bill No. 81—An Act to provide for the building, equipping, and purchasing of machinery for an ice and cold storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1 of the printed bill, strike out the figures "20,000.00" and insert in lieu thereof the words "fifteen thousand dollars".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 3 and insert in lieu thereof the following:

SEC. 3. This Act shall take effect and be in force from and after July 1, 1911

Amendment adopted.

Bill read second time.

Assembly Bill No. 82—An Act to provide for the building, equipping, and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Bill read second time.

Assembly Bill No. 178—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

During second reading of bill, the following amendment was submitted by the committee:

In line 2, Section 3 of the printed bill, strike out the figures "1911" and insert in lieu thereof the figures "1912".

Amendment adopted.

Bill read second time.

Assembly Bill No. 691—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make appropriation for the same.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1 of the printed bill, amend by striking out the word "thirty" and inserting in lieu thereof the word "twenty".

Amendment adopted.

AMENDMENT No. 2.

After the period in line 6, Section 2 of the printed bill, add the following: "Of the total amount hereby appropriated ten thousand dollars shall be available July 1, 1911, and ten thousand dollars July 1, 1912."

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 3.

Amendment adopted.

Bill read second time.

Assembly Bill No. 694—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Bill read second time.

Assembly Bill No. 695—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Bill read second time.

Assembly Bill No. 689—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment and to make appropriation for the same.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the period in line 6, Section 2, of the printed bill, add the following: "Of the total amount hereby appropriated twenty thousand dollars shall be available July 1, 1911, and thirteen thousand one hundred and fifteen dollars July 1, 1912."

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 3.

Amendment adopted.

Bill read second time.

Assembly Bill No. 696—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make appropriation for the same.

During second reading of the bill, the following amendment was submitted by the committee:

Strike out all of Section 3, and insert in lieu thereof the following:

SEC. 3. This Act shall take effect and be in force from and after July 1, 1911.

Amendment adopted.

Bill read second time.

Assembly Bill No. 190—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding a new section, to be numbered Sec 3, and to read as follows:

SEC. 3. This Act shall take effect and be in force from and after July 1, 1911.

Amendment adopted.

Bill read second time.

Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accomodation of male patients at the Mendocino State Hospital.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the words "five thousand five hundred" and insert in lieu thereof the words "four thousand".

Amendment adopted.

AMENDMENT No. 2.

In line 2, Section 3, of the printed bill, strike out the figures "1911" and insert in lieu thereof the figures "1912".

Amendment adopted.

Bill read second time

Assembly Bill No. 566—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

In line 2, Section 3, of the printed bill, strike out the figures "1911" and insert in lieu thereof the figures "1912".

Amendment adopted.

Bill read second time.

Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 and Section 3 of the printed bill and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein, made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated six thousand dollars shall be available July 1, 1911, and six thousand dollars July 1, 1912.

Amendment adopted.

Bill read second time.

Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the words "fifty-five" and insert in lieu thereof the words "forty-three".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Sections 2 and 3 of the printed bill, and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein, made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated thirty thousand dollars shall be available July 1, 1911, and thirteen thousand dollars July 1, 1912.

Amendment adopted.

Bill read second time.

Assembly Bill No. 76—An Act authorizing and directing the board of managers of the Napa State Hospital to construct and restore the principal tower of the buildings at the Napa State Hospital damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the figures "\$7,5000.00" and insert in lieu thereof the words "seventy-five hundred dollars".

Amendment adopted.

AMENDMENT No. 2.

In lines 2 and 3, Section 1, of the printed bill, strike out the following: ", to be paid to the board of managers of the Napa State Hospital".

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of Section 2 and Section 3 of the printed bill and insert in lieu thereof the following:

SEC. 2. The Controller of the State is hereby authorized and directed to draw his warrants for the amount herein made payable, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is hereby directed to pay the same.

SEC. 3. This Act shall take effect and be in force from and after July 1, 1912.

Amendment adopted.

Bill read second time.

Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1. Section 1 of the printed bill, strike out the figures "\$15,000.00" and insert in lieu thereof the words "ten thousand dollars".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 2 and Section 3 of the printed bill and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein, made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the treasurer is directed to pay the same.

SEC. 3. This Act shall take effect and be in force from and after July 1, 1912.

Amendment adopted.

Bill read second time.

Assembly Bill No. 207—An Act to provide for the erection, equipping and furnishing of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the first line of the title by striking out the comma (,) and the words "equipping and furnishing".

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "thirty" in line 1, Section 1 of the printed bill, and insert in lieu thereof the words "twenty-four".

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of line 4, Section 1, page 1 of the printed bill, and in line 5 of the same section amend by striking out the words "hospital to be by them".

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out the comma (,) after the word "Patton", in line 8, Section 1 of the printed bill, and insert in lieu thereof a period ().

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out all after the word "Patton", in line 8, Section 1 of the printed bill, and strike out all of line 9 in the same section.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out all of Section 2 of the printed bill and insert in lieu thereof the following:

SEC. 2. The Controller of the State is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the officers authorized by law to receive the same in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

Amendment adopted.

AMENDMENT No. 7.

Strike out of line 2, Section 3 of the printed bill, the figures "1911" and insert in lieu thereof the figures "1912".

Amendment adopted.

Bill read second time.

Assembly Bill No. 272—An Act to provide for the erection, equipping and furnishing of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the first line of the title by striking out the comma and the words "equipping and furnishing".

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "thirty" in line 1, Section 1 of the printed bill, and insert in lieu thereof the words "twenty-four".

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 4, Section 1 of the printed bill, all after the word "be" and in line 5 of the same section amend by striking out the words "State Hospital to be by them".

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of line 7, Section 1 of the printed bill, the comma after the word "Patton" and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of line 7, Section 1 of the printed bill, the comma after the word "Patton" and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the last two words in line 7, Section 1 of the printed bill, and all of lines 8 and 9 of the same section.

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out all of Section 2 and insert in lieu thereof the following:
SEC. 2. The Controller of the State is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

Amendment adopted.

Bill read second time.

Assembly Bill No. 231—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of the first line of the title the words "and furnishing".

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 1, Section 1, of the printed bill, the word "forty", and insert in lieu thereof the words "thirty-four".

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 3, Section 1, of the printed bill, all after the comma (,) after the word "appropriated" down to and including the word "home" in line 4.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of line 4, Section 1, of the printed bill, the comma (,) after the word "erecting", and insert in lieu thereof the word "and".

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of line 5, Section 1, of the printed bill, the comma (,) after the word "constructing" and the words "and furnishing".

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out of Section 1, line 6, of the printed bill, beginning with the word "Not", down to and including the word "thereof", in line 9.

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out all of Section 2, and insert in lieu thereof the following:
SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

Amendment adopted.

AMENDMENT No. 8.

In line 2, Section 3, of the printed bill, amend by striking out the figures "1911", and insert in lieu thereof "1912".

Amendment adopted.

Bill read second time.

Assembly Bill No. 232—An Act authorizing and directing the construction and furnishing of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out of the first line of the title the words "and furnishing."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of line 1, Section 1, of the printed bill, the word "forty", and insert in lieu thereof the words "thirty-four".

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out of line 3, Section 1, of the printed bill, all beginning with the word "to", on line 3, down to and including the word "home" in line 4.

Amendment adopted.

AMENDMENT No. 4.

Amend by striking out of line 4, Section 1, of the printed bill, the comma (,) after the word "erecting", and insert in lieu thereof the word "and".

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out of line 5, Section 1, of the printed bill, the comma after the word "constructing" and the words "and furnishing".

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out of line 6, Section 1, of the printed bill, beginning with the word "Not", down to and including the word "thereof", in line 9.

Amendment adopted.

AMENDMENT No. 7.

Amend by striking out all of Section 2, and insert in lieu thereof the following:
SEC 2 The Controller of State is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

Amendment adopted.

Bill read second time.

Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home at Eldridge, California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out "ten thousand dollars (\$10,000.00)" and insert in lieu thereof the words "two thousand dollars".

Amendment adopted.

AMENDMENT No 2.

Strike out all of Section 2 of the printed bill and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein, made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

Amendment adopted.

Bill read second time.

Assembly Bill No. 234—An Act authorizing and directing the reflooring of the manse and main building at the Sonoma State Home, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

In lines 1 and 2, Section 1, of the printed bill, strike out the following "fourteen thousand dollars (\$14,000.00)" and insert in lieu thereof the following, "seven thousand dollars".

Amendment adopted.

Bill read second time.

Assembly Bill No. 581—An Act to provide for the furnishing of four cottages at the Sonoma State Home, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the word "twelve" and insert in lieu thereof the word "nine".

Amendment adopted.

AMENDMENT No. 2.

After the period in line 6, Section 2, of the printed bill, add the following: "Of the total amount hereby appropriated three thousand dollars shall be available July 1, 1911, and six thousand dollars July 1, 1912."

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 3 in the printed bill.

Amendment adopted.

Bill read second time.

Assembly Bill No. 116—An Act appropriating money to purchase cement and the necessary material for laying a concrete floor in the basement of the refectory building under officers' and boys' dining-room.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "room" in fourth line of title insert the following "at the Preston School of Industry."

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 1, after the word "used", strike out the words "by the trustee of the Preston School of Industry."

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 2 and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same."

Amendment adopted.

Bill read second time.

Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting, and repairing the administration building and the east and west cottages at the Preston School of Industry.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated three thousand dollars shall be available July 1, 1911, and seven thousand dollars July 1, 1912.

Amendment adopted.

Bill read second time.

Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated one thousand dollars shall be available July 1, 1911, and one thousand dollars July 1, 1912.

Amendment adopted.

Bill read second time.

Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 and insert in lieu thereof the following

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated twenty-five hundred dollars shall be available July 1, 1911, and twenty-five hundred dollars July 1, 1912.

Amendment adopted.

Bill read second time.

Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 and insert in lieu thereof the following.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated one thousand dollars shall be available July 1, 1911, and one thousand dollars July 1, 1912.

Bill read second time.

Amendment adopted.

Assembly Bill No. 127—An Act appropriating money for the equipment of the trades buildings at the Preston School of Industry.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated twenty-five hundred dollars shall be available July 1, 1911, and twenty-five hundred dollars July 1, 1912.

Amendment adopted.

Bill read second time.

Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated one thousand dollars shall be available July 1, 1911, and one thousand dollars July 1, 1912.

Amendment adopted.

Bill read second time.

Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times

as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the total amount hereby appropriated twenty-five hundred dollars shall be available July 1, 1911, and twenty-five hundred dollars July 1, 1912.

Amendment adopted.

Bill read second time.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 568, 569, 81, 82, 178, 691, 694, 695, 689, 696, 190, 570, 566, 587, 270, 76, 79, 207, 272, 231, 232, 227, 234, 581, 116, 121, 123, 125, 126, 127, 129, and 130.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair:

The above bills considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair:

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 568, 569, 81, 82, 178, 691, 694, 695, 689, 696, 190, 570, 566, 587, 270, 76, 79, 207, 272, 231, 232, 227, 234, 581, 116, 121, 123, 125, 126, 127, 129, and 130, and do now report the same back, and recommend that Assembly Bills Nos. 568, 82, 694, and 695 do pass; and that Assembly Bills Nos. 569, 81, 178, 691, 689, 696, 190, 570, 566, 587, 270, 76, 79, 207, 272, 231, 232, 227, 234, 581, 116, 121, 123, 125, 126, 127, 129, and 130 do pass as amended.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Assembly Bills Nos. 568, 82, 694, and 695 ordered to engrossment and third reading

Assembly Bills Nos. 569, 81, 178, 691, 689, 696, 190, 570, 566, 587, 270, 76, 79, 207, 272, 231, 232, 227, 234, 581, 116, 121, 123, 125, 126, 127, 129, and 130 ordered to reprint, engrossment, and third reading

Assembly Bill No. 235—An Act authorizing and directing the construction of a commissary building at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

On motion of Mr. Slater, Assembly Bill No. 235 was re-referred to Committee on Ways and Means.

Assembly Bill No. 229—An Act making an appropriation for the improvement of the farm and grounds at the Sonoma State Home at Eldridge, California.

Mr. Slater asked for and was granted unanimous consent to withdraw Assembly Bill No. 229.

Bill withdrawn and ordered stricken from the file.

Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-four, ten hundred ninety-five and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 1109—An Act to amend sections eleven hundred five, eleven hundred eight and eleven hundred nine of the Political Code of the State of California, relating to registration of voters.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 1110—An Act to amend sections eleven hundred thirteen, eleven hundred fifteen and eleven hundred seventeen of the Political Code of the State of California, relating to registration of electors.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 1111—An Act to repeal section eleven hundred eighteen of the Political Code of the State of California, relating to qualification and registration of voters at primary elections.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1112—An Act to repeal section eleven hundred nineteen of the Political Code of the State of California, relating to registration of voters at primary elections.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1113—An Act to amend section eleven hundred twenty of the Political Code of the State of California, relating to qualification of voters.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1114—An Act to amend section eleven hundred forty-two of the Political Code of the State of California, relating to boards of election

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 1115—An Act to amend section eleven hundred ninety-two of the Political Code of the State of California, relating to the filing of certificates of nomination.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1116—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1117—An Act to amend section twelve hundred eighty-five of the Political Code of the State of California, relating to returns of election of district officers.

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF BILLS.

Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

During the third reading of the bill Mr. Rosendale moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 3, page 1, of the printed bill, strike out the word "Section".

Also: In line 9, page 1, of the printed bill, strike out the words "through or".

Also: In line 9, page 1, of the printed bill, after the word "any" insert the words "part of".

Also: In line 25, page 2, of the printed bill, after the word employees strike out the period, and insert the following: " ; provided, that if any owner of cattle, horses, sheep or hogs allows the same to stray upon any public road, lane or highway outside of incorporated towns or cities, and any of such cattle, horses, sheep or hogs shall go from any such public road, lane or highway upon the right of way of any railroad company, or corporation, such railroad company, or corporation, shall be and is relieved and exonerated from all claims for damages arising out of the killing or maiming of any such animals and the owners of such animals shall be and are

responsible for any damage or loss which may accrue to such railroad company or corporation from such animal so going or being upon such right-of-way."

Motion carried.

The Speaker appointed Mr. Rosendale as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 494, with instructions, do now report that the instructions of the Assembly have been carried out.

ROSENDALE, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 585—An Act to amend Sections 276, 277, and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counselors at law, and to add three sections to said Code, to be known as Sections 276a, 276b, and 276c, relating to the same subject.

During the third reading of the bill Mr. Held moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, line 10, Section 1, of the printed bill, strike out the word "that" and all the balance of said page 2, and all of page 3 down to and including the period after the word "appeal" on page 3, line 15, Section 3, of the printed bill, and insert in lieu thereof the following: "must satisfactorily pass a thorough and comprehensive written examination conducted by the justices of the said district court of appeals".

Also: On page 3, line 1, Section 4, of the printed bill, strike out the figure "4" and insert in lieu thereof "2".

Also: On page 3, line 1, Section 5, of the printed bill, strike out the figure "5" and insert in lieu thereof "3".

Motion carried.

The Speaker appointed Mr. Held as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 585, with instructions, do now report that the instructions of the Assembly have been carried out.

HELD, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 10 thereof.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 510 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los

Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Walker, Walsh, Wilson, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43—An Act to protect the lives and property of the patrons of all public hotels, lodging and rooming houses in the State of California

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 43 passed by the following vote:

AYES—Messrs. Beatty, Beckert, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Young, and Mr. Speaker—64.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 495 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wylie, Young, and Mr. Speaker—61.

NOES—Messrs. Held, Maher, Rosendale, and Walker—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 857—An Act to amend section two hundred and forty of the Penal Code of the State of California, defining the crime of assault.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 857 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers

of Alameda, Rosendale, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—63.

NOES—Messrs. March and McDonald—2

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 389—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known as Section 593b, and relating to party telephone lines and wires.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 389 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 193 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—68.

NOES—Mr. Harlan—1.

TITLE AMENDED.

The following amendment to the title was submitted by Mr. Stuckenbruck:

"Strike out all of the title after the word payable."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 636—An Act to amend the Penal Code of California by adding a new section thereto to be known as section 626*p*, relating to the protection of beaver.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 636 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polesley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HOURL OF RECESS EXTENDED.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Schmitt, the hour of recess was extended ten minutes.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER. Your Committee on Election Laws, to whom was referred Assembly Bill No. 607—An Act to amend Section 1198 of the Political Code of the State of California, relating to the printing and binding of ballots.

Also: Assembly Bill No. 401—An Act to amend Section 1216 of the Political Code, relating to the duties of a registrar of voters, and a board of election commissioners.

Also: Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code relating to constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters.

Also: Assembly Bill No. 145—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

YOUNG, Chairman.

The above reported bills ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER. Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 5—Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on

the 8th day of December, 1910—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

COGHLAN, Chairman.

The above Senate concurrent resolution ordered on file for adoption.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings

Assembly Concurrent Resolution No. 12—Approving an amendment to the charter of the city of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the 2d day of November, 1909.

Assembly Bill No. 661—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of an exposition in Balboa Park in said city of San Diego, California.

Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants on owner's death in certain cases

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property

Assembly Bill No. 871—An Act to amend section sixty-nine of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Assembly Bill No. 1003—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations and providing for their control.

Assembly Bill No. 704—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls, independent of the Legislature and also reserving to the people of the State of California the power to approve or reject at the polls any act or section or part of any Act of the Legislature.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION.

On motion of Mr. Young, Senate Concurrent Resolution No. 5—Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910—was taken up for consideration.

Mr. Young moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowan, Mendenhall, Mott, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—65.

NOES—None.

Assembly concurrent resolution ordered transmitted to the Senate

SENATE CONCURRENT RESOLUTION No 5.

Approving charter of the city of Oakland, county of Alameda, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 8th day of December, 1910.

WHEREAS, The city of Oakland, a municipal corporation of the county of Alameda, State of California, now is and was at all times herein mentioned a city containing a population of more than ten thousand (10,000) inhabitants; and

WHEREAS, At a special election duly held in said city on the 6th day of July, 1910, under and in accordance with law and provision of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders duly qualified was elected by the qualified electors of said city at the special election duly called for that purpose, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after their said election, prepare and propose a charter for the government of said city of Oakland, which charter was signed in duplicate by a majority of the members of said board of freeholders on the 4th day of November, 1910, and thereupon duly returned and filed one copy thereof with the mayor of the city of Oakland, and another copy thereof with the county recorder of said Alameda County in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter duly published in the Oakland Enquirer and the Oakland Tribune, each being a daily newspaper of general circulation printed and published in said city of Oakland, and said publication as aforesaid continued for a period of twenty days, the first publication thereof being made at within twenty days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted to the qualified electors of said city of Oakland at a special election previously duly called and held therein on the 8th day of December, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Oakland voting at said special election voted in favor of the ratification of said charter as proposed as a whole, ratifying the same; and a majority of such qualified electors voting at said special election voted against the ratification of the alternative proposition which was likewise submitted at said special election; and

WHEREAS, The council of the city of Oakland duly canvassed the returns of said special election and found and declared that the majority of the said qualified electors voting at said special election had voted in favor of ratifying said charter, and ratified the same, and that the majority of the said qualified electors had voted against the ratification of said proposed alternative proposition; and

WHEREAS, Said charter is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power to alter or amend, in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter as so ratified was and is in words and figures as follows, to wit:

CHARTER OF THE CITY OF OAKLAND PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED JULY 6TH, 1910.

CHARTER OF THE CITY OF OAKLAND.

ARTICLE I.

NAME AND RIGHTS IN SUCCESSION OF THE CITY

Name of the City

SECTION 1. The municipal corporation now existing and known as the city of Oakland shall remain and continue a body politic and corporate in name and in fact by the name of the city of Oakland, and by such name shall have perpetual succession

Rights and Liabilities in Succession.

SEC 2 The city of Oakland shall have, exercise and enjoy all the rights, immunities, powers, benefits, privileges and franchises now possessed, enjoyed, owned or held by it, and shall be subject to all the duties and obligations now pertaining to or incumbent on said city as a corporation, not inconsistent with the provisions of this charter.

ARTICLE II.

BOUNDARIES

SEC. 3. The boundaries of the city of Oakland shall be as now fixed and established. The area contained within said boundaries is as follows, to wit:

1st. All of Oakland township in the county of Alameda, State of California, exclusive of the following portions thereof: Such portions of said township as lie within the corporate limits of the city of Alameda, the city of Berkeley, the town of

Emeryville, the city of Piedmont, and the city of Albany; also exclusive of such portion of said township as lies northerly of the northern boundary line of the afore-said city of Berkeley.

2d. All of the Brooklyn township in the county of Alameda, State of California, exclusive of the following portions thereof: Such portions of said township as lie within the corporate limits of the city of Alameda, the city of San Leandro, and the city of Piedmont; also exclusive of such portion of said township as lies northeasterly of the northeastern boundary line of that portion of the Rancho of San Antonio as has been heretofore granted by the United States of America to Antonio Maria Peralta, by patent bearing date of June 25, 1874, and recorded September 15, 1874, in liber A of patents, page 648, records of Alameda county; also exclusive of such portion of said township as lies easterly and northeasterly of the eastern and northeastern boundary lines of that portion of said Rancho of San Antonio as has been heretofore granted by the United States of America to Ygnacio Peralta by patent bearing date of February 3rd, 1858, and recorded April 5th, 1858, in liber A of patents, page 52, records of said Alameda county.

ARTICLE III.

ELECTIONS.

General, Special and Nominating Elections.

SEC. 4. A municipal election shall be held on the third Tuesday in April, in the year 1911, and on the third Tuesday in April, in the year 1913, and on the third Tuesday in April in every second year thereafter, and shall be known as the nominating municipal election. A second election to fill the offices for which candidates have been chosen at the nominating municipal election shall be held on the third Tuesday after said nominating municipal election and shall be known as the general municipal election.

All other municipal elections that may be held by authority of this charter or otherwise shall be known as special municipal elections.

Nomination and Election of City Officers.

SEC. 5. (1) The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise.

Condition of Candidacy.

(2) The candidate, not later than the first presentation to the city clerk of his petition of nomination, as in this article set forth, and not earlier than thirty (30) days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

DECLARATION OF CANDIDACY.

I, _____, residing at No. _____ street, Oakland, Cal., being duly sworn, hereby declare myself a candidate for the office of _____, to be voted for at the _____ municipal election to be held in the city of Oakland, on the _____ day of _____, 19____.

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA, } SS.
CITY OF OAKLAND }

Subscribed and sworn to before me this _____ day of _____, 19____.

City Clerk (or Notary Public).

The name of a candidate shall be printed upon the ballot when a declaration of candidacy and a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions in this article set forth, such candidate not having withdrawn under the provisions of this article

Form of Nominating Petition.

(3) The petition of nomination shall consist of not less than fifty (50) nor more than two hundred and fifty (250) individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

(Individual Certificate.)

No. _____
I, the undersigned, certify that I do hereby join in a petition for the nomination of _____ whose residence is at No. _____ street, Oakland, for the office of _____, to be voted for at the nominating municipal election to be held in the city of Oakland on the _____ day of _____, 19____; that I believe said _____ is fully qualified for said office and should be elected thereto; and I further certify

that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office; that my residence is at No. _____ street, between _____ street and _____ street, Oakland, and that my occupation is _____
(Signed) _____.

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, } ss.
CITY OF OAKLAND. }

_____ being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____.

Subscribed and sworn to before me this _____ day of _____, 19__.

Notary Public (or verification deputy).

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Oakland, Cal.

Forms to be Supplied by the City Clerk.

(4) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Requirements of Certificate.

(5) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate must contain the name of one candidate and no more. Each signer must be a qualified elector, and must not at the time of signing a certificate have signed his name to any other certificate for any other candidate for the same office. In case an elector has signed two or more conflicting certificates, all except the one first presented shall be rejected. Each signer must verify his certificate and make oath that the same is true, before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Eligibility of Verification Deputies.

(6) All verification deputies under this charter shall be qualified electors of the city of Oakland. They shall be appointed by the city clerk upon written application of not less than five (5) nor more than ten (10) qualified electors of the city of Oakland. The said application shall set forth that the signers desire the appointment of the person whose name and address is given therein to be a verification deputy for the purpose of taking the oaths of signers of certificates in the matter of _____. Such verification deputies need not use a seal, and shall not have power to administer oaths for any purpose other than that for which they are appointed. Their appointment shall continue only for ninety (90) days from the date of said appointment. No verification deputy shall be paid, in whole or in part, directly or indirectly, out of the city treasury. All verification deputies must, before their appointment, make and file with the city clerk an oath as to their ages, places of residence, occupation, and whether or not they are qualified electors of the city of Oakland, California.

Date of Presenting Petition and Form Thereof.

(7) A petition of nomination, consisting of not less than fifty (50) nor more than two hundred and fifty (250) individual certificates for any one candidate, may be presented to the city clerk not earlier than fifty days nor later than forty days before the election. The clerk shall endorse thereon the day, hour and minute upon which the petition was presented to him.

The certificates constituting such petition before being presented to the city clerk shall be fastened together in book form by placing the sheets in a pile arranged in alphabetical order according to surnames and fastening them together at one edge in a secure and suitable manner and the certificates shall then be numbered consecutively.

Examination of Petitions by City Clerk.

(8) When a petition of nomination is presented for filing to the city clerk he shall forthwith examine the same and ascertain whether it conforms to the provisions of this charter. Within seven days after its presentation he must finally determine whether or not it so conforms and shall forthwith attach to said petition his certificate showing the result of said examination and forthwith send by registered mail a copy of said certificate to the person named as the person to whom the petition shall be returned in accordance with this section. If the petition be found not to conform to the provisions of this charter such certificate of the city clerk shall designate as to the petition and as to each individual nomination certificate found to

be defective, the defect therein. If by the said certificate of the city clerk the petition is shown to be insufficient it may be amended by the presentation of an additional nominating petition containing additional nominating certificates not later than twenty-five days before the date of the nominating municipal election. The city clerk shall within five days after the presentation of such additional nominating petition make like examination and determination of the amended petition, and attach to it a like certificate and mail a copy as aforesaid, and if his certificate shall show the amended petition to be insufficient, or if no additional nominating petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned. If necessary, the council shall provide extra help to enable the city clerk to perform his duties under any election provision of this charter.

Withdrawal of Signature.

(9) Any signer to a certificate forming part of a petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the presentation of the petition to the city clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of Candidate for Nomination.

(10) Any person who has filed his declaration of candidacy as in this article provided may, not later than thirty (30) days before the day of the nominating municipal election, cause his name to be withdrawn from nomination by filing with the city clerk an affidavit stating that he so withdraws, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by presenting petitions therefor not later than twenty-five (25) days prior to such election.

Filing of Petitions.

(11) If either the original or the amended petition of nomination be found to conform to the provisions of this article, the city clerk shall file the same not later than twenty days before the date of the election. When a petition of nomination shall have been filed by the city clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Preservation of Petitions.

(12) The city clerk shall preserve in his office for a period of one year all petitions of nomination and all certificates belonging thereto filed under this section

Election Proclamation.

(13) Immediately after such petitions are filed, the city clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall, not later than twenty days before the nominating municipal election, certify such list as being the list of candidates nominated as required by the charter of the city of Oakland, and the council shall cause said certified list of names and the offices to be filled, designated whether for a full term or unexpired term, to be published in the proclamation calling the election for three successive days commencing seven days immediately preceding the election, in the official newspaper. Said proclamation shall conform in all respects to the general State law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Form of Ballots.

(14) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by the State law except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation and shall be in substantially the following form:

GENERAL (OR NOMINATING) (OR SPECIAL) MUNICIPAL ELECTION, CITY OF OAKLAND.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void, if you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

Requirements of Ballot.

(15) All ballots shall be printed on precisely the same size, quality and tint of paper, with precisely the same kind of type and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the ballot for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alpha-

betical order by surnames, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. All ballots used at any election under this charter shall, as to indistinguishability, conform to the provisions of this subdivision.

Every Nominee to Be on Ballot.

(16) The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of Offices on Ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

For mayor (if any) vote for one
 For auditor, who shall be ex officio assessor (if any) vote for one.
 For commissioner No. 1 (if any) vote for one.
 For commissioner No. 2 (if any) vote for one.
 For commissioner No. 3 (if any) vote for one.
 For commissioner No. 4 (if any) vote for one.
 For school director No. 1 (if any) vote for one.
 For school director No. 2 (if any) vote for one.
 For school director No. 3 (if any) vote for one.
 For school director No. 4 (if any) vote for one.
 For school director No. 5 (if any) vote for one.
 For school director No. 6 (if any) vote for one.

Space for Voting Cross.

(18) A half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank Spaces for Additional Candidates.

(19) A half-inch space shall be left below the printed names of candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

Sample Ballots.

(20) The clerk shall cause to be printed sample ballots identical, except as to character of paper, with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least five whole days before said election.

General Municipal Election.

(21) The two candidates receiving the highest number of votes for any given office at the nominating municipal election shall be the candidates, and the only candidates for such office whose names shall be printed upon the ballots to be used at the general municipal election or special municipal election; *provided* that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other person received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise be candidates for such office and their names shall be printed upon the ballots.

At such general municipal or special municipal election the candidate for any office who receives the highest number of votes at such election shall be declared elected to such office.

If at any general municipal or special municipal election the mayor, auditor, any commissioner or any school director be not elected by reason of a tie vote, then the council then in office shall by lot choose from the candidates receiving such tie vote the necessary number to fill such office or offices.

All the provisions and conditions above set forth as to the conduct of nominating municipal elections, so far as they may be applicable, shall govern general and special municipal elections, and the same precincts and polling places shall, if possible, be used.

Informalities in Election.

(22) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General Election Regulations.

SEC. 6. (1) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections so far as they may be applicable, shall govern all municipal elections, *provided* that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Voting Machines.

(2) In case voting machines shall be used at any municipal election, the council shall have power, by ordinance, to modify the provisions of the charter so far as may be necessary to adapt them to the use of voting machines.

ARTICLE IV.

RECALL OF ELECTIVE OFFICERS.

Applies to all Elective Officers.

SEC. 7. (1) Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by recall by the voters of the city. The procedure to effect such removal from office shall be as follows:

Petition for Recall.

(2) A petition signed by qualified electors equal to fifteen (15) per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected (provided, that the number of signers to any petition for the recall shall not be less than three thousand), which said petition shall request the calling of an election to determine whether or not the said incumbent of an elective office sought to be removed from office shall be removed from office by recall, shall be addressed to the council and presented to the city clerk. The petition may request that such election shall be held at a special municipal election or at the next general municipal election.

Form of Petition.

(3) The petition for recall and removal from office shall be substantially as follows

(Individual certificate.)

PETITION TO THE COUNCIL
REQUIRING A SPECIAL MUNICIPAL ELECTION

(If such be the case)

(The above heading must be printed in type of a 24-point Roman face, caps and lower case.)

For the recall of (name of officer)
From the office of (name of officer)

REASONS FOR THE RECALL OF
(name of officer) FROM OFFICE.
(Here insert such reasons.)

REASONS AGAINST THE RECALL OF
(name of officer) FROM OFFICE.
(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit, as provided in the charter of Oakland, to the vote of the electors of the city of Oakland, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled from the office of (name of officer).

I further certify: that I have read the above reasons for and against the recall of said officer and believe that _____ should be recalled, that I am a qualified elector of the city of Oakland, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. _____ street, between _____ street and _____ street, in said city, and that my occupation is _____.

Signed _____

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA, }
CITY OF OAKLAND. } SS.

_____, being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day _____, 19____

(Signed) _____
Verification Deputy (or Notary Public)

The petition of which this certificate forms a part, shall, if found insufficient, be returned to _____ at No. _____ street, Oakland, California.

Filing and Examination of Petition.

(4) Each certificate must be on a separate sheet of paper and must contain the name of but one signer, who must make oath before a notary public or a verification deputy as to the truth and correctness of the statements made in such certificate.

These certificates shall be fastened together, as provided herein for petitions of nomination, except that they shall be bound as near as may be in lots of two hundred and fifty (250) certificates.

Immediately upon the receipt of such petition, the city clerk shall indorse thereon the time at which said petition was received by him. The city clerk shall thereupon

immediately begin to examine said petition to ascertain whether or not it conforms to all the requirements of this charter.

Within ten days after such presentation he must finally determine whether or not it so conforms and shall forthwith attach to said petition his certificate showing the result of his examination, and forthwith send by registered mail a copy of said certificate to the person named as the person to whom said petition shall be returned in accordance with this section. If the petition be found not to conform to the requirements of this charter such certificate of the city clerk shall designate as to the petition and as to each individual certificate included therein and found to be defective, the defect therein. If by said certificate of the city clerk the petition is shown to be insufficient, it may be amended by the presentation within fifteen days after the date of mailing of said certificate of the city clerk, of an additional recall petition containing additional recall certificates. The city clerk shall within seven days after the presentation of such additional recall petition make like examination and determination of the amended petition and attach to it a like certificate and mail a copy of aforesaid and, if his certificate shall show the amended petition to be insufficient, or if no additional recall petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned, without prejudice to the filing of a new petition to effect the same purpose.

If and when the city clerk shall find the said petition or amended petition to conform to the requirements of this charter he shall indorse his finding upon the said petition or amended petition and immediately file and present the same to the council.

Withdrawal of Signature.

(5) Any signer of a petition for the recall, the initiative, or the referendum, may file with the city clerk a verified revocation of his signature to such petition. And in case said revocation is filed with the city clerk before the said petition is filed by the city clerk, the city clerk shall cancel the said signer's signature on said petition.

Statement of Intention to Circulate Petition.

(6) Before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be filed with the city clerk, who shall at once deliver one of said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain: a statement of the intention to circulate a petition for the recall of said officer; a statement in not more than two hundred (200) words giving the grounds for such recall; and the address of the party making the affidavit. Said officer sought to be recalled shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address of the party making such affidavit a statement in not more than two hundred (200) words justifying said officer's course in office. These reasons for and against the recall of said officer shall be printed as a part of each individual certificate forming a part of the petition.

No original petition for the recall of any officer upon the grounds set forth in such affidavit shall be presented to the city clerk later than forty (40) days after the filing of such affidavit.

Election Under Recall Petition.

(7) If the officer sought to be removed by recall shall not resign from office within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within not less than fifty (50) nor more than sixty (60) days after the filing of said petition to determine whether the electors will recall said officer, or, if a general or special municipal election is to occur within sixty (60) days after the filing of said petition, the council may in its discretion postpone the holding of such election to such general municipal election.

Penalty for Non-performance—Life of Petition.

(8) If the city clerk or any member of the council shall wilfully fail or neglect to do or perform any act or duty, in this article prescribed or directed to be by them or any of them done or performed, then and in that event the said city clerk or such member of the council shall not draw or receive any salary during his further continuance in office and the auditor shall not audit or allow any claim therefor.

If any question of recall, for which a petition has been filed, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such question has been submitted to the voters.

Grounds of Recall. Officer's Justification

(9) Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition, and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office as set forth in the recall petition.

Recall Ballots.

(10) The ballots at every election at which a question of recall is to be determined shall contain, as to every officer whose recall is to be voted on thereat, the following question:

Shall ----- be removed from the office of ----- by recall?

Following which question shall be the words "Yes" and "No" on separate lines with a blank space at the right of each in which the voter may indicate, by stamping or writing a cross (X), his vote for or against such recall.

On such ballots under each such question there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by vote of the people. The nomination of candidates for places on such ballots shall be made in the same manner as provided in this charter for nominating elections; excepting that the person whose recall and removal from office is petitioned for shall be deemed a candidate, and, unless within five days after the petition requiring the calling of the election is filed by the city clerk, he resigns his office or declines in a writing duly signed and verified by him and filed with the city clerk to permit his name to be printed upon the ballot, his name shall be printed upon the ballot as if he had been regularly nominated in accordance with the provisions of this charter. All requirements of this charter relating to ballots at nominating municipal elections shall, so far as applicable, and except as herein otherwise provided, apply to all ballots at every election at which a question of recall is to be determined, and the calling of elections under this article shall be done in accordance with the provisions of this charter providing for the calling of nominating municipal elections.

Recall—What Constitutes.

(11) The person for whose recall and removal from office petition is made shall, if he do not resign, continue to perform the duties of his office until such time as the council, having canvassed the vote, shall declare that a majority of those voting on the question as to whether said person shall be recalled and removed from office have voted for his recall and removal from office. The council shall canvass the vote cast at and declare the result of the election within four (4) days from the day on which the election is held.

If a majority of those voting on the question as to whether a person shall be recalled and removed from office shall vote in favor of such person being recalled and removed from office, the person for whose recall and removal from office said majority has voted shall be deemed to be recalled and removed from office, upon the canvass of the returns of and the declaration of the result of said election by the council.

Election.

(12) If at the election for recall and removal from office a vacancy is created, any candidate receiving at said election a majority of the votes cast for that office shall be thereby elected.

If at the election for recall and removal, a vacancy is so created and not so filled by a candidate receiving a majority of votes, then the council shall order the holding of a second election to take place not more than two weeks, nor less than one week after the first election. At such second election the names of not more than two candidates for each unfilled vacancy (said names being the names of those candidates who received the most votes, less than a majority) shall be printed upon the ballot; except that, in case of a tie between the second and third highest, the provisions of subdivision twenty-one (21) of section five (5) shall apply.

In all other respects the calling of said second election, the requirements of the ballots and the conduct of the second election shall be the same as provided in this charter for general municipal elections, except as otherwise provided in this article.

The council shall canvass the returns and declare the result of said second election within four (4) days after the day on which the said election was held. The person receiving the highest number of votes for each office at the second election shall be declared elected to the said office, and shall assume the duties thereof immediately upon taking the oath of office and filing a bond in the sum required of his predecessor in said office.

In case of a tie vote at the second election for any office the council shall by lot choose from the candidates receiving such tie vote the one to fill such office.

Percentage for Subsequent Recall.

(13) If, at a recall election, a majority shall vote against recalling the officer sought to be removed, or if such officer shall be reelected to said office at any election held under such recall proceedings, it shall require thirty (30) per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected to initiate a subsequent recall election against such officer during the term for which he was elected.

No Recall Petition for First Six Months.

(14) No recall petition shall be filed against any officer until he has actually held his office for at least six months.

Incapacity of Recalled Official.

(15) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further Regulations.

(16) The council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this section and to adapt the provisions of section five (5) thereto

ARTICLE V.

ELECTIVE OFFICERS.

The Elective Officers.

SEC. 8. The elective officers of the city shall be a mayor, an auditor who shall be ex officio assessor, four commissioners and six school directors.

The council shall consist of the mayor and the four commissioners above specified, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of the six school directors and the commissioner designated to the department of revenue and finance, each of whom, including said commissioner, shall have the right to vote on all questions coming before the board of education.

Candidates for commissioner shall be designated on all official election ballots as candidates for commissioner No. 1, or No. 2, or No. 3, or No. 4 (said numbers to be printed after the designating title "commissioner," there being as many numbers from 1 up as there are commissioners to be elected) in accordance with the declarations of candidacy, which said candidates shall have filed with the city clerk. Such numerical designation on the ballot shall have no significance whatever after election and qualification of such commissioner; but shall fix the status of each such numerically designated office as a separate office for the purpose of nomination and election thereto.

Candidates for school director shall be designated on all official ballots as candidates for school director No. 1, or No. 2, or No. 3, or No. 4, or No. 5, or No. 6 (said numbers to be printed after the designating title "school director," there being as many numbers from 1 up as there are school directors to be elected) in accordance with the declarations of candidacy which said candidates shall have filed with the city clerk. Such numerical designation on the ballot shall have no significance whatever after election and qualification of such school director, but shall fix the status of each such numerically designated office as a separate office for the purpose of nomination and election thereto.

Elected at Large.

SEC. 9. The mayor, auditor, commissioners and school directors shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of Mayor, Auditor, and Commissioners.

SEC. 10. To be eligible to the office of mayor, auditor or commissioner, the person must be a citizen of the United States and a qualified elector of the State of California, and shall have been a resident of the city of Oakland for four years next preceding his nomination.

Eligibility of School Directors.

SEC. 11. To be eligible to the office of school director a person must be a citizen of the United States, of the age of twenty-one years, and shall have been a resident of the city of Oakland for two years next preceding nomination.

Vacancy in Office.

SEC. 12. (1) If a vacancy shall occur in the office of mayor, auditor or commissioner, the council shall appoint a person to fill such vacancy. In each case the person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election, and his successor at such election shall be elected for the full or unexpired term, as the case may be; *provided* that if a vacancy arises by recall without a successor being elected at the same election, any appointee filling such vacancy shall be succeeded by the person elected or chosen under the provisions of Article IV of this charter, relating to the recall.

(2) If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. In each case a person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election, and the successor of such appointee elected at such election shall be elected for the full or unexpired term, as the case may be; *provided* that if a vacancy arises by recall without a successor being elected at the same election, any appointee filling such vacancy shall be succeeded by the person elected or chosen under the provisions of Article IV of this charter relating to the recall.

Vacancy—What Constitutes

SEC. 13. A vacancy shall be deemed and considered to exist in any elective office when the person elected thereto fails to qualify within ten days after notice of

election has been handed to him or sent by registered mail to his last known address, dies, resigns, is recalled and removed from office, ceases to be a resident of the city, absents himself continuously therefrom for a period of more than thirty days without permission from the council, is convicted of a felony, judicially determined to be incompetent, forfeits his office under the provisions of this charter, or is removed from office by judicial proceeding.

Mayor's and Auditor's Term of Office.

SEC. 14. The mayor and auditor shall each hold office for a term of four years from and after the first day of July after his election, and until his successor is elected or appointed and qualified, unless sooner removed from office by recall, or otherwise; *provided, however*, that the term of office of the auditor first elected under this charter shall be for two years only.

Commissioner's Term of Office.

SEC. 15. The commissioners shall hold office for a term of four years from and after the first day of July after their election, and until their successors are elected or appointed and qualified, unless sooner removed from office by recall or otherwise; *provided* that the commissioners first elected under this charter shall, at their first meeting, so classify themselves by lot that two shall serve for two years and two for four years.

At each general municipal election after the first held under this charter, there shall be elected two commissioners.

School Director's Term of Office.

SEC. 16. The school directors shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected or appointed and qualified, unless sooner removed by recall or otherwise; *provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that three shall serve for two years and three for four years.

At each general municipal election after the first held under this charter there shall be elected three school directors.

SEC. 16½. The term of each elective officer shall commence at eleven o'clock A. M. on the day fixed herein.

Official Bonds.

SEC. 17. The mayor, auditor, treasurer, each commissioner, and each school director shall, before entering upon the duties of his office, each give and execute to the city a bond as hereinafter provided. No surety on any official bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on property not exempt from execution or subject to homestead claim, the assessed value of which over and above all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the city, and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll of the city, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the city, and that the taxes on such property so assessed are not delinquent.

The bond of the mayor and of each commissioner shall each be in the penal sum of ten thousand (10,000) dollars, of the auditor in the penal sum of twenty-five thousand (25,000) dollars, of the treasurer in the penal sum of one hundred thousand (100,000) dollars, and of each school director in the penal sum of twenty-five hundred (2,500) dollars.

Every bond shall contain the condition that the principal will well, truly, honestly, and faithfully perform the duties of his office. All bonds except those of the mayor and auditor must be approved by the mayor and auditor; the bond of the mayor must be approved by the auditor and a majority of the council, the bond of the auditor must be approved by the mayor and a majority of the council.

The council may, by ordinance, increase the amount of bond herein required from any officer; and may require a bond to be given by any officer not herein required to give bond, and may fix its amount.

When under any of the provisions of this charter, or of any ordinance, an official bond shall be required from any officer, the council, or board, as the case may be, may by resolution require an additional bond, whenever, in the opinion of such council, or board, such bond or any surety thereto becomes insufficient.

The approval of the official bonds must be indorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the city clerk, except the bond of the city clerk, which must be filed with the auditor. Upon the approval of a bond it must be recorded in a book entitled "Records of Official Bonds," kept for that purpose by the city clerk in his office. All the provisions of the law of the state relating to official bonds of city officers, not inconsistent with this charter, shall be complied with.

Oath of Office.

SEC. 18. Every officer of the city before entering upon the duties of his office, shall take the following oath of office and file the same with the city clerk:

I solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of California, and the charter of the city of Oakland, and will truly and to the best of my ability perform the duties of the office of _____

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____

City Clerk (or Notary Public).

Salaries.

SEC. 19. The mayor shall receive an annual salary of forty-two hundred (4200) dollars, payable in equal monthly installments.

The auditor shall receive an annual salary of thirty-six hundred (3600) dollars, payable in equal monthly installments.

Each commissioner shall receive an annual salary of thirty-six hundred (3600) dollars, payable in equal monthly installments.

Each school director other than the commissioner of revenue and finance shall receive ten dollars for each regular meeting of the board of education which he shall attend, provided that he shall not receive more than forty (40) dollars in any one month.

Administering Oaths. Subpœnas.

SEC. 20. Every elective officer, every chief official and every member of any board provided for in this charter shall, in all matters of or pertaining to the city or its business, have the power to administer oaths and affirmations, and every such officer and board shall have the power to issue subpœnas, to compel by subpœna the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before the council or before any such officer or board. If any person so subpœnaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpœna, or shall refuse to testify before the council or before any such officer or board or to answer any question which any officer, or a majority of such board shall decide to be proper and pertinent, he shall be deemed in contempt, and the council or any such officer, or any such board shall have power to take the proceedings in that behalf provided by the general laws of the state. The chief of police must, on request of the council or of any such officer, or of any member of such board, detail a police officer or police officers to serve such subpœna.

ARTICLE VI.

THE MAYOR.

The Chief Executive.

SEC. 21. The mayor shall be the chief executive officer of the city and shall see that all the ordinances, resolutions and laws thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

The mayor shall, with the aid of the commissioner of public health and safety, take all proper measures for the preservation of public order and the suppression of riots, insurrections or tumults, for which latter purpose he is authorized and empowered to use and command the police force of the city.

Mayor pro tempore.

SEC. 22. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both mayor and vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's Reports.

SEC. 23. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to Have City's Books Examined

SEC. 24. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine at least twice each year, the books, records and reports of the auditor, and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor and file one with the city clerk. Such accountant may recommend ways and means to improve the methods of keeping the books, records and accounts of the city. Such accountant shall have

unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested; and failure to do so shall be deemed and held to be a forfeiture of his office. The council shall provide for the payment of the services of such accountant.

Supervision of Public Utility Companies.

SEC. 25. The mayor shall be charged with the general supervision of all persons, firms, companies and corporations owning, controlling or operating public utilities in so far as they, or any of them, are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law and he shall see that the provisions of all franchises, permits and privileges granted by the city are faithfully observed.

The mayor shall, and the council may, cause to be instituted such actions or proceedings as may be necessary to prosecute persons, firms, companies and corporations owning or controlling or operating public utilities, for violations of law, and, as may be necessary, to revoke, cancel or annul all franchises, permits and privileges that may have been granted by the city to any person, firm, company or corporation, which may have become forfeitable in whole or in part or which for any reason are illegal or void or voidable. The city attorney, on the demand of the mayor or of the council, must institute and prosecute the necessary actions to enforce the provisions of this section.

Powers and Duties Prescribed by Ordinance.

SEC. 26. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The Five Municipal Departments.

SEC. 27. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be divided into five general departments, as follows:

- (1) Department of public affairs, which shall be under the supervision of the mayor.
- (2) Department of revenue and finance, which shall be under the supervision of the commissioner of revenue and finance.
- (3) Department of public health and safety, which shall be under the supervision of the commissioner of public health and safety.
- (4) Department of public works, which shall be under the supervision of the commissioner of public works.
- (5) Department of streets, which shall be under the supervision of the commissioner of streets.

Council to Assign Powers and Duties.

SEC. 28. (1) The council at its first regular meeting after every general municipal election, or within ten days thereafter shall, by majority vote, designate and assign one of its members, not the mayor, to be commissioner of revenue and finance, one to be commissioner of public health and safety; one to be commissioner of public works; and one to be commissioner of streets. *Provided, however,* if the council be unable to agree within said ten (10) days upon such designation, the mayor shall have the authority to make such designation. It is expressly provided that the number by which a commissioner was designated upon the official ballot shall bear no relation to and shall in no manner be considered in the determination of the particular commissionership or department to which such commissioner is designated and assigned.

(2) The council may change such designations and assignments, except that of the department of public affairs, by ordinance, whenever it shall determine that the public service requires such change.

(3) The council shall prescribe by ordinance the powers and duties of all officers and employees when the same are not prescribed by this charter, and may prescribe for departments, officers, boards and employees powers and duties in addition to those prescribed by this charter, not inconsistent therewith (except that as to the civil service board such may be done only at the request of said board); may assign or reassign particular officers and employees to duty in more than one department of the city government; may require an officer or employee to perform duties in two or more departments of the city government; and may make rules and regulations, not in conflict with law or this charter, for the efficient and economical conduct of the business of the city.

Except as in this charter otherwise provided, these several departments shall be composed, officered and organized and the persons employed therein shall be chosen as the council may by ordinance provide, and the council must, at all times, keep in full force and effect ordinances making provisions for all such matters.

Department of Public Affairs.

SEC. 29 (1) The department of public affairs shall have supervision of the relations of the city with the government of the United States, the states of the union, the county and other municipalities, and shall have supervision over all boards appointed by the mayor.

Department of Revenue and Finance.

(2) The department of revenue and finance shall have supervision of all financial matters of the city, except as otherwise provided in this charter; and shall include the office of the treasurer.

Department of Public Health and Safety.

(3) The department of public health and safety shall have supervision over and shall include the police department, the fire department, the health department, the electrical department, the municipal employment office, the office of license inspector and the office of building inspector.

Department of Public Works.

(4) The department of public works shall have supervision of all buildings belonging to or used by the city, except as otherwise provided in this charter, of all wharves, docks, slips, quays, and water front property, belonging to or under the control of the city, and of all public utilities of every kind and nature owned or operated by the city, and not in this charter assigned to another department. Such supervision shall include supervision of construction, maintenance, repair and operation.

Department of Streets.

(5) The department of streets shall have supervision over all the streets of the city, except where the same may constitute a part of any wharf, dock, slip or quay belonging to or under the control of the city, shall have the supervision of all work done on, in or under the streets, except as aforesaid, whether in the nature of construction, maintenance or repair, and of all pipes, conduits, tunnels and other installation placed under the streets, and of all tracks, poles and other installation placed on or above the streets. Any quarry or quarries, and any plant or plants for the production, making or assembling of asphalt, or of any substance or material for use in the building, maintenance or repair of streets, operated by the city, shall be under the supervision of and be conducted by said department.

The Chief Officials—General.

SEC. 30. (1) The chief officials of the city shall be a city attorney; a treasurer, who shall be ex officio tax collector; a city clerk; a city engineer; a chief of police; a chief of the fire department; a street superintendent; a health officer and a superintendent of the electrical department. The council shall by ordinance prescribe the duties of all the chief officials; and no enumeration in this charter of the duties of any chief official shall be construed as limiting the power of the council to impose on him other duties not inconsistent with this charter. The council, at any time, by an affirmative vote of four members, may consolidate and place in charge of one such chief official the functions and duties of two or more such chief officials. The council shall have the power by the affirmative vote of three (3) members to remove from office any of the chief officials of the city.

The appointment of every chief official, not appointed by the council, shall be subject to confirmation by the council.

The City Attorney.

(2) The city attorney shall be appointed by the council. He must be at the time of his appointment a citizen of the United States and qualified to practice in all the courts of this state, and he must have been so qualified, and have been a resident of the city of Oakland, for five years next preceding his appointment.

He shall prosecute and defend for the city all actions at law or in equity and all special proceedings for or against the city, and shall represent the city in all other actions or proceedings in which the rights and interests of the city are concerned; and whenever any cause of action in law or in equity or by special proceeding exists in favor of the city he shall commence the same when directed to do so by the mayor or by the council. He shall give legal advice in writing to all officers and boards named in this charter when requested in writing so to do by them, or any of them, upon questions arising in their separate departments involving the rights or liabilities of the city. The form and legality of all contracts made by the city or by any officer or board thereof shall be submitted to and passed on by the city attorney before execution. He shall not settle or dismiss any litigation for or against the city under his control unless upon his written recommendation he is ordered so to do by the council.

He shall keep on file in his office all written opinions given by him to any officer, board or department, the briefs and transcripts used in causes where he appears, and bound books of record and registry of all actions or proceedings under his charge in which the city is interested.

He shall deliver all books and records, reports, documents, papers, statutes, law books and property of every description in his possession belonging to his office, or to the city, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

The Treasurer and ex officio Tax Collector.

(3) The treasurer shall be assigned to the department of revenue and finance, and shall be appointed by the commissioner of revenue and finance.

The treasurer shall be ex officio tax collector. As tax collector he shall perform the duties in this charter and by the general laws of the state provided. As treasurer he shall receive and pay out all moneys belonging to the city, and all other moneys provided to be paid into the treasury by this charter, and shall keep an account of all receipts and expenditures under such rules and regulations as may be provided by ordinance or the provisions of this charter.

The treasurer shall not receive any moneys unless the payment of the same is accompanied by the certificate of the auditor, stating the amount of the same, to what fund applicable and by whom to be paid.

For all moneys received the treasurer shall give a duplicate receipt, one of which shall be countersigned by the auditor before delivery to the party making payment, and the other shall be delivered to and retained by the auditor.

The treasurer shall not pay out any money belonging to the city except upon claims presented, allowed and audited in the manner provided by this charter.

The treasurer shall make monthly statements to the council of the receipts and expenditures of the preceding month.

At no time shall the weekly balance in the vaults of the treasury exceed the sum of twenty thousand (20,000) dollars; *provided*, that applications are on file with the treasurer from a bank or banks in the city of Oakland for the deposit of city money in accordance with the laws of the state.

The treasurer shall perform such other duties as may be designated by ordinance or the provisions of this charter.

The City Clerk.

(4) The city clerk shall be appointed by the council. He shall be clerk of the council. He shall be custodian of all deeds and of all other evidences of the title to property of the city. He shall deliver all such deeds and other evidences of title to his successor in office who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

The City Engineer.

(5) The city engineer shall be assigned to the department of public works and shall be appointed by the commissioner of public works; he shall be a civil engineer of not less than five years' practical experience as such; he shall possess the same power in the city in making surveys, plats and certificates as is given by law to city engineers or to county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are given by law to those of city engineers or county surveyors. He shall be the custodian of and responsible for all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition with full indexes thereof and shall turn over the same to his successor, who shall give him duplicate receipts therefor, one of which he shall file with the auditor.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the city.

Police and Fire Chiefs and Health Officer.

(6) The chief of police, the chief of the fire department and the health officer shall be assigned to the department of public health and safety, and shall be appointed by the commissioner of public health and safety.

Superintendent of Streets.

(7) The superintendent of streets and the assistant superintendent of streets shall be assigned to the department of streets and shall be appointed by the commissioner of streets.

During the absence or disability of the superintendent of streets the assistant superintendent of streets shall act as superintendent of streets pro tempore and shall have his powers and duties.

The superintendent of streets shall be a civil engineer of at least five years' practical experience as such.

Superintendent of Electrical Department.

(8) The superintendent of the electrical department shall be assigned to the department of public health and safety and shall be appointed by the commissioner of public health and safety.

Subordinate Officers and Employees.

SEC. 31. The council shall have the power by ordinance to create, consolidate and discontinue officers, deputyships, assistantships and employments other than those prescribed in this charter. The council shall also have the power, except as otherwise provided in this charter, to prescribe the methods by which such offices, deputyships, assistantships and employments shall be filled, and the duties pertaining thereto, and also the method by which any such office, deputyship, assistantship or employment shall be declared vacant and the holder thereof removed therefrom.

Compensation of Officers and Employees.

SEC. 32. The compensation of all city officers, officials or employees not fixed in this charter shall be fixed by the council, except where this charter provides that such officials or employees shall receive no compensation or that their compensation shall be fixed by a person, board or body other than the council. No officer, official or employee of the city shall receive from any source any fee, perquisite, emolument, reward or compensation other than the compensation provided for in this charter or by the council. All fees collected by any officer, official or employee of the city shall be paid by him into the city treasury.

Pension for Supcrannuated Employees.

SEC. 33. Whenever any employee of the city of Oakland, except a member of the police or fire department, shall have been continuously employed in the service of the city for a period of twenty-five years and shall have attained the age of sixty-five years the council shall have the power upon the unanimous recommendation of the civil service board to retire said person and shall have the power to order to be paid to said person so retired a pension during the remainder of his life. Said pension shall not exceed a sum equal to one-half of the salary paid to said employee at the time of his retirement.

Reports of Departments.

SEC. 34. The mayor and commissioners comprising the council, the auditor, the treasurer, the chief of police, the chief of the fire department, the board of library directors, the board of park directors, the board of play ground directors, the health officer and all other officers, officials and boards shall each of them render annually, or oftener if required by the council, a full and complete written report of the business transacted by each of them and their subordinates subsequent to the rendering of their last previous report, together with comments on and recommendations for the betterment of the work of their offices. Such reports shall be filed with the city clerk. The council shall have the power to order such of said reports printed in pamphlet form as it may deem advisable to be so printed.

Commissioners to Hold No Other Office.

SEC. 35. No commissioner shall hold any other municipal office or any other office or employment, the compensation for which is paid out of any city moneys; or be appointed or elected to any office created by the council or the compensation of which is increased by the council while he is a member thereof, until at least one year shall have expired after the expiration of the term for which he was elected.

Officers Not to be Interested in Contracts or Franchises.

SEC. 36. No officer or employee shall as agent, attorney or otherwise, be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by municipal authority; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer or employee, except call men or extra men employed in the fire department of the city shall be in the employ of any public service corporation in the city.

Any violation of the provisions of this section shall be cause for removal from office. The council shall enforce the provisions of this section by appropriate legislation.

Payment of Debts.

SEC. 36½. Failure of any employee to promptly pay any legal indebtedness for the necessities of life contracted by him while in the service of the city shall be ground for his removal from such employment.

No Officer to Direct Subordinate to Do Other Than Official Service.

SEC. 37. No officer or employee of the city of Oakland shall detail or cause any officer, employee or subordinate officer of the city of Oakland, or any part thereof, to do or perform any service or work outside of his public service, work or employment, and any violation of this section shall constitute a misdemeanor, punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than six months.

City Officers and Employees Not to Hold Other Public Offices of Profit.

SEC. 38. No person holding any office, position or employment under the city government shall be eligible to or hold any other elective or appointive office under the

government of the city of Oakland. And no person holding any office, position or employment under the city government carrying with it a salary or emoluments of more than fifty (\$50) dollars per month, paid out of any money of the city shall hold any such position under the city government while holding any office or position of profit under the government of this state, of any other state, of the United States or of any other nation, government or country. The council shall pass such ordinances or resolutions as may be necessary to carry out the provisions hereof

ARTICLE VIII.

THE COUNCIL.

The Council, the Governing Body.

SEC. 39. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

President and Vice-President.

SEC. 40. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of the Council.

SEC. 41. At eleven o'clock A. M. on the first day of July following the canvass of the general municipal election, the council shall meet, at which time the newly elected commissioners shall assume the duties of their office. The council shall meet in regular session every day (Saturdays, Sundays and legal holidays excepted), at eleven o'clock A. M.

Special meetings of the council may be held at any time on the written request of any two commissioners filed with the city clerk, *provided*, that the said written request for said special meeting shall set forth the object of the special meeting. The said clerk shall give reasonable notice to each commissioner of the time of said special meeting and the object thereof, and at said special meeting no other business shall be transacted than that specified in the said written request.

Executive sessions of the council may be held at any time, *provided*, that no executive session shall be held with any other person present than an elected or appointed officer of the city.

Office Hours.

SEC. 42. Each commissioner shall have an office at the city hall set apart and furnished by the city, and he shall be in his said office, where he can be interviewed by citizens or persons having business to transact with the city, between the hours of ten o'clock A. M. and eleven o'clock A. M. except when prevented by sickness or other good cause or except when absent by permission of the council, daily (Saturdays, Sundays and legal holidays excepted).

Meetings to Be Public.

SEC. 43. All sessions of the council, whether regular or special, at which any official action is taken shall be open to the public.

Quorum.

SEC. 44. A majority of the members of the council shall constitute a quorum for the transaction of business.

Rules of Proceedings.

SEC. 45. The council shall establish rules for its proceedings.

Ordinances and Resolutions.

SEC. 46 (1) The council shall act only by ordinance or resolution.

Ayes and Noes

(2) The council shall pass ordinances and resolutions only by taking the ayes and noes, which shall be entered in its minute book. Upon the demand of any member the ayes and noes shall be taken and recorded on any motion. All votes of the council on appointments or declaring positions vacant shall be by ayes and noes, and recorded.

Majority Vote of Council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council

Subject of Title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations, and shall contain only one such appropriation. If any subject shall be embraced in an ordinance which shall not be expressed in its title such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting Clause of Ordinances.

(5) The enacting clause of all ordinances passed by the council shall be substantially in these words: "Be it ordained by the council of the city of Oakland as follows"

Requirements of an Ordinance

(6) To constitute an ordinance a bill must before final action thereon, be passed to print and published with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must, in like manner be republished as amended for not less than one day

No ordinance shall be finally passed by the council until it has been read in open council three times and printed as provided in the charter. Between the second and third readings at least one week shall elapse. All ordinances shall be printed as provided in this charter after having been read in the council the second time. Whenever and as often as any ordinance under consideration by the council shall be amended the said ordinance, as amended, shall be considered to have been read only once and shall be read a second time, passed to print and read a third time before being finally passed.

Ordinances Required in Certain Cases.

(7) No action providing for any specific improvements, for the appropriation, acquisition, transfer, sale or lease of public property; for the levying of any tax or assessment; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken, and no franchise shall be granted except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the state.

All appropriations of money by the council shall be by ordinance, *provided* that appropriations for sums less than five hundred (\$500) dollars may be made by resolution, on which a vote by ayes and noes shall be taken and recorded; *provided further*, that four affirmative votes shall be required to pass such resolution; *provided further*, that only one such resolution shall be passed appropriating money, directly or indirectly, for any one purpose or object, or for any two or more purposes or objects directly or indirectly related to each other or which may be directly or indirectly parts of the same general or particular scheme or proposition.

Reconsideration

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

Signing and Attesting.

(9) The city clerk shall, with the mayor, sign and attest all ordinances and resolutions

Revision and Amendment.

(10) No ordinance shall be amended or changed except by ordinance. And the section or sections which it is proposed to alter shall be printed in full together with the section or sections which it is proposed to adopt.

Ordinances Granting Franchises.

(11) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before two years prior to its expiration.

Record of City Ordinances.

(12) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances," which book shall be indexed as to each ordinance. Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way

Protection of Absent Commissioner

SEC. 47. No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the council at which such commissioner was present, or such action is taken at a regular meeting of the council.

Publication of Charter and Ordinances.

SEC. 48. The council, during the first year after its organization under this charter and from time to time thereafter, shall cause all ordinances, at such time in force to be classified under appropriate heads, and, together with or separately from the charter of the city and such provisions of the constitution and laws of the state as the

council may deem expedient, to be published in book form. The council shall, as soon as convenient, cause the ordinances of the city to be codified in two classes, civil and criminal.

ARTICLE IX.

POWERS OF THE CITY AND OF THE COUNCIL.

General Powers of the City

SEC. 49. Without denial or disparagement of other powers now held by or that may hereafter be given to the city under or by the constitution or the laws of the state, the city of Oakland shall have power:

Seal.

- (1) To make, have and use a corporate seal and to alter the same at pleasure:

To Sue and Be Sued.

- (2) To sue and be sued in all actions and proceedings whatever.

To Receive Gifts.

- (3) To receive bequests, gifts and donations of all kinds of property in fee simple or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purpose or purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise handle or dispose of the same in accordance with the terms of the gift, bequest or donation;

To Acquire Property.

- (4) To acquire by purchase, condemnation or otherwise, take, hold, lease, sell, grant, convey and incur such real and personal or mixed property or interest therein, whether located within or without the limits of the city, as may be necessary or convenient for the purposes of the city;

Public Buildings, Works and Institutions.

- (5) To acquire by purchase, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of correction and farm schools, work houses, detention houses, morgues, cemeteries, crematories, garbage collection, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assembling of asphalt or of any other substance or material for use in the building, maintenance or repair of streets; plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front of the city, including pile drivers, dredging machines, scows, tugs and suitable machinery; wharves, docks, waterways, canals and all other public buildings, places, works and institutions.

Belt Railway.

- (6) To construct or to acquire by purchase and to maintain and operate belt lines of railroad along the water front or elsewhere within the city, with the necessary spurs and connections for the purpose of connecting warehouses, manufactories or other business industries and enterprises with each other and with any other railroad or railroads which do now or may hereafter enter the city, and to connect such lines of railroad with each other and to connect such warehouses, manufactories or enterprises, and railroads with docks and ships and to connect docks and ships with each other.

Water Front and Wharves.

- (7) To improve, keep in repair and control the water front of the city; to fix the rates of wharfage, dockage and tolls and provide for the collection thereof, to license, regulate and control, or restrain the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats and all other water craft within the jurisdiction of the city.

To deepen, widen, dock, cover, wall, alter or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise; and to control and regulate the use thereof.

Water, Light, Heat and Power.

- (8) To provide for supplying the city, and its inhabitants with water, gas, electricity or either or any thereof, or with any other means of heat, illumination, power or refrigeration; and to acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip, own and operate plants and equipments for the production and management or distribution of gas, electricity, heat, refrigeration or power in any of their forms, by pipes, wire, or other means.

Tunnels and Conduits.

(9) To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip and operate tunnels and conduits through or under any street, right of way or other public property and to lease or rent the use of such tunnels and conduits; *provided, however*, that the exclusive use of any tunnel or conduit shall never be leased or rented to any one person, firm or corporation.

Telephone, Telegraph and Transportation.

(10) To acquire by purchase, condemnation, construction, lease or otherwise and to establish, maintain, equip, own and operate telephone and telegraph systems, railways and ferries and transportation service of any kind, when not contrary to the general law.

Sale of Products of Public Utilities.

(11) To sell, within or without the city, gas, water, electric current and any form of light, heat or power and all products of, or service by any public utility conducted or operated by the city.

Lease of Public Utilities.

(12) To lease to persons, firms or corporations for the purpose of maintenance and operation or use, any public utility owned or controlled by the city; *provided*, that such leases shall be made only by ordinance to the highest bidder and for a period not to exceed ten years.

Joint Ownership of Water Supply.

(13) To join with one or more cities incorporated under the constitution and laws of the state in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor, as may be provided for by the laws of this state.

Borrowing Money, Bonds, General.

(14) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Borrowing Money, Bonds, Special.

(15) To borrow money for any or all of the following specified purposes:

To improve and keep in repair the water front of the city; to deepen, widen, dock, cover, wall, or alter or change the channels of water ways and courses and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise; to acquire by purchase, condemnation or otherwise and to construct, establish and maintain plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front, including pile drivers, dredging machines, scows, docks and suitable machinery; to construct or acquire by purchase and to maintain and operate belt lines of railroads as provided for in subdivision six (6) hereof; and to issue, as security for the money so borrowed, bonds of the city, and to provide for the payment of the principal and interest thereof out of the revenues from any or all of the properties in this subdivision mentioned; *provided*, that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken, shall be observed and followed, so far as applicable.

Direct Legislation by People.

SEC. 50. The electors of the city shall have power through the initiative and otherwise, as provided by this charter, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

Powers of the Council.

SEC. 51. Except as herein otherwise expressly provided, the council shall exercise all the general powers of the city herein set forth and all powers now held by or that may hereafter be given to the city under the constitution or the laws of the state; but only in the manner and under the conditions of this charter, and subject to all the provisions thereof.

In addition to all such powers, the council, subject to the provisions and restrictions of this charter, shall have power:

Local Laws.

(1) To make and enforce local, police, sanitary and other laws and regulations.

Violation of Charter and Ordinances

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance, but no penalty shall exceed five hundred (500) dollars or six months' imprisonment, or both.

Nuisances.

(3) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisances or otherwise.

Rewards.

(4) To offer rewards not exceeding two hundred and fifty (250) dollars in any one instance for the apprehension and conviction of any person who commits a felony in the city, and to authorize the payment thereof.

Police and Fire Department.

(5) To organize, provide, maintain and operate police and fire departments, erect necessary buildings and acquire all implements and apparatus necessary therefor, subject to his provisions of this charter.

Police and Fire Alarm Systems.

(6) To establish, operate and maintain a fire alarm and police telegraph or telephone system and maintain and control the same.

Explosives.

(7) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite gun cotton, nitroglycerine, fireworks and other explosive materials and substances.

Inflammable Materials

(8) To regulate the storage of hay, straw, gasoline, benzine, oil and other inflammable and combustible materials.

Engines and Boilers.

(9) To regulate the use of steam engines, gas engines, steam boilers, electric motors and all other means of generating heat or power, and to prohibit their use in such localities as in the judgment of the council would endanger public health, safety or comfort.

Fire Limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building Regulations.

(11) To regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging, and false work and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water, steam, oil or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escapes.

(12) To require the owners and lessees of buildings or other structures to place on them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Protection Against Fires.

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make other provisions to guard against fires.

Provisions for Safety in Theaters, Halls, Etc.

(14) To regulate the size and construction of the entrances to and exits from all theaters, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstruc-

tions in the hallways, aisles, or open places therein, and to regulate the size and position of aisles, open places, stairways and exits in such theaters, lecture rooms, halls, schools, churches and other places for public gatherings of any kind.

Provision for Safety in Streets.

(15) To regulate the speed of railroad trains, engines and cars, street, interurban and other railroad cars in or passing through the city, and to require persons, firms or corporations operating street, interurban or other railroads in the city to station flagmen, place gates or other safety devices and construct and use bridges, viaducts, tunnels or subways at street crossings and at railroad crossings as the council may deem proper. To require street cars and local trains to be provided with fenders or other appliances for the better protection of the public. To prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city. To regulate the speed with and the manner in which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Improper Use of Streets.

(16) To regulate or prohibit the exhibition, posting, or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the street, or on or upon buildings, fences, billboards or other structures, or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place; to regulate or prohibit the suspension of banners, flags, signs, advertisements, posters, pictures or cards across or over any sidewalk, alley, street, lane, court, park, or other public place or such suspension from fences, poles, houses, or other structures, to regulate or prohibit traffic, business, peddling or selling of goods, wares, merchandise, or other things in or upon any sidewalk, street, alley, lane, court, park or other public place; to regulate or prohibit the flying of kites in or from any sidewalk, alley, street, lane, court, park or other public place; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

To regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances

Shade Trees

(17) To provide for the planting, maintenance or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

Clearing of Sidewalks.

(18) To require the owners of real property in the city to remove grass, weeds, rubbish or obstructions from the public sidewalks in front of their property, and upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Sewer and Other Connections.

(19) To require the owners of real property fronting upon any street, lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect therewith their several premises (allowing not more than fifty feet of frontage to any premises), before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved, and upon their default, to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien.

General Regulations of Streets.

(20) Except as otherwise provided in this charter, or in the constitution of the State of California, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks, and other public places of the city

Billboards and Signs.

(21) To regulate, license or prohibit the construction and use of billboards, signs and fences.

Animals.

(22) To regulate and prevent the running at large of any animals, to provide for the destruction of vicious dogs, to require the payment of license fees by the owners or persons having possession of dogs, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Cruelty to Animals.

(23) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

Preservation of Health.

(24) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease. to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease, or coming from places where infectious or contagious diseases are epidemic or endemic.

Dangerous and Offensive Occupations; Disagreeable Noises.

(25) To regulate or prohibit the operation of all manufactories, occupations, businesses or trades which may be of such a nature as to affect the public health, safety or comfort or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to pass ordinances for the regulation and suppression of disagreeable, offensive or injurious noises or odors.

Inspection of Food Products.

(26) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products, manufactured, produced or offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

(27) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city.

Lodging, Tenement and Apartment Houses.

(28) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer Connections.

(29) To regulate or prohibit the construction, repair or use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the draining, cleaning, or emptying of the same, and to designate the time and manner in which the work of draining, cleaning or emptying of the same shall be done.

Garbage.

(30) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Licensing Businesses.

(31) To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; *provided, however*, that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library; but such prohibition as to location shall not apply to the renewal of any such license which was in force September 1, 1910, and which continues in force until this charter goes into effect.

Regulation of Public Vehicles

(32) To establish stands for hacks, public carriages, automobiles, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, automobiles, express wagons and other public vehicles, and to require schedules of such charges to be conspicuously posted in or upon such public vehicles, and to provide penalties for collecting of charges in excess of such schedules.

Weights and Measures.

(33) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper and correct weights and measures duly tested and sealed.

Public Shows. Gambling.

(34) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling or fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

Public Order and Decency.

(35) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Taxation.

(36) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously Collected Taxes.

(37) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

(38) To fix the fees and charges for all official services not otherwise provided for in this charter.

Mayor's Urgency Fund.

(39) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended by or under the direction of the mayor

Public Entertainments.

(40) To appropriate and spend money from the funds of the city for any or all of the following purposes

- (a) Reception and entertainment of public guests;
- (b) Assistance of public celebrations held by the city at large,
- (c) To aid in or carry on the work of inducing immigration to the city;
- (d) To exhibit manufactured and other products of the city;
- (e) Generally for the purpose of advertising the city.

Provided, however, that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of two and one-half (2½) cents on each one hundred (100) dollars valuation of the assessable property of the city of Oakland.

Lease of Lands Owned by the City.

(41) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest rent, after publication of notice thereof for five days, stating explicitly the time and conditions of the proposed lease, *provided*, that no such lease shall be for a period of more than twenty-five years; *and provided*, that the council may in its discretion reject any and all bids.

Purchase of Property Under Execution

(42) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of Useless Personal Property.

(43) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts

(44) To provide for the execution of all trusts confided to the city.

Street Grades.

(45) To establish or change the grade of any street or public place.

Street Work

(46) To order the whole or any part of any street, avenue, lane, alley, court or public place within the city of Oakland to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewerd or resewered, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein or thereon, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein or thereon, to provide for the care of shade trees planted therein or thereon, and to cause shade trees to be planted, set out and cultivated therein or thereon and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the council, the cost and expense of any of the foregoing improvements should be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto.

Street Opening.

(47) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court, or public place within the city or over tide lands or lands within the city covered by the waters of the estuary of San Antonio or of any bay, and to condemn and acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the council the cost and expense of any of the foregoing improvements should be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that no commissioner, secretary or attorney shall be appointed, and that all the duties imposed on commissioners, secretaries and attorneys under the general law shall be performed under the direction of the commissioner of streets and the city attorney of the city, neither of whom shall receive compensation therefor, provided that nothing contained in this subdivision shall be construed as affecting any pending proceeding.

To make provision for the deposit with the treasurer, by any person, firm or corporation desiring to open any sidewalk, street, alley, lane, court, park or other public place, for the purpose of laying or removing any pipe, wire, conduit, sewer or other structure therein, of moneys sufficient to cover the cost of refilling and covering such opening and restoring the sidewalk, street, lane, alley, court, park or other public place to the condition in which it was before such opening was made, and to provide for the doing of such work at the expense of the person, firm or corporation making such opening, such expense to be paid out of such deposit.

Light and Water

(48) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal and other purposes.

Boulevards.

(49) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, interurban, suburban or street railway and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for any railroad, interurban, suburban or street railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by vote of the electors, as provided in this charter.

Closed or Abandoned Streets.

(50) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the council shall deem that equity requires. But the council shall have no power to convey by deed or otherwise without adequate compensation any street or portion of a street which shall have been acquired by the city by deed from any person or persons whatever. And this section shall not be construed as empowering or authorizing the council to close any street or portion thereof merely by the consent of owners of lands adjacent thereto and when the public convenience does not so require.

Regulation of Public Utility Rates.

(51) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates of compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the character and quality of the service.

Rates to Be Uniform

(52) It is hereby provided that in fixing the rates charged by all such persons, firms or corporations, supplying water, heat, light, power or telephone service to the city or to the inhabitants thereof, the council may classify the customers of such persons, firm or corporation into distinct and separate classes, such classification to be based on the quantity and kind of service rendered; and the rates for such water, heat, light, power or telephone service shall be uniform per unit of measurement on such basis, and it shall be lawful for the council, in regulating such rates, to establish in any class, a lower schedule of charges per unit of measurement for large consumers than for small consumers; but such rates, when established, must be strictly adhered to, and such reduction to large consumers shall not apply to nor be made to cover the aggregate consumption in separate and distinct plants, residences or places of business.

Regulation of Street Railroads

(53) To regulate street railroads, their tracks and cars: to compel the owners of two or more such street railroads using the same street for any distance not exceeding fifteen (15) blocks, to use the same tracks and to divide equitably between them the cost of construction and the cost of maintenance thereof.

Railroads to Keep Streets in Repair.

(54) To require any person, firm or corporation exercising or enjoying any franchise, permit or privilege in, over, under, or along any of the streets, highways or public places in the city for railway purposes, to sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of said railway, and between

the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the superintendent of streets.

Spur Tracks

(55) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad or railroads that may be built along the water front or with any other line or lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, during such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions of this subdivision shall be revocable at the pleasure of the council.

Regulation of Poles and Wires.

(56) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city; and to cause the immediate removal of all anchor posts or anchor wires or any other device now existing for bracing poles, and to prevent the placing of any such devices in the future.

Size and Location of Pipes.

(57) To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs and all other pipes and conduits laid or constructed in the streets or public places, provide for and regulate the construction, maintenance and repair of pipes, hydrants, fire plugs, cisterns, pumps and such other appliances as may be requisite to effect the distribution of water and gas in the city, and to require the filing of charts and maps showing the size, character and location of such pipes, hydrants, fire plugs, cisterns and conduits.

Elections.

(58) To make rules and regulations governing elections not inconsistent with this charter, or the general laws of the State of California.

Pawnbrokers, Junk Dealers, Etc.

(59) To regulate and control the business of pawnbrokers, junk dealers, peddlers, dealers in secondhand merchandise, auctioneers and employment office keepers and prescribe the mode of conducting the same.

Public Charities.

(60) To grant to the Associated Charities of the city of Oakland a sum not to exceed three hundred dollars (\$300.00) per month to be expended in accordance with the articles of incorporation of that association.

Public Buildings.

(61) To provide suitable rooms and buildings for the courts, boards and officers of the city, and such furniture, fuel, lights, stationery and other supplies as are necessary for the convenient transaction of the public business.

Municipal Ownership.

(62) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Additional Powers.

(63) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all powers not in conflict with the constitution of the state, with this charter or with ordinances adopted by the people of the city.

ARTICLE X.

BOARD OF LIBRARY DIRECTORS

Free Library, Etc.

SEC. 52. There shall be maintained in the city of Oakland free public libraries and reading rooms to be known as "The Oakland Free Library;" and there shall also be maintained in the city of Oakland a public museum, or museums, and public art gallery or art galleries.

Directors—Appointment, Etc.

SEC. 53. Such public libraries, reading rooms, museums and art galleries shall be under the exclusive control and management of a board of library directors. The directors shall be five in number and shall serve without compensation. The office of director shall be filled by appointment thereto by the mayor and confirmation thereof by the council. An affirmative vote of three members shall be necessary for confirmation. Of those first appointed, one shall be for two years, one for three years, one for four years, one for five years and one for six years. Within the month preceding the expiration of each of said terms for which appointment is made, one person shall be appointed for six years as the successor of the director whose term of office next expires. Vacancies in the office of library director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or willful neglect in the performance of the duties of the office, by any director, such director may be removed from office by the council by an affirmative vote of four members, but such director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such director be removed, together with the findings of fact as made by the council, shall be filed by the council with the city clerk and shall be and become a matter of public record.

Directors—Organization, Powers and Duties.

SEC. 54. The directors shall organize by electing one of their number president; the person elected president shall hold his office for one year and until his successor is elected. The librarian shall act as secretary to the board. The board must hold regular meetings at least once a month. The board shall establish rules and regulations for its government and for the performance of its duties. The board shall establish rules and regulations for the conduct of its officers and employees, and may require adequate bonds from any and all of them except laborers, for the faithful performance of their duties, in such sums as may be fixed by it. Such bonds shall be approved by the mayor and auditor and filed in the office of the city clerk.

The secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all proceedings of the board. The votes of all of its members shall be recorded in the minutes with the ayes and noes.

The board shall have the exclusive management and disposal of all funds legally appropriated or received from any source for the support or benefit of said Oakland free library, public museum and art galleries.

The board of library directors may, for and in behalf of the city of Oakland, receive donations, legacies, or bequests for the establishment, extension, improvement, maintenance or benefit of said libraries, reading rooms, museums and art galleries, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donations, legacies, or bequests, be deposited in the treasury of the city of Oakland to the credit of the library fund. The same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and benefit of said the Oakland free library, public museums, and art galleries. If the money derived from such donations, legacies, or bequests shall, at any time, exceed in amount the sum necessary for immediate expenditure, for said library, reading rooms, museums or art galleries, all, or part of the same may be invested by the board in interest bearing bonds of the United States, or of the State of California, or of any municipality, or school district thereof.

The council must annually appropriate to the board of library directors such amount as shall be sufficient to maintain and preserve the said the Oakland free library, reading rooms, museums and art galleries in the city of Oakland, and shall appropriate such further sums for their extension, improvement and benefit as, in the judgment of the council, may be necessary or appropriate, and the sums so appropriated shall be credited to the library fund, and the board of library directors shall have the exclusive management and disbursement of the same.

The board of library directors shall have power —

(a) To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said the Oakland free library, museums and art galleries, and all property belonging thereto, or under its control, or that may be loaned thereto.

(b) To prescribe the duties and powers of the librarian and other officers and employees of the libraries, museums and art galleries, and reading rooms; to determine the number and qualifications as to residence, or otherwise, of all of such officers and employees, and appoint the same and fix their compensation. Said officers and employees shall hold their offices or positions at the pleasure of said board.

(c) To purchase necessary or convenient books, journals, publications, art objects, scientific and other objects suitable for museums, and other personal property.

(d) To require the secretary of state, or other state officials to furnish said library with copies of any and all reports, laws and other publications of the state not otherwise disposed of by law.

(e) To borrow books from, lend books to, and exchange the same, with other libraries and to allow non-residents to borrow books upon such conditions as it may prescribe.

(f) To establish such branch libraries, reading rooms, museums and art galleries as the growth of the city may from time to time require.

(g) To contract with the legislative bodies of neighboring municipalities, or the board of supervisors of Alameda County, for lending the books of the library to residents of said county, or neighboring municipalities, upon a reasonable compensation to be paid by said county or neighboring municipality.

(h) To do and perform any and all other acts and things necessary and proper to carry out the provisions of this article

(i) The board of library directors shall also have such powers and duties, not inconsistent with the provisions of this charter, as are now vested in or imposed upon boards of library trustees by the act of the legislature of the State of California, entitled "An Act to amend an act approved March 23d, 1901, and entitled 'An act to provide for the establishment and maintenance of public libraries within municipalities,'" approved April 12th, 1909, or by such other acts of said legislature as may be hereafter enacted, amendatory thereof, supplemental thereto, or as may hereafter be substituted therefor.

Miscellaneous.

SEC. 55. The Oakland free library shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by the board of library directors, and provided, that for violations of the same a person may be fined or excluded from the privileges of the library.

The title to all property acquired for the purposes of the Oakland free library, public museum or art galleries, when not inconsistent with the terms of its acquisition, shall vest in the city of Oakland.

The board of library directors shall, on the day following the August meeting of said board in each year, make a report to the legislative body of the city of Oakland, giving the condition of the libraries and reading rooms, museums and art galleries on the thirtieth day of June preceding, together with a statement of its proceedings for the year then ended, and must immediately upon publication of such report, forward a copy thereof for filing to the state librarian at Sacramento.

The council shall have power to appropriate by ordinance to the board of library directors and to authorize the use by them either in whole or in part, of any real estate belonging to the city for the purpose of erecting and maintaining a building or buildings thereon, to be used for the library and reading rooms or branches thereof, or for museums or art galleries, and may appropriate the whole or any portion of any public building belonging to the city for such use.

ARTICLE XI.

BOARD OF PLAYGROUND DIRECTORS.

Control.

SEC. 56. All children's playgrounds now owned or controlled by the city, and all children's playgrounds that may hereafter be established or acquired by the city, shall be under the exclusive control and management of the board of playground directors.

Directors—Appointment, Removal

SEC. 57. The directors shall be five in number, not more than three of whom shall be of the same sex, and shall serve without compensation. The office of director shall be filled by appointment thereto by the mayor and confirmation thereof by the council. Of those first appointed, one shall be for two years, one for three years, one for four years, one for five years and one for six years. Within the month preceding the expiration of each of said terms for which appointment is made, one person shall be appointed for six years as the successor of the director whose term of office next expires. Vacancies in the office of playground director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or wilful neglect in the performance of the duties of the office by any director, such director may be removed from office by the council by an affirmative vote of four members, but such director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such director be removed, together with the findings of fact as made by the council, shall be filed by the council with the city clerk and shall be and become a matter of public record.

General Powers.

SEC. 58. The board of playground directors shall have the complete and exclusive control, management and direction of the aforesaid playgrounds, and the exclusive right to erect and superintend the construction of buildings thereon, pertaining to playground purposes. Said directors may employ and appoint superintendents, laborers, instructors and other officers and assistants, prescribe and fix their duties, authority, compensation and qualifications as to residence or otherwise; they shall have the exclusive management and disposal of all funds legally apportioned or

received from any source for the support of said playgrounds. The board shall establish rules and regulations for the conduct of its officers and employees, and may require adequate bonds from all or any of them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it; such bonds shall be approved by the mayor and auditor and filed in the office of the city clerk. The directors shall organize by electing one of their number president and the board may elect a secretary who is not a member of the board. The person elected president shall hold his office for one year and until his successor is elected. The board must hold regular meetings at least once in every two weeks, the board shall establish rules and regulations for its government and for the performance of its duties.

Rules.

SEC. 59. The directors shall adopt rules and regulations for the government of the aforesaid playgrounds not inconsistent with the ordinances of the city of Oakland or the laws of the State of California or with this charter.

Receive Gifts.

SEC. 60. The board of playground directors may for and in behalf of the city of Oakland receive donations, legacies or bequests for the improvement or maintenance of said playgrounds or the acquirement of new playgrounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donations, legacies or bequests be deposited in the treasury of the city of Oakland, to the credit of the playgrounds fund, the same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such playgrounds. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for the immediate expenditures for the acquirement, maintenance or improvement of playgrounds the board may invest all or a part of the sum in interest bearing bonds of the United States or of the State of California or of any municipality or school district thereof.

Council Set Aside Lands.

SEC. 61. The city council shall have the power by ordinance to set aside either absolutely or for a definite period of time any lands belonging to the city for use as children's playgrounds and the same shall when and so long as used by said board for such use be under the exclusive control and management of the playground directors.

Appropriations—Accounts—Records.

SEC. 62. The council shall for the purchase, development, acquirement and maintenance of children's playgrounds annually appropriate to the board of playground directors such amount as may in the judgment of the council be necessary or proper and the fund so appropriated shall be credited to the playground fund, and the board of playground directors shall have the exclusive management and disbursement of the same.

The secretary shall keep a full account of all property, money, receipts and expenditures, and a record of all proceedings of the board. The votes of all its members shall be recorded in the minutes with the ayes and noes.

ARTICLE XII.

BOARD OF PARK DIRECTORS.

Control

SEC. 63. All land and water, parks, squares and public pleasure grounds now owned or controlled by the city of Oakland or that may hereafter be established or acquired by said city, excepting properties now or hereafter acquired or set apart for children's playground purposes, and all grounds surrounding public buildings of said city, unless otherwise provided in this article, shall be under the exclusive control and management of a board of park directors.

Directors—Appointment—Removal.

SEC. 64. The directors shall be three in number and shall serve without compensation. The office of director shall be filled by appointment thereto by the mayor and confirmation thereof by the council. Of those first appointed, one shall be for two years, one for four years, and one for six years. Within the month preceding the expiration of each of said terms for which appointment is made, one person shall be appointed for six years as the successor of the director whose term of office next expires. Vacancies in the office of park director shall be filled by appointment in the same manner for the unexpired term. In case of misconduct, inability or willful neglect in the performance of the duties of the office, by any director, such director may be removed from office by the council by an affirmative vote of four members, but such director shall be given an opportunity to be heard in defense and shall have the right to appear by counsel and to have process issue to compel the attendance of witnesses who shall be required to give testimony, if such director so request. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such director be removed, together with the findings of fact as made by the council, shall be filed by the council with the city clerk and shall be and become a matter of public record.

General Powers.

SEC. 65 The board of park directors shall have the complete and exclusive control, management and direction of the said parks, squares and grounds and the exclusive right to erect and to superintend the erection of the buildings and structures thereon pertaining to park purposes; *provided, however*, that the council may erect or cause to be erected any municipal building or buildings thereon. Said directors may employ and appoint superintendents, laborers, surveyors, gardeners, engineers and other officers and assistants and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disposal of all funds legally apportioned or received from any source for the support of said parks, squares, and grounds. The board shall establish rules and regulations for the conduct of its officers and employees and may require adequate bonds from all or any of them, except laborers, for the faithful performance of their duties in such sums as may be fixed by it. Such bonds shall be approved by the mayor and auditor and filed in the office of the city clerk. The directors shall organize by electing one of their number president and the board may elect a secretary who is not a member of the board. The person elected president shall hold his office for one year and until his successor is elected. The board must hold regular meetings at least once in every two weeks. The board shall establish rules and regulations for its government and for the performance of its duties.

Leases—Restrictions.

SEC. 66. Except as provided in this section nothing in this article shall be construed to authorize the board to lease any part of any of said parks, squares or grounds to any person, firm or corporation or to permit any person, firm or corporation to build or maintain any structure on any part of any park, square or ground, except as follows:

First—The board may lease for the use of the public for a period not greater than one year such buildings as it may construct or acquire, to such person, firm or corporation as shall undertake to serve such use.

Second—The board, with the consent of the council, given by ordinance, may lease lands under its jurisdiction for the purpose of having the lessee erect thereon buildings and appurtenant structures and conduct the same for the use of the public. Every lease of the character last named shall be made in the same manner and under the same restrictions as are provided for leases by the council in subdivision forty-one (41) of section fifty-one (51) of this charter. And in every lease the board shall reserve the right to enter at all times upon the premises so leased and shall make the condition that the building so leased shall be used for park-pleasure purposes only. No building shall be constructed by the board or by any lessee except it be within the objects and purposes for which said parks, squares and grounds were dedicated to or are held by the public; *provided, however*, that the board, with the consent of the council given by ordinance, may permit the use of a limited portion of any of the aforesaid parks, squares or grounds for exposition or convention purposes, but no such permission shall ever be granted except such exposition or convention be of national, state or municipal importance.

Gifts.

SEC. 67 The board of park directors may for and on behalf of the city of Oakland, receive donations, legacies or bequests for the improvement or maintenance of said parks, squares and grounds, or for the acquirement of new parks, squares and grounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donation, legacy or bequest, be deposited in the treasury of the city of Oakland to the credit of the park fund. The same may be withdrawn therefrom, and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks, squares and grounds. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said parks, squares and grounds the board may invest all or a part of the same in interest bearing bonds of the United States or of the State of California or of any municipality or school district thereof.

Works of Art

SEC. 68 No outdoor work of art shall become the property of the city unless such work of art shall be approved by the board, nor shall any work of art until so approved be erected or placed in or upon or allowed to extend over any park, square or grounds belonging to the city of Oakland. The term "work of art" as used herein shall apply to and include all statues, bas-reliefs or other sculptures, monuments, fountains, arches or other structures of a permanent character intended for ornament or commemoration.

Appropriations—Accounts—Records.

SEC. 69 The council shall, for the purchase, development, equipment and maintenance of parks, squares and public pleasure grounds, annually appropriate to the board of park directors such amount as may in the judgment of the council be necessary or proper, and the funds so appropriated shall be credited to the park fund, and

the board of park directors shall have the exclusive management and disbursement of the same.

The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all proceedings of the board. The votes of all its members shall be recorded in the minutes with the ayes and noes.

ARTICLE XIII.

CIVIL SERVICE.

Board—Appointment of.

SEC 70. There is hereby established a civil service board, consisting of three members.

The mayor first elected after the adoption of this charter shall, within sixty days after taking office, appoint, subject to confirmation by the council, one member of said board to serve until July first, 1913, another member to serve until July first, 1915, and a third member to serve until July first, 1917. In the month of June, 1913, and every second year thereafter, one member shall be in like manner appointed for a term of six years, to take the place of the member whose term shall next expire.

Each member of the civil service board shall receive ten (10) dollars for each meeting of the civil service board which he shall attend, provided that he shall not receive more than forty (40) dollars in any one month.

If a vacancy occurs in the board, it shall be filled by appointment by the mayor, subject to confirmation by the council, for the unexpired term.

Removal—Equipment—Clerk.

SEC 71. In cases of misconduct, inability or willful neglect in the performance of the duties of the office by any member of the board, such member may be removed from office by the council by an affirmative vote of four members, but such member of the civil service board shall be given an opportunity to be heard in defense, and shall have the right to appear by counsel and to have process issued to compel the attendance of witnesses who shall be required to give testimony if such member of the civil service board so requests. In such cases the hearing shall be public and a full and complete statement of the reasons for such removal, if such member be removed, together with the findings of fact as made by the council, shall be filed by the council with the city clerk, and shall be and become a matter of public record. The council shall provide suitable accommodations and equipment to enable the board to properly attend to its business. Said board shall appoint a clerk who shall keep a record of all its meetings and of the work of said board, and shall perform such other service as the board may require. The board shall fix the compensation of such clerk.

Classified Civil Service.

SEC 72. The board shall classify all places of employment now existing or hereafter created in or under the department of public affairs, in or under the department of revenue and finance, in or under the department of public health and safety, in or under the department of public works, and in or under the department of streets, and in the office of the auditor, excepting the places and offices specified in section eighty (80) hereof. The places so classified by the commissioners shall constitute the classified civil service of the city and no appointment to any such place shall be made except according to the rules hereinafter mentioned.

The board shall provide for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

The council, whenever requested by the board, may by ordinance confer upon the board such rights, duties and privileges other than those mentioned in this charter, as may be necessary adequately to enforce and carry out the principles of civil service.

Rules.

SEC. 73. The board shall make rules to carry out the purposes of this article and for examination, appointments and promotions. All rules and all changes therein shall be forthwith printed by the board for distribution.

Examinations.

SEC. 74. All applicants for places in the classified civil service shall be subjected to examination, which shall be public, competitive and free. The board shall hold such examinations on the first Monday in April and the first Monday in October of each year, and oftener if it deem necessary. Such examinations shall be for the purpose of determining the qualifications of applicants for positions, and shall be practical and shall fairly test the fitness of the persons examined to discharge the duties of the positions to which they seek to be appointed.

Notice to Board of Appointments, etc.

SEC. 75. Immediate notice in writing shall be given by the appointing power to the board of all appointments, permanent or temporary, made in such classified service, and of all transfers, promotions, resignations, suspensions, fines, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be

kept by the board. When any place of employment is created or abolished, or the compensation attached thereto altered, the power making such change shall immediately report the fact in writing to the board.

Certification of Persons.

SEC. 76. Whenever a position in the classified civil service is to be filled, the board shall, as soon as possible, certify to the appointing power three times the number of persons necessary to fill such position; *provided*, that said board shall always certify the persons having the highest standing on the eligible list for the position to be filled; *and provided, further*, that a less number may be certified when there is not the required number on the eligible list. All persons not appointed shall be restored to their relative positions on the eligible list. All persons who have been on the eligible list for two years without appointment shall be removed therefrom.

Promotions.

SEC. 77. The board shall provide for promotion in the classified service on the basis of ascertained merit, seniority in service and standing upon competitive examination, and shall provide, in all cases where practicable, that vacancies shall be filled by promotion from among such members of the next lower rank established by the board as submit themselves for such examination for promotion. The board shall certify to the appointing power the names of not more than three applicants having the highest rating for each promotion.

Persons Certified Must Be Appointed.

SEC. 78. In all cases the appointing power shall notify the board of each separate position to be filled, and shall fill such place by the appointment of one of the persons certified by the board therefor. Such appointment shall be on probation of a character and for a period to be fixed by the rules of the board but not to exceed one year.

Certification to Auditor.

SEC. 79. The board shall certify to the auditor all appointments to places of employment in the classified civil service, and all vacancies occurring therein, and all fines and suspensions made under the provisions of this article.

To Whom Apply.

SEC. 80. The provisions of this article shall apply to all appointed officers and employees of the city in or under any of the departments enumerated in section seventy-two (72) of this charter, except the following:

The chief officials of the city enumerated in section thirty (30) of this charter; the building inspector; the city wharfinger; the license inspector; the bacteriologist; the city chemist; the sanitary inspector; the market and food inspector; the plumbing inspector; the mayor's secretary; the assistant city attorneys, and such other officers and employees of the city not included either in the police department or in the fire department, as may be excepted from the operation of the civil service rules, upon the recommendation of the council, approved by the unanimous vote of the civil service board. *Provided*, that persons employed by the city and persons employed in the city engineers's office on September 1, 1910, may retain their employment under the city, subject to classification and reclassification by the civil service board without further examination, unless removed for cause or unless it shall be determined by the civil service board that their employment by the city is unnecessary.

Removal—Suspension—Fine.

SEC. 81. All persons holding positions in the classified civil service shall be subject to suspension, fine and also to removal from office or employment, by the commissioner in whose department they are employed, or, in case of persons employed in the office of the auditor, by the auditor, for misconduct, incompetency or failure to perform their duties under or observe the rules and regulations of the department or office, but subject to the appeal of the aggrieved party to the civil service board as herein provided.

Any chief official, any subordinate officer, and any superintendent or foreman in charge of municipal work may temporarily suspend any subordinate then under his direction for incompetency, neglect of duty or disobedience of orders, but shall within twenty-four hours thereafter report the facts in writing to the commissioner of his department or to the auditor, as the case may be, and furnish a copy of the report to the subordinate suspended, upon his request therefor. The commissioner (or auditor) shall thereupon, if demanded by the subordinate suspended, hear evidence for and against him, and shall thereupon affirm or revoke such suspension, according as he finds the facts to warrant.

Appeals.

SEC. 82. Any person suspended, fined or discharged (and any person whose order of suspension above provided for has been revoked) may within five days from the making by a commissioner (or the auditor) of the order suspending, fining or discharging him, or affirming or revoking an order of suspension, as the case may be,

appeal therefrom to the civil service board, which shall fully hear and determine the matter. The accused shall be entitled to appear personally, and to have counsel and a public hearing. The finding and decision of the board shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him.

Report.

SEC. 83. Said civil service board shall make annual report to the council and it may require a special report from said board at any time.

Temporary Appointments

SEC. 84. Appointments to fill temporary positions may be made only with the unanimous consent of the board, and temporary appointments so made shall lapse and become void at the end of a period of time not to exceed eight months, and persons whose appointment shall so lapse shall not again be appointed unless such appointment be made through civil service examinations as herein provided.

Prohibition of Improper Political Activity, etc.

SEC. 85. No civil service employee and no laborer in the employ of the city shall take part in the conduct of any municipal election, or any municipal campaign, nor shall he hold office in or be a member of any political club or organization.

No carriage, automobile or other vehicle belonging to or controlled by the city shall be used except in the official business of the city.

No elected official of the city shall solicit the employment by or recommendation of any person whatsoever by any public service corporation holding any franchise under or doing any business with the city of Oakland.

Penalty.

SEC. 86. Any person violating any of the provisions of this article or any rule hereunder shall be deemed guilty of a misdemeanor, and for such offense may upon conviction thereof be suspended, reduced in grade or dismissed from the service.

ARTICLE XIV.

POLICE DEPARTMENT.

Organization.

SEC. 87. The police department shall consist of a chief of police, captain of inspectors who shall act as chief of police in the absence of the chief of police, and such captains of police, lieutenants, inspectors, assistant inspectors, sergeants, corporals and bailiffs as in the judgment of the council the needs of the service may require. *Provided, however,* that it shall not be incumbent upon the council to create or fill all of the above positions.

Patrolmen shall be appointed in such numbers as not to exceed one patrolman for every eight hundred inhabitants of the city.

Qualifications.

SEC. 88. No person shall become a member of the police department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the city of Oakland for at least five years next preceding his appointment. A residence for said time in any territory which may have been consolidated with or annexed to the city of Oakland, shall be deemed to satisfy this provision. Every appointee to the department shall be not less than twenty-five nor more than thirty-five years of age, and before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the civil service board.

Appointments—Duties of Chief of Police.

SEC. 89. The chief of police, captain of inspectors, captains of police, lieutenants, inspectors, sergeants, corporals, bailiffs, patrolmen and all other officers and members shall be appointed by the commissioner of public health and safety, subject to the civil service provisions of this charter, and the appointment of the chief of police shall be subject to confirmation by the council. The members of the police department appointed prior to September 1, 1910, who are in good standing at the time this charter goes into effect, shall be retained in their respective positions, except as otherwise in this charter provided. The chief of police shall be the chief executive officer of the department and shall be held responsible for the execution of all laws and ordinances, and of the rules and regulations of the department, and shall exercise such other powers connected with his office as may be provided for by ordinance not inconsistent with this charter. He shall see that the orders and processes issued by the police court are promptly executed. For failure or refusal to perform his duties, the chief of police shall be removed from the service.

Change of Titles of Present Officers

SEC. 90. The present superintendent of police shall be designated chief of police; the captain of detectives shall be designated captain of inspectors, inspectors of police shall be designated captains of police; detectives shall be designated inspectors. Station keepers and court officers shall be designated corporals.

Salaries.

SEC. 91. The officers and members of the police department shall receive annual compensations, comprising their salaries and an allowance of two (2) dollars per month for the police relief and pension fund herein provided for, as follows:

Chief of police	\$3,300 00
Captain of inspectors	2,400 00
Captains of police	2,100 00
Lieutenants	1,800 00
Inspectors	1,740 00
Assistant inspectors	1,620 00
Sergeants	1,620 00
Corporals	1,500 00
Bailiffs	1,500 00
Patrolmen, first year of service	1,224 00
Patrolmen, second year of service	1,344 00
Patrolmen, third year of service	1,404 00

Said compensations shall be paid in equal monthly installments.

No compensation higher than those herein specified shall be paid to any officer or member of the police department and no rank or grade other than those herein specified shall be created in said department, unless the rank or grade created carry a lower salary than the lowest herein specified.

Leave of Absence.

SEC. 92. Each member of the police department shall be entitled to fifteen days' vacation annually with full pay. Such vacations shall be had at such times as the chief of police may direct. Each member of the police department shall have two days off duty in each month with full pay, at such times as the chief of police may direct. A member becoming incapacitated for duty by reason of sickness, shall be entitled to thirty days' sick leave without loss of pay. If such sickness continue, he shall be entitled to half pay for a period of thirty days, and if such sickness shall further continue, he shall receive such pay, if any, as the council shall direct. A member on sick leave shall present such certificate of a reputable physician as the chief of police may direct.

Police Relief and Pension Fund

SEC. 93. In order to continue in force, and make effectual pensions already existing in favor of the police force, a fund is hereby created to be known and designated as the police relief and pension fund. The mayor, the commissioner of revenue and finance and the commissioner of public health and safety shall constitute a board of trustees of such fund, and the city treasurer shall be the custodian of said fund.

SEC. 94. The said board of trustees may retire and relieve from service any aged, infirm or disabled member of the department who has arrived at the age of sixty years, and who, upon examination by two regularly licensed and practicing physicians appointed by the board of trustees for that purpose may be ascertained to be by reason of age, infirmity, or other disability unfit for the performance of his duty. And said board of trustees shall at the request of any member of the department who has arrived at the age of sixty years retire and relieve said member making such application. Such retired member shall receive from the police relief and pension fund a monthly pension equal to one half of the salary attached to the rank held by him one year prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the department for twenty years in the aggregate preceding his retirement, and the same shall cease at his death.

SEC. 95. Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty, upon his filing with the board of trustees a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the chief of police, the captain of the division to which he belongs, and by two regularly licensed physicians of the city, recommending his retirement upon a pension, on account of such disability, may be retired from the department upon an annual pension, equal to one half of the amount of salary attached to the rank which he held one year prior to the date of such retirement, to be paid to him during his life, and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in the rank he occupied at the time of his retirement.

SEC. 96. (1) The board of trustees shall, out of the police relief and pension fund, provide for the family of an officer, member or employee of the department, who may be killed while in the performance of his duty, as follows

(a) Should the decedent be married, his widow shall, as long as she shall remain unmarried, be paid a monthly pension equal to one half of the salary attached to the rank held by the decedent at the time of his death.

(b) Should the decedent leave no widow, but leave an orphan child or children, under the age of sixteen years, or should the decedent leave a widow and child or children under the age of sixteen years, and the widow die without remarrying, while such child or children are yet under the age of sixteen years, such child, or children collectively, shall receive a pension equal to one half of the salary attached to the

position held by their father at the time of his death until the youngest child attains the age of sixteen years; *provided*, that no child shall receive any such pension after attaining the age of sixteen years.

(c) Should the decedent leave no widow, or no orphan child or children, but leave a parent or parents, dependent solely upon him for support, such parents so depending shall collectively receive a pension equal to one half the salary attached to the position held by the decedent at the time of his death during such time as the board of trustees may determine its necessity.

(2) When a member of the department shall die from causes other than those specified in subdivision (1) of this section after ten years of service, then his widow, and if there be no widow, then his children, and if there be no widow or children, then his mother, if dependent upon him for support, shall be entitled to the sum of one thousand (1,000) dollars.

(3) Any member of the police department receiving a pension from the police relief and pension fund, who shall become convicted of a felony, shall become dissipated, an habitual drunkard, or shall become a non-resident of this State, except on leave by the board of trustees, shall forfeit all right to said pension.

(4) The board of trustees may, on notice from the chief of police, reward any member of the department for conduct which is heroic and meritorious. The form or amount of such reward shall be discretionary with the board of trustees, but it shall not exceed in any one instance one month's salary, and may be paid only out of funds provided by the council; and the council may, on application of the board of trustees, provide money for such purposes.

(5) The board of trustees shall hold quarterly meetings in April, July, October and January of each year, and special meetings upon the call of its president; it shall issue warrants, signed by its president and secretary, to persons entitled thereto for the amount of money ordered paid to such persons from the police relief and pension fund. Each warrant shall state for what purpose the payment is made.

(6) The board of trustees shall keep a public record of its proceedings. It shall at each quarterly meeting send to the treasurer and to the auditor a written or printed list of all persons entitled to payments from the police relief and pension fund, stating the amount of such payment and for what granted; such lists shall be certified and signed by the president and secretary of the board. The auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose, which shall be known as the police relief and pension fund book. All warrants signed by the president and secretary of the board shall be presented to the auditor and ordered paid by him out of said fund.

(7) The board of trustees shall possess the power to make rules and regulations for its guidance. No compensation shall be paid to any member of the board of trustees for any duty required or performed as a member of said board of trustees.

(8) The board of trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, transmit the same to the commissioner of revenue and finance, who shall cause the same to be included in his annual estimate of the probable expenditures of the city.

(9) The treasurer shall retain from the compensation of each member of the police department two (2) dollars per month, which shall forthwith be paid into the police relief and pension fund. No other or further deduction shall be made from such pay for any other fund or purpose unless the same is authorized by this charter.

ARTICLE XV.

FIRE DEPARTMENT.

Positions and Salaries.

SEC 97. The fire department shall consist of a chief of the fire department, an assistant chief of the fire department, a second assistant chief of the fire department, as many battalion chiefs as the council may deem necessary, a superintendent of engines, and as many captains, lieutenants, engineers, drivers, tillermen, stokers, truckmen and hosemen as the council may deem necessary, and also such other employees as the council may provide for by ordinance. The officers and members of the fire department shall receive annual compensations, comprising their salaries and an allowance of two (2) dollars per month for the firemen's relief and pension fund herein provided for, as follows:

Chief of the fire department—\$3600.00 per annum

Assistant chief of the fire department—\$2400.00 per annum

Second assistant chief of the fire department—\$2100.00 per annum.

Battalion chiefs, each—\$1800.00 per annum.

Superintendent of engines—\$1800.00 per annum.

Captains, each—\$1620.00 per annum.

Lieutenants, each—\$1500.00 per annum.

Engineers, each—\$1560.00 per annum.

Drivers, tillermen, stokers, truckmen and hosemen, each for the first year of service—\$1224.00 per annum.

For the second year of service—\$1344.00 per annum.

And for the third year of service and thereafter—\$1404.00 per annum.

Said compensation shall be paid in equal monthly installments.

No compensation higher than those herein specified shall be paid to any officer or member of the fire department, and no rank or grade other than those herein specified shall be created in said department unless the rank or grade created carry a lower salary than the lowest herein specified.

All members of the fire department, appointed prior to September 1st, 1910, and in good standing at the time this charter goes into effect, shall be retained in their respective positions, except as otherwise in this charter provided.

The present fire marshal shall be designated the chief of the fire department.

Qualifications

SEC. 98. No person shall become a member of the fire department unless he shall be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of the city of Oakland for at least five years next preceding his appointment. A residence for said time in any territory which may have been consolidated with or annexed to the city of Oakland, shall be deemed to satisfy this provision. Every appointee to the department shall be not less than twenty-one nor more than thirty-five years of age, and before his appointment, must pass a satisfactory examination under such rules and regulations as may be prescribed by the civil service board.

Appointments—Duties of the Chief of the Fire Department.

SEC. 99. The chief of the fire department, first assistant chief of the fire department, second assistant chief of the fire department, the battalion chiefs, captains, lieutenants, superintendent of engines, engineers, drivers, fillermen, stokers, truckmen and hosemen of the fire department, and all other officers and members, shall be appointed by the commissioner of public health and safety, subject to the civil service provisions of this charter.

The chief of the fire department shall be appointed subject to confirmation by the council.

The chief of the fire department shall be the chief executive of the fire department. He shall be charged with the special duty of superintending the extinguishment of fires. He shall have immediate control and management of all fire engines and fire apparatus belonging to the city, and all members and employees of the fire department shall be under his immediate control and command. He shall diligently observe the condition of the apparatus and workings of the department and shall see that all laws, orders, rules and regulations in force, or that may be made by the council relating to the fire department, are enforced. He shall submit in writing, at least once each month to the commissioner of public health and safety, a statement of the number of men employed, their compensation, the condition of the department, and make such recommendations and suggestions respecting the same as he may deem proper. He shall have such other powers and perform such other duties as may be provided for by ordinance. In the absence or inability of the chief of the fire department an assistant chief of the fire department shall perform his duties.

Leave of Absence.

SEC. 100. Each member of the fire department shall be entitled to fifteen days vacation annually with full pay; such vacation shall be had at such times as the chief of the fire department may direct. Each member of the fire department shall be allowed a leave of absence of not less than twenty-four hours duration not less than once each week, with full pay. A member becoming incapacitated for duty by reason of sickness shall be entitled to thirty days sick leave without loss of pay. If such sickness continue he shall be entitled to half pay for a period of thirty days, and if such sickness shall further continue, he shall receive such pay, if any, as the council shall direct. A member on sick leave shall present such certificate of a reputable physician as the chief of the fire department may direct.

Firemen's Relief and Pension Fund

SEC. 101. A fund is hereby created to be known and designated as the firemen's relief and pension fund. The mayor, the commissioner of revenue and finance, and the commissioner of public health and safety shall constitute a board of trustees of such fund, and the city treasurer shall be custodian of said fund.

SEC. 102. The said board of trustees may retire and relieve from service any aged, infirm, or disabled member of the department who has arrived at the age of fifty-five years, and who upon examination by two regularly licensed and practicing physicians, appointed by the trustees for that purpose may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duty. Said board of trustees shall at the request of any member of the department who has arrived at the age of fifty-five years, retire and relieve such member making such application. Such retired member shall receive from the firemen's relief and pension fund a monthly pension equal to one-half of the salary attached to the rank held by him one year prior to the date of his retirement. No such pension shall be paid unless such person has been an active member of the department for twenty years in the aggregate preceding his retirement, and the same shall cease at his death.

SEC. 103. Any member of the department who shall become physically disabled by reason of any bodily injury received in the performance of his duty upon his filing with the board of trustees a verified petition, setting forth the facts constituting such disability, and the cause thereof, accompanied by a certificate signed by the chief of the fire department, the chief of the battalion to which he belongs, and by two regularly licensed physicians of the city, recommending his retirement upon a pension, on account of such disability, may be retired from the department upon an annual pension, equal to one-half the amount of salary attached to the rank which he held one year prior to the date of such retirement, to be paid to him during his life, and to cease at his death. In case his disability shall cease, his pension shall cease, and he shall be restored to the service in rank he occupied at the time of his retirement.

SEC. 104. (1) The board of trustees shall, out of the firemen's relief and pension fund, provide for the family of an officer, member or employee of the department, who may be killed while in the performance of his duty as follows:

(a) Should the decedent be married, his widow shall, as long as she shall remain unmarried, be paid a monthly pension equal to one-half of the salary attached to the rank held by the decedent at the time of his death.

(b) Should the decedent leave no widow, but leave an orphan child or children under the age of sixteen years, or should the decedent leave a widow, and child or children under the age of sixteen years, and the widow die without remarrying, while such child or children are yet under the age of sixteen years such child, or children collectively, shall receive a pension equal to one-half of the salary attached to the position held by their father at the time of his death until the youngest child attains the age of sixteen years; *provided*, that no child shall receive any such pension after attaining the age of sixteen years.

(c) Should the decedent leave no widow, or no orphan child or children, but leave a parent or parents, dependent solely upon him for support, such parents so depending shall collectively receive a pension equal to one-half the salary attached to the position held by the decedent at the time of his death during such time as the board of trustees may determine its necessity.

(2) When a member of the department shall die from causes other than those specified in subdivision one (1) of this section, after ten years of service, then his widow, and if there be no widow, then his children, and if there be no widow or children, then his mother, if dependent upon him for support, shall be entitled to the sum of one thousand (1000) dollars.

(3) Any member of the fire department receiving a pension from the firemen's relief and pension fund, who shall become convicted of a felony, shall become dissipated, an habitual drunkard, or shall become a non-resident of this state, except on leave by the board of trustees, shall forfeit all right to said pension.

(4) The board of trustees may, on notice from the chief of the fire department, reward any member of the department for conduct which is heroic and meritorious. The form or amount of such reward shall be discretionary with the board of trustees, but it shall not exceed in any one instance one month's salary, and may be paid only out of funds provided by the council; and the council may, on application of the board of trustees, provide money for such purposes.

(5) The board of trustees shall hold quarterly meeting in April, July, October and January of each year and special meetings upon the call of its president; it shall issue warrants, signed by its president and secretary, to persons entitled thereto for the amount of money ordered paid to such persons from the firemen's relief and pension fund. Each warrant shall state for what purpose the payment is made.

(6) The board of trustees shall keep a public record of its proceedings. It shall at each quarterly meeting send to the treasurer and to the auditor a written or printed list of all persons entitled to payments from the firemen's relief and pension fund, stating the amount of such payment and for what granted; such lists shall be certified and signed by the president and secretary of the board. The auditor shall thereupon enter a copy of such list upon a book to be kept for that purpose which shall be known as the firemen's relief and pension fund book. All warrants signed by the president and secretary of the board shall be presented to the auditor and ordered paid by him out of said fund.

(7) The board of trustees shall possess the power to make rules and regulations for its guidance. No compensation shall be paid to any member of the board of trustees for any duty required or performed as a member of said board of trustees.

(8) The board of trustees shall make an annual estimate necessary to carry into effect the foregoing provisions, transmit the same to the commissioner of revenue and finance, who shall cause the same to be included in his annual estimate of the probable expenditures of the city.

(9) The treasurer shall retain from the compensation of each member of the fire department two (2) dollars per month, which shall forthwith be paid into the firemen's relief and pension fund. No other or further deduction shall be made from such pay for any other fund or purpose unless the same is authorized by this charter.

ARTICLE XVI.

HEALTH DEPARTMENT.

Appointment.

SEC. 105. The commissioner of public health and safety as head of the health department shall appoint a health officer, a city chemist, a market and food inspector and a plumbing inspector, subject to confirmation by the council. He shall also appoint all such other inspectors, clerks, assistants and employees, as may be provided for by the council by ordinance, for the efficient administration of the health department.

Authority of Commissioner and Inspectors

SEC. 106. Said commissioner of public health and safety shall have general supervision over the sanitary condition of the city and shall have power to compel owners of property to keep the same free from anything filthy, obnoxious or dangerous to health. He, or any authorized inspector of his department, shall inspect when called upon by any person, and when in his or their opinion it seems necessary, all provisions, meats, fish, fruit, vegetables, bread, flour, pork, whiskey, beer, wine, milk, water, and any and all meats and any and all other things offered for sale to be used as food or drink, and shall have the right to enter for the purpose of making such examination or inspection any place or building where any provisions, fruits, vegetables, whiskey, beer, wine, milk or other liquids are manufactured or kept for sale; and no person shall be permitted to sell or dispose of anything pronounced by said commissioner or any authorized inspector of his department to be unfit for food or drink, and all such articles or things may be seized and destroyed by said commissioner or by said market and food inspector.

Qualification of Health Officer, Etc.

SEC. 107. The health officer shall be a graduate of a reputable medical college and shall have practiced medicine for at least five years. He shall be licensed to practice medicine in this State. The city chemist shall be a person skilled and qualified for the efficient and capable performance of the duties usually appertaining to such office. The plumbing inspector shall be a plumber of five years' practical experience and regularly licensed as such.

Power of Arrest.

SEC. 108. The commissioner of public health and safety and all regularly appointed employees of the health department shall have the right and power to arrest any person or persons who may violate any of the rules and regulations of the department. It shall also be the duty of any police officer or policeman to arrest any person or persons guilty of such violation.

Duties of Physicians and Householdors.

SEC. 109. Every person in the city shall promptly report in writing to the health department every patient whom he shall have sick of an infectious, contagious or communicable disease dangerous to the public health, and every householder upon reasonable notice from said department, that an occupant of his or her house is suffering from any infectious, contagious or communicable disease dangerous to the public health, shall forthwith adopt such preventive means and regulations as said department shall prescribe. Every person who shall fail to report such case of sickness as required herein, and every householder who shall fail to comply with the rules, requirements and regulations of said department, shall be subject to such fines and penalties as the council may by ordinance prescribe.

ARTICLE XVII.

ELECTRICAL DEPARTMENT

Appointments

SEC. 110. The electrical department shall be under the supervision of the commissioner of public health and safety. The commissioner of public health and safety shall appoint a superintendent and an assistant superintendent and necessary subordinates according to the civil service provisions of this charter. The appointment of the superintendent shall be subject to confirmation by the council. The employees of this department shall, as far as may be practicable, have the benefit of the provisions covering leave of absence and vacations which prevail in the police and fire departments.

Powers and Duties

SEC. 111. The electrical department shall have general charge and supervision over all municipal electrical matters, and in particular shall have charge of the construction and maintenance of the fire alarm and police telegraph systems and is also charged with the duty of enforcing all the rules, regulations, orders and requirements, made by ordinances in regard to the inspection and supervision of electrical wires and appliances for furnishing light, heat or power in, under, over or upon the streets and buildings of the city of Oakland. This department shall also have charge of the municipal lighting and power, and shall make tests of the gas used throughout the city to determine its light and heat giving properties.

ARTICLE XVIII.

FINANCE AND TAXATION

The Fiscal Year.

SEC. 112. The fiscal year of the city shall commence upon the first day of July of each year, and end on the thirtieth day of June of the following year.

Tax System.

SEC. 113. (1) Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes, and the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for State and county purposes, and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for State and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes, and the respective officers of the city shall have, possess and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for State and county purposes; and to that end

1st—All powers and duties so by law conferred or imposed upon the county assessor are hereby conferred and imposed upon the city assessor.

2d—All powers and duties so by law conferred or imposed upon the board of supervisors are hereby conferred and imposed upon the council.

3d—All powers and duties so by law conferred or imposed upon the district attorney are hereby conferred and imposed upon the city attorney.

4th—All powers and duties so by law conferred or imposed upon the county tax collector are hereby conferred and imposed upon the city tax collector.

5th—All powers and duties so by law conferred or imposed upon the county treasurer are hereby conferred and imposed upon the city treasurer.

6th—All powers and duties so by law conferred or imposed upon the county clerk or county auditor are hereby conferred and imposed upon the city clerk and city auditor.

The assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any officer other than the officers of the city any statement or report whatsoever, nor make any record or entry as to equalization by the State Board of Equalization, or as to school, road or other districts.

(2) On or before the first Monday in July in each year the assessor shall complete his list, or assessment roll, and shall attach his certificate thereto, and deliver it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the city clerk, and the clerk shall thereupon notify the board of equalization of the fact. Said roll shall be kept in his office for public inspection.

(3) The assessor must make the abstract provided for in Section 3678 of the Political Code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city, it shall be the duty of the assessor to determine the proportion of valuation of such instrument to be assessed in the city and assess the same accordingly.

(4) The council may, by resolution, extend for not exceeding thirty days, the time fixed in this article for the performance of any act.

(5) No city officer shall be required, by virtue of anything contained in this article, to send or transmit any statement or report to any State officer or board.

(6) The assessor shall be governed, as to the amount of taxes to be by him collected on personal property, by the city tax rate of the previous year.

(7) All papers and instruments required to be filed or recorded with or by the county recorder by the revenue and taxation laws of the State shall, under said laws as applied to the city, be in like manner and with like effect filed with and recorded by the county recorder of Alameda County.

(8) The assessment of property within the city of Oakland, or assessable by the city, made by the city assessor of the city of Oakland and the State Board of Equalization shall be the basis of taxation for the city.

(9) It shall be the duty of the assessor, at any time subsequent to the first Monday in July and prior to the fourth Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments," and shall deliver the same, certified by him, or a true copy thereof, to the city clerk, to be by him compared with the entries on the assessment roll.

Department Estimates of Annual Requirements.

SEC. 114. On or before the third Monday in July of each year or on such date in each year as shall be fixed by the council, the heads of departments, officers and

boards shall send to the commissioner of revenue and finance a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices and boards during the next ensuing fiscal year.

Annual Estimate of City's Requirements and Revenue.

SEC. 115. On or before the third Monday in August in each year, the commissioner of revenue and finance shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding bonded indebtedness of the city and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department, also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual Budget

SEC. 116. The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office or board as the council may deem advisable.

Board of Equalization.

SEC. 117. The council shall meet at its usual place of meeting on the first Monday in July of each year, at eleven o'clock in the forenoon of said day, and sit as a board of equalization for the purpose of equalizing the taxes, and shall continue in session from day to day until the last Monday in July. The city clerk shall give notice of such meetings by one publication in the official newspaper. Said board of equalization shall have power to hear complaints and to correct, modify, strike out or to lower or to raise any assessment; *provided*, that notice shall be given to the party whose assessment is to be raised.

Annual Tax Levy.

SEC. 118. The council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. It shall then deliver the assessment roll to the auditor and ex officio assessor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor and ex officio assessor as being the assessment roll of said tax.

The tax levy authorized by the council, when collected, shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

Taxation for School Purposes

SEC. 119. The council shall, when requested by the board of education, levy annually, a tax not to exceed five cents on each one hundred dollars of the assessed value of all real and personal property within the city. This amount, when collected, shall be used in the building fund of the school department, and shall be used only for the purchase of land for educational purposes, or for the construction of permanent school buildings, or permanent additions thereto.

No land shall be purchased with any money raised by such tax except with the approval of the council, as provided for by section one hundred eighty-seven (187) of this charter, and no school building or addition thereto shall be constructed with any money raised by such tax except in the manner provided for by sections one hundred eighty-eight (188) and one hundred eighty-nine of this charter, and no money raised by such tax shall be placed in any fund of the school department, except upon these conditions. The council may, upon request of the board of education, levy a rate upon the taxable property of the city which will, with the money obtained from other sources for educational purposes, raise sufficient funds to adequately support the public schools of the city. The money collected for school purposes shall be immediately paid into the proper school fund of the city, to be drawn out only on the order of the board of education, and only for the purposes for which it was collected.

Cash Basis Fund.

SEC. 120. The council shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one half cents

on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

The council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Tax Liens.

SEC. 121. All taxes assessed, together with any percentages imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with the like effect and with like right of redemption, as it may be struck off and sold to the State when offered for sale for state and county taxes, except that no certificate or receipt need be delivered to the State Controller and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the Auditor.

SEC. 122. The auditor shall be ex officio assessor. As assessor he shall perform all the duties prescribed by this charter or by law for assessing property in the city for the purposes of taxation. As auditor he shall keep and number a record of all demands allowed by him, showing the date of approval, amount, and name of original holder, the number, on what account and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall within one week after the close of each month, or oftener if required, report to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner every money transaction of the city, so that he can tell at any time the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenue was derived and how expended.

The auditor must prepare, countersign and deliver from time to time to the treasury, and to every officer authorized by law to charge or collect any fee, commission, percentage, allowance or compensation for the performance of any official service or duty, as many receipts as may be required, charging therewith the treasurer or other officials receiving them. He shall draw and sign all warrants upon the treasury. Every demand against the city from whatever source, including the school department and the Oakland Free Library, when allowed by the council or proper board, shall have stamped upon it the date of approval by such body and shall be signed by the president and secretary or clerk of such body and shall then be presented to the auditor, who shall satisfy himself whether the money is legally due and remains unpaid and its payment authorized by law and out of what fund. After such examination he shall approve or reject the claim in whole or in part and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved the fund out of which it is to be paid shall be designated. If it is not approved, unless the party presenting it is willing to take in full for the entire demand the sum offered, the auditor shall reject it and return it with his reasons for rejection, to the body which originally authorized it, then, if it is allowed by a four-fifths vote of the entire body authorizing it, it shall be audited in the same manner as if it had not been rejected; *provided*, the body had the authority to make the expenditure out of which the claim arose.

No demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved unless it specifies on its face each several item composing it and the amount and date thereof. Every demand on any fund shall be numbered and acted upon by the auditor in the order of its presentation to him; and when allowed either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of said fund in the same order as allowed. No demand upon the treasury shall be allowed by the auditor in favor of any officer or other person, or any firm, company or corporation; or his or its assigns, who is in any manner indebted to the city upon an obligation due the city, without first deducting therefrom the amount of such indebtedness. He shall on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and forthwith notify the treasurer of such apportionment.

If for any reason a warrant remains unpaid for a period of three (3) years, during all of which time funds have been available to meet it, the auditor may cancel it upon his records, but he must at the same time enter a record of it upon a book kept for that purpose, and should demand be made for payment of the claim involved at a subsequent date, draw a warrant in payment therefor against the general fund of the fiscal year then current.

Disposition of Money Collected.

SEC 123. Every officer collecting or receiving any moneys belonging to or for the use of the city, or in his official capacity, shall settle for the same with the auditor on or before the last day of each week, or at more frequent intervals as may be directed by the council, and immediately pay all of the same into the treasury, accompanied by the certificate of the auditor, for the benefit of the funds to which such moneys severally belong. When the last day of the week falls upon a legal holiday, the said payments shall be made on the next preceding business day.

Uniform Accounts and Reports.

SEC 124. Upon the recommendation of the commissioner of revenue and finance and the auditor, the council shall provide by ordinance a system of accounting for the city not inconsistent with the provisions of this charter, which shall be, as nearly as may be, a uniform system as to all departments.

ARTICLE XIX.

PUBLIC WORK AND SUPPLIES.

Form of Contracts.

SEC. 125. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Oakland by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Requirements for Bids

SEC. 126. All proposals shall be made upon printed forms to be prepared by the city and furnished gratuitously upon application, with a form for the affidavit, hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine and not sham or collusive or made in the interest or in behalf of any person not therein named and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure to himself an advantage over any other bidder. Any bid made without such affidavit or in violation thereof, and also any contract let thereunder, shall be absolutely void. All bids shall be clearly and distinctly written without any erasure or interlineation, and if any bid shall have an erasure or interlineation it shall not be received or considered by the council or board as the case may be.

All proposals offered shall be accompanied by a check certified by a responsible bank, payable to the order of the city clerk, for an amount not less than ten per cent of the aggregate of the proposal; and no proposal shall be considered unless accompanied by such check.

No person, firm or corporation shall be allowed to make or file or be interested in more than one bid for the same work. If, on the opening of said bids, more than one bid appear in which the same person, firm or corporation is interested, all such bids shall be rejected.

On the day and at the hour specified in said notice inviting sealed proposals the council, or board as the case may be, shall assemble and remain in session for at least one hour, and all bids shall be delivered to the council, or board as the case may be, while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the council, or board as the case may be, shall be considered. Each bid as it is received shall be numbered and marked "Filed" by the president and authenticated by his signature. At the expiration of the hour stated in the advertisement, within which the bids will be received, the council, or board as the case may be, shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the council, or board as the case may be, by the city clerk or the secretary of such board. Before adjourning, the council, or board as the case may be, shall compare the bids with the record made by the city clerk or the secretary of such board, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the council, or board as the case may be, may adjourn to, award the contract to the lowest bidder, except as otherwise in this charter provided. Notice of such award shall forthwith be posted conspicuously for five days by the city clerk, or the secretary of such board, on a bulletin board at or near the council chamber door of the council.

The council, or board as the case may be, may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest regular bid; and on accepting such lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected the council, or

board as the case may be, shall return all the checks to the proper parties and may again invite sealed proposals as in the first instance.

The check accompanying the accepted bid shall be held by the city clerk until the contract for doing said work, as hereinafter provided, has been entered into, and the bond accompanying the same, as hereinafter provided, is approved and filed, whereupon said certified check shall be returned to said bidder.

If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to the city, and shall be collected and paid into the general fund. Neither the city council nor any board shall have the power to relieve from or remit such forfeiture.

Penalty for Collusion.

SEC 127. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby, and the council, or board as the case may be, may advertise for a new contract for said work.

Contracts—Bonds.

SEC. 128. All contracts shall be signed in triplicate, one of which with the specifications, and drawing if any, of the work to be done or materials to be furnished, or both as the case may be, shall be filed with the city clerk; one thereof with said specifications and drawing shall be kept in the office of the commissioner of the department under whose supervision the work is to be done, or in case the work is being done under the supervision of a board, then in the office of the secretary of such board; and the other with said specifications and drawings shall be delivered to the contractor.

At the same time with the execution of the contract the contractor shall execute to the city and deliver to the auditor a bond in the form named in the notice for proposals with two or more sufficient sureties to be approved by the council, or board as the case may be, or shall deposit with the auditor a certified check upon some solvent bank for the said amount, for the faithful performance of the contract. No surety on any bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on property not exempt from execution or subject to homestead claim, the assessed value of which over and above all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the city and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll of the city, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the city, and that the taxes on such property so assessed are not delinquent.

The contract shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. The council, or the board as the case may be, may extend said time, but in no event shall the time for the performance of any contract be extended for more than ninety days beyond the time originally fixed for its completion, except by the unanimous vote of the council, or board as the case may be.

In case of failure on the part of the contractor to complete his contract within the time fixed in the contract or within such extension of said time as herein provided for, the contract shall by that fact be terminated and the council, or board as the case may be, shall not thereafter pay or allow him any further compensation for any work done by him under said contract; and the council, or board as the case may be, may proceed to complete such contract either by letting or otherwise and the contractor and his bondsmen shall be liable to the city for all loss or damage which it may suffer on account of his failure to complete his contract within such time.

Progressive Payments on Contracts.

SEC 129. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public Work to Be Done by Contract.

SEC. 130. In the erection, improvement and repair of all public buildings and works, in all streets and sewer works, and in all work in or about streams, bays or water fronts or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies and materials for the same,

or for any other use by the city or in the purchasing of any supplies to be used by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for five consecutive days in the official newspaper for sealed proposals for the work contemplated or supplies to be furnished. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished. *Provided, however,* the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works or the supplies to be purchased in the open market, but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received the council may likewise provide for the work to be done by the department of public works for the supplies to be purchased in the open market.

Indorsement of Auditor Upon Contracts.

SEC. 131. No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessment upon the property benefited, shall be binding or of any force, unless the auditor shall indorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the board or officer making the same. This provision shall not apply to work done, or supplies furnished, involving expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The auditor shall make such indorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so certified by the board or officer making the contract, and thereafter such sum shall be held and retained to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation for his department.

Contracts for Official Advertising.

SEC. 132. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, including the type and spacing to be used, and asking for sealed proposals therefor. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city of Oakland which is a newspaper of general circulation, having a bona fide general circulation of at least five thousand (5000) copies, and which newspaper has been regularly published in said city for two successive years prior to the time of awarding the contract; *provided*, that the council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper." Except when otherwise provided in this charter, or by general law, all official publications made by the city shall be made in the official newspaper only.

All election notices, or lists of candidates for office, department reports, ordinances, charters, or charter amendments, advertising, publicity affairs, or other publications required or authorized by this charter, by general law, or by any ordinance of the city to be made in any newspaper and all such publications for which the city of Oakland may be liable, shall be paid for by the city at such rates as shall not, in any event, exceed the ordinary and regular advertising rates charged other advertisers; and all printing of books, pamphlets, bills, letter-heads or other documents or printed matter required by the city shall be paid for at a price not exceeding the usual business rates therefor. No bill shall be paid by the city for such advertising or printing in excess of the said usual business rates.

Contracts for Lighting

SEC. 133. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illuminating material at a higher rate than the minimum price charged to any other consumer during the life of said contract with the city be valid.

Contracts for Water.

SEC. 134. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed the minimum rates charged to other consumers during the life of said contract with the city.

Hours of Labor.

SEC. 135. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion With Bidder—Effect on Officer.

SEC. 136. Any officer of the city, or of any department thereof who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and be forever ineligible to hold any office or employment in or under the city of Oakland.

ARTICLE XX.

FRANCHISES.

Property Rights of the City Inalienable.

SEC. 137. The rights of the city in and to its water front, wharf property, land under water, public buildings, wharves, docks, streets, highways, public parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No Use of Streets Without a Franchise.

SEC. 138. No person, firm or corporation shall ever exercise any franchise, permit or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the constitution of California or of the constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Franchises to Use Streets.

SEC. 139. Every franchise, permit or privilege for the purposes hereinafter enumerated in this section shall, except as otherwise provided in the constitution of the State of California, be granted by the council upon the condition specified in this article, and not otherwise:

(1) Every franchise, permit or privilege to construct or maintain or operate a street railroad, a suburban railroad, or an interurban railroad along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the city of Oakland.

(2) Every franchise, permit or privilege to lay or maintain or operate pipes or conduits along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the city of Oakland for the purpose of transmitting water, gas, steam, oil, air or other substances.

(3) Every franchise, permit or privilege to erect or maintain or operate poles or to string wires along, upon, over, under, in or across any street, lane, alley, court, highway, road, park, or other public place in the city of Oakland, for the purpose of transmitting electricity or electrical energy.

Nothing in this section shall be construed as applying to spur or side tracks provided for in subdivision fifty-five (55) of section fifty-one (51) of this charter.

Applications for Franchises

SEC. 140. (1) An applicant for a franchise, permit or privilege shall file with the council an application therefor, and thereupon the council shall, if it proposes to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for ten consecutive days, Sundays and legal holidays excepted, and must be completed not less than fifteen and not more than thirty days before any further action can be taken on such application.

Conditions of Grant.

(2) The advertisement must state the character of the franchise, permit or privilege it is proposed to grant, and, if it be a street railroad, or a suburban or interurban railroad, the route to be traversed, that sealed bids therefor will be opened at a stated time and place, and that the franchise, permit or privilege will be awarded to the bidder offering to pay to the city during the life of the franchise, permit or privilege, the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, permit or privilege, provided, that such percentage be not less than two per cent of said gross annual receipts during the first five years, not less than four per cent during the next ten years and not less than five per cent during the last twenty years, provided, that if the franchise, permit, or privilege be a renewal of a right already in existence, the payment of the highest percentage of the gross receipts shall begin immediately on the taking effect of the new franchise, and provided further, that the council shall have the right to reject any and all bids.

Bidding for the Franchise.

(3) At the time of opening the sealed bids any responsible person, firm or corporation may bid for such franchise, permit, or privilege not less than one half of one per cent of the gross annual receipts for the entire term of the franchise above the highest sealed bid therefor, and such bid so made may be raised not less than one half of one per cent of the gross annual receipts for such entire term by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentages of the gross annual receipts arising from the use, operation or possession of such franchise, subject to the provision of subdivision two (2) of this section; *provided*, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

If the franchise, permit or privilege is for a street railroad, or a suburban railroad or an interurban railroad which shall extend beyond the limits of the city of Oakland, then and in that case the percentages of gross receipts above specified shall be computed or reckoned as follows: The total length of the said railroad within and without the city shall be compared to the length of the said railroad within the city for which a franchise, permit or privilege is bid for, and such fraction of the entire gross receipts for the whole of such railroad within and without the city as the portion of such railroad within the city is of the said whole railroad shall be deemed and considered the gross receipts upon which the above percentages to be paid into the city treasury shall be reckoned. Any street railroad, suburban railroad or interurban railroad which, without having a franchise, permit or privilege from the city of Oakland so to do, uses the tracks of any other street railroad, suburban railroad or interurban railroad within the city of Oakland, shall pay into the treasury of the city of Oakland such minimum percentages of the gross receipts as are specified in subdivision two (2) of this section.

Deposit as Guarantee of Good Faith.

(4) Every application for a franchise, permit, or privilege under this article and every bid except that of the applicant under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check for said amount, payable to the city clerk, certified to by some responsible bank, as a guarantee of the good faith of applicant or bidder, and as fund out of which to pay all expenses connected with such application and the granting of such franchise, permit or privilege.

Upon the franchise permit or privilege being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, shall be returned.

Free Competition in Bidding.

(5) No clause or condition of any kind shall be inserted in any advertisement of any franchise, permit or privilege offered for sale under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor.

Bond

(6) The successful bidder for any franchise, permit or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum prescribed by the council and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, permit or privilege, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise, permit or privilege is awarded and within thirty days after the filing and approval of such bond such franchise, permit or privilege shall by the council be granted by ordinance, subject to the referendum provisions of this charter, to the person, firm or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise, permit or privilege shall be set aside and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited and the franchise, permit or privilege shall, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of Franchise.

SEC. 141. The maximum length of time for which a franchise, permit or privilege to use the streets, alleys, highways, lands, waters, or other public places in the city may be granted to any person, firm or corporation shall be thirty-five (35) years.

Beginning and Completion of Work.

SEC 142. Construction work under any franchise, permit or privilege granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so commenced within said time, said franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit or privilege, which time shall be not more than three years from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so completed within said time, said franchise, permit or privilege shall be forfeited; *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months, *and provided*, that the limitations and provisions hereof as to the time within which work shall be completed, shall not apply to extensions of service under franchises, permits or privileges other than for railroads, street railroads, suburban or interurban railroads.

Service and Accommodation.

SEC 143. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Rates and Charges.

SEC 144. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise, permit or privilege. The grant of every franchise, permit or privilege for a railroad, street railroad, or suburban or interurban railroad shall provide that all United States mail carriers when in uniform, and all policemen, firemen and employees of the electrical department of the city while in the actual discharge of their duties, be allowed to ride on all cars of such railroad within the boundaries of the city, without paying fare therefor and with all the rights of other passengers.

Right of City to Assume Ownership.

SEC. 145. Every ordinance granting any franchise, permit or privilege provided for in this article shall provide that at the expiration of the period for which the franchise, permit or privilege is granted, or at such time before said expiration as may be specified in said ordinance, the city, at its election, may, upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance, purchase and take over to itself the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege. In no case, however, shall the value of the franchise, permit or privilege or the values commonly known as "good will" or "going value" be considered or taken into account in fixing such valuation. The grantee, his successors or assigns of any franchise, permit or privilege under this article shall be required in said ordinance to file monthly with the city clerk an itemized statement of the expenditures for new construction during the calendar month next preceding the filing of said statement; and said statement shall be verified by the oaths of the president and secretary of the grantee, his successor or assign, if such grantee, successor or assign be a corporation, or by the oaths of a majority of the members of the firm, if the said grantee, successor or assign be a firm, or by his oath, if the grantee, his successor or assign be a person. No cost of maintenance, operation, repair or renewal shall be considered to be a cost of construction. Or it may be provided in the ordinance granting a franchise, permit or privilege under this article that the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege shall, at the expiration of the period for which the franchise, permit or privilege was granted, revert to and become the property of the city without any compensation being made by the city to said grantee, his successors or assigns. But in no case shall any property of any such grantee, his successor or assigns, be taken over by the city with or without compensation, without being subject to the referendum vote as in this charter provided, if referendum be demanded by the people.

Regulation of Public Utility Rates.

SEC. 146. Every ordinance granting any franchise, permit or privilege shall provide that the council shall have the right annually to regulate and fix the price or rate at which commodities, productions or services shall be sold or rendered under such franchise, permit or privilege. But the council in the exercise of this right shall not fix said price or rate at a lower price or rate than will produce a

net revenue to the grantee of said franchise, permit or privilege, his successors or assigns, of less than five per centum per annum, computed on the actual cost of construction of the plant and property actually used and employed in the transaction of the business of said grantee, his successors or assigns, under said franchise, permit or privilege.

No Compromise Necessary for City's Ownership

SEC. 147. Every ordinance granting any franchise, permit, or privilege shall provide that the city may take over to itself and become the owner of the property and plant of any grantee as provided in this article, without the execution of any instrument or conveyance. The granting of the franchise, permit, or privilege shall be set forth in all ordinances granting franchises, permits or privileges as a valuable consideration, for which the grantee, his successors and assigns, agrees to conform to the terms and conditions of the said ordinance.

Lease or Assignment of Franchise.

SEC. 148. No franchise, permit or privilege granted by the city shall be, in whole or in part, leased, assigned or otherwise disposed of, or transferred without the express consent of the city given by ordinance, and no dealings with any one on the part of the city to require the performance of any act or payment of any compensation by any one shall be deemed to operate as such consent, *provided* that nothing herein shall be construed to prevent the grantees from the city of such franchise, permit or privilege from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate business.

Street Sprinkling, Cleaning and Paving.

SEC. 149. Every grant of any franchise, permit or privilege in, over, under or along any of the streets, highways or public places in the city for railroad, street railway, suburban or interurban railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize the entire length of the street, highway or other public place used by the track or tracks of such railroad or railway, and between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, and keep the same constantly in repair, flush with the street, and with good crossings; and such street work must be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the superintendent of streets.

Examination of Company's Books—Audit.

SEC. 150. All ordinances granting franchises, permits or privileges under this article shall provide that the grantee, his successors or assigns, shall keep, in such manner as the council may from time to time require, vouchers, records, and books of accounts. The city of Oakland, by and through its mayor, auditor, deputy auditor, accountants or such other agents as may, from time to time, be appointed by the mayor, auditor or council, shall have the right at all reasonable times to examine all the books, vouchers, records and other papers of all persons, firms or corporations exercising or enjoying any franchise, permit or privilege under this article. A refusal to keep said books, vouchers and records in the manner provided above or to produce for inspection in the city of Oakland said books, vouchers and records at all reasonable times for examination by the mayor, auditor, deputy auditor, accountants or other agents appointed by the mayor, auditor or council shall work a forfeiture of the said franchise, permit or privilege.

Annual Reports of Company.

SEC. 151. Every person, firm or corporation operating any business under a franchise, permit or privilege granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation as the council shall direct, and shall contain a statement, in such form and details as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation, under said franchise, permit or privilege within the city of Oakland, for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done under said franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege for new construction, repairs and betterments during the year.

Books of Records and Reference.

SEC. 152. The mayor shall provide and cause to be kept in the office of the city clerk the following books of record and reference:

First—A franchise record, indexed and of proper form, in which shall be tran-

scribed accurate and correct copies of all franchises or grants by the city to any person, persons, or corporation owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said record shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests, or proceedings at law, if any, affecting the same.

Second—A public utility record, of every person, persons, or corporation owning or operating any public utility under any franchise granted by the city, into which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, persons, or corporation, or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein provided, and such other matters of information and public interest concerning the same as the mayor may, from time to time acquire. In case annual reports are not filed and inspections are not made, as provided, the mayor shall record such fact in the public utility record, and, in writing, report the same to the council.

Payment of Gross Receipts.

SEC. 153. The stipulated percentage of gross receipts provided in this charter to be paid for the use and enjoyment of any franchise, permit or privilege shall be paid annually at the time of filing the annual report provided for in section one hundred and fifty-one (151) of this charter to be filed by persons, firms or corporations holding franchises, permits or privileges. Failure to pay such percentage shall work a forfeiture of the franchise.

Forfeiture for Non-compliance.

SEC. 154. Every ordinance granting any franchise, permit or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise, permit or privilege, the same as though in each instance such power was expressly reserved; and wherever the charter shall provide that any ordinance granting a franchise, permit or privilege shall contain any terms or conditions whatsoever, the said terms and conditions shall be considered as included in said franchise, permit or privilege, whether or not specified in the ordinance granting said franchise, permit or privilege.

Limitations of Water Front Franchises.

SEC. 155. No exclusive franchise, permit or privilege, except for the purpose of constructing or maintaining or operating railroads, wharves, docks, slips, quays, dry docks, graving docks, shipyards or marine railways and the appurtenances necessary to each and all of them, shall be granted by the city or the council to, in, over or upon any portion of the bed of the bay of San Francisco or of the estuary of San Antonio, or of the bay of San Leandro. And all franchises, permits or privileges for railroads to, in, on, over or upon any portion of the bed of the bay of San Francisco or the estuary of San Antonio, or of the bay of San Leandro shall be subject to the right of any and all other railroads or railroad companies to have their cars switched and transported, by the operators of railroads under such franchises, permits or privileges, to designated points and for designated purposes, onto and over all tracks operated under said franchises, permits or privileges, upon payment of a reasonable compensation for such switching and transportation. But no franchise, permit or privilege shall be granted for any portion of the bed of the bay of San Francisco greater in width than seven hundred feet measured at right angles to Twelfth street or to B street projected westerly. And no franchise, permit or privilege for any portion of the bed of the bay of San Francisco shall be granted between the eastern line of Linden street, projected southerly and the eastern line of Alice street projected southerly, greater in width than seven hundred feet measured at right angles to Broadway or to Adeline street. No exclusive franchise, permit or privilege for any portion of the bed of the Bay of San Francisco shall be granted within seven hundred feet of any other exclusive franchise, permit or privilege for any portion of the bed of the bay of San Francisco. No exclusive franchise, permit or privilege for any portion of the bed of the estuary of San Antonio, between the eastern line of Linden street projected southerly and the eastern line of Alice street projected southerly shall be granted within seven hundred feet of any other exclusive franchise, permit or privilege to any portion of the bed of the estuary of San Antonio. Nothing shall, under any franchise, permit or privilege, be constructed upon, in, over or under any portion of the bed of the bay of San Francisco or the estuary of San Antonio or of the bay of San Leandro which shall obstruct, hinder or prevent the construction, maintenance and operation of such continuous belt lines of railroad along the whole length of the water front as the council may provide for.

Switching Rights.

SEC. 156. All franchises, permits and privileges for the construction or maintenance or operation of any railroad, other than street railroads, shall contain a stipulation and condition that all other persons, firms or corporations building or maintaining or operating other railroads (not street railroads) in the city of Oakland

and all persons, firms or corporations desiring to avail themselves of the benefits and privileges and rights conferred by any such franchise, permit or privilege shall have a common right to have their cars switched and transported by the holder or holders of such franchise, permit or privilege on railroad tracks constructed or maintained or operated under the terms of such franchise, permit or privilege; and such tracks shall be operated on equal and reasonable pro rata rates with equal facilities for such purposes, and such rights, rates and facilities shall be extended without discrimination to all persons, firms and corporations desiring the same.

Franchises Not in Use Forfeited.

SEC. 137. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be and become forfeited and invalid, unless such grantees or their assigns shall within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such franchise, permit or privilege.

Ordinance in Plain Terms.

SEC. 138. No franchise, permit or privilege or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Franchises Specify Streets.

SEC. 139. All franchises, permits or privileges for railroads, street railroads, suburban or interurban railroads hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply, and all other franchises, permits or privileges shall so specify as far as practicable. No franchise, permit or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.

License Tax.

SEC. 140. The city shall have the right to license or tax street cars, telephones, gas meters, electric meters, water meters and all other devices for measuring service; also telephone, telegraph, electric light and power poles, subways, conduits and wires. The said license or tax shall be in addition to all other lawful taxes levied thereon or upon the property of the holder thereof.

Other Conditions May be Imposed by Council.

SEC. 141. Nothing in this charter shall be construed as prohibiting the council from inserting in any ordinance granting any franchise, permit or privilege such other conditions or requirements, not inconsistent with the provisions of this charter, as the council may desire to insert therein or the people may by the initiative indicate their desire to have so inserted.

Franchises for Railroads Other than Street, Suburban or Interurban Railroads.

SAY 141}. The council may grant franchises for the construction, maintenance and operation of railroads other than street railroads, suburban railroads or interurban railroads along, upon over, in, under or across any street or streets or other public place in the city of Oakland, but only in the manner and upon the terms and conditions next hereinafter set forth, that is to say:

The provisions of Section 137 relating to property rights of the city, of Section 140 relating to applications for franchises, of Section 141 relating to life of franchises; of Section 142 relating to beginning and completion of work; of Section 143 relating to service and accommodation, of Section 144 relating to rates and charges, of Section 145 relating to right of the city to assume ownership; of Section 147 relating to conveyances, of Section 148 relating to leases and assignments of franchises, of Section 149 relating to street sprinkling, cleaning and paving, of Section 152 relating to books of record and reference, of Section 154 relating to forfeiture for non-compliance, of Section 155 relating to limitations on water front franchises, of Section 156 relating to switching rights; of Section 157 relating to forfeiture of franchises not in use, of Section 158 relating to terms of ordinance, of Section 159 relating to specifications of streets and of Section 161 relating to additional conditions, shall apply to and govern all franchises, permits or privileges granted for the construction or maintenance or operation of any railroad, including railroads other than street railroads, suburban railroads and interurban railroads, and anything in this article to the contrary notwithstanding, no other section contained in this article (Article XX) shall apply to or govern the granting of franchises, permits or privileges for the construction or maintenance or operation of railroads other than street railroads, suburban or interurban railroads.

Provided, that the application of the provisions of said Section 140 (relating to applications for franchises) to the granting of franchises, permits or privileges for railroads other than street railroads, suburban or interurban railroads, shall be subject to this exception, that is to say, that instead of receiving bids for a percentage of the gross annual receipts as provided for in said Section 140, the franchise, permit or privilege shall be awarded to the bidder offering to pay to the city, during the life of the franchise, permit or privilege, the highest average annual rental, and the

advertisement shall so state, and that in the raising of bids above the amount of the highest sealed bid the first increased bid must be at least five per cent greater than the amount of the highest sealed bid.

And provided, that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of said Section 144 (relating to rates and charges) shall apply only to the local service of such railroads;

And provided, that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of said Section 145 (relating to rights of the city to assume ownership) shall not be construed as requiring such franchise, permit or privilege to permit the city to take over to itself any of the rolling stock or other movable property of the grantee, his successors or assigns, used in the enjoyment of such franchise permit or privilege.

ARTICLE XXI.

THE INITIATIVE.

Preliminaries to Filing Petition.

SEC. 162 The qualified electors of the city shall have power to propose by petition, and to adopt at the polls any ordinance which may be enacted under this charter. Such ordinance may be proposed by filing with the city clerk a petition setting forth said ordinance in full, signed by qualified electors of the city as many in number as hereinafter required of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election.

Before any petition for such submission of a proposed ordinance shall be circulated, an affidavit by or on behalf of its proponents shall be filed with the city clerk containing the following: A copy of the proposed ordinance; a statement in not more than two hundred (200) words giving the proponent's reasons for the adoption of such ordinance; a statement of the intention to secure the submission of said ordinance to a vote of the electors by an initiative petition; and the address of the party making such affidavit. The council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of each individual certificate forming a part of the petition.

Form and Condition of Petition

SEC. 163 The form and conditions of the petition and mode of certification and verification shall be substantially as follows:

(Individual certificate.)

PETITION TO THE COUNCIL.

Requiring the submission at

A SPECIAL (OR GENERAL) MUNICIPAL ELECTION

(The above heading must be printed in type of a 24-point Roman face, caps and lower case.)

Of a proposed ordinance entitled (here insert title of ordinance)

PROPOSER'S REASONS FOR
ADOPTING ORDINANCE.

(here insert such reasons.)

COUNCIL'S REASONS FOR
NOT ADOPTING ORDINANCE.

(here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit to the vote of the electors of the city of Oakland, at a special municipal election (or general municipal election), that certain proposed ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached; unless said ordinance be passed by the council, without alteration, when and as provided in the charter of the city of Oakland.

I further certify, that I have read the above reasons for and against the adoption of said ordinance and am in favor of its adoption, that I am a qualified elector of the city of Oakland, State of California; that I am not at this time a signer of any other like certificate; that I reside at No. _____ street, between _____ street and _____ street, in said city, and that my occupation is _____

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA, } ss.
CITY OF OAKLAND. }

_____ being duly sworn, deposes and says: that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____ 19____

(Signed) _____

Verification Deputy (or Notary Public)

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Oakland, California.

The provisions of subdivision four (4) of section seven (7) of this charter, applying to recall petitions, shall apply to petitions filed under this article.

Fifteen Per Cent Petition

SEC. 164 If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to fifteen per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected (provided that the number of signers to any such petition shall not be less than three thousand) and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then either:

(a) The council shall pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition or,

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to the vote of the electors, unless some general or special municipal election occurs not earlier than thirty (30) days and not later than ninety (90) days after the city clerk shall have attached such certificate of sufficiency, in which latter event said measure shall be voted on at such special or general municipal election.

Five Per Cent Petition

SEC. 165 If a petition be signed by qualified electors equal in number to five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected and contain a request that said ordinance be submitted to a vote of the electors at a general municipal election, then such ordinance, without alteration, shall be so submitted by the council at the next general municipal election that shall occur at any time after twenty (20) days from the date of the attachment of the certificate of sufficiency to the petition accompanying such ordinance, unless the council shall have, prior to the time of calling such election, passed such ordinance without alteration.

Limitations on Petitions.

SEC. 166. No individual certificate provided for in this article shall be valid or sufficient unless the same shall have been signed within three (3) months prior to the presentation to the clerk of the petition of which it forms a part. No initiative petition requesting the submission of an ordinance at a special municipal election, and having an insufficient number of signatures to require such special election but having the required number for submission of said measure at a general municipal election, shall by virtue thereof be sufficient to require the submission of such ordinance at a general municipal election. No initiative petition requesting the submission of an ordinance at a general municipal election and having a sufficient number of signatures to have required the submission of said ordinance at a special municipal election, shall, by virtue thereof, be sufficient to require the calling of a special municipal election.

Measure to be Mailed to Voters.

SEC. 167 Whenever any ordinance is required, under the initiative or referendum provisions of this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance to be printed and it shall be the duty of the city clerk to inclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least five (5) days prior to the election. The council may cause said ordinance to be printed once in the official newspaper one week preceding the date of such election.

Arguments to be Mailed to Voters.

SEC. 168 If a proposed ordinance be submitted upon an initiative petition of the qualified electors, the person filing the affidavit preliminary to the circulation of such initiative petition, or the person or organization on whose behalf said affidavit was filed, shall have the right to present to the city clerk at any time twenty-five (25) days prior to said election, printed copies of an argument favoring said ordinance, and said council shall have the right to present, or permit to be presented, to the city clerk, within the same limit of time, printed copies of an argument opposing said ordinance. No such argument shall exceed two thousand (2000) words in length, and such argument shall be printed in such form and upon such character of paper suitable for mailing as the clerk shall prescribe. The city clerk shall inclose one copy of each of such arguments with the sample ballot and copy of the ordinance, mailed to each voter; *provided*, he has been furnished with printed copies of such argument equal in number to five (5) per cent in excess of the total number of qualified electors. Nothing in this section contained shall authorize the council to expend any money of the city for the formulation or printing of any such argument.

Election

SEC. 169. The ballots used when voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall state the general nature of the proposed ordinance and shall contain the words "For the Ordinance" and "Against the Ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall take effect five (5) days after the declaration of the official canvass.

Several Ordinances at One Election

SEC. 170. Any number of proposed ordinances under the initiative and any number of ordinances under the referendum may be voted upon at the same election, in accordance with the provisions of this article.

Limit to Special Elections

SEC. 171. There shall not be held under this article more than one special election in any period of six months.

Competing and Conflicting Measures—Repeal

SEC. 172. When there are two or more ordinances proposed to secure the same general purpose, the council shall so declare, and shall have the ballot so printed that the voter (first) can choose between any ordinance or none, and (secondly) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the ordinance receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more ordinances are tied to the highest vote, they shall be resubmitted at the next ensuing general municipal election. If there is a conflict between two or more ordinances or between two or more charter amendments adopted at the same election, then the ordinance or charter amendment receiving the highest affirmative vote shall prevail. No ordinance approved by the electorate under the provisions of this article shall be amended or repealed except by vote of the electorate unless such ordinance shall otherwise provide.

Election is Mandatory

SEC. 173. If any ordinance proposed by petition or upon which a referendum vote is requested by petition in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such ordinance has been submitted to a vote, and no board, issue, or other ordinance proposed by the council shall be submitted to the voters unless at the same election, or prior thereto, there shall be submitted to the voters the ordinance or ordinances upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this charter. This section is prohibitory and mandatory.

Charter Amendments

SEC. 174. The provisions of this article, unless prohibited by the State Constitution, shall apply to the proposal, submission and adoption of charter amendments.

Substantial Compliance

SEC. 175. A substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

Further Regulations

SEC. 176. The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of Article III thereto.

ARTICLE XXII

THE REFERENDUM.

Public Utilities

SEC. 177. Every ordinance or other measure granting or renewing a franchise, permit or privilege for the operation of any public utility the franchise, permit or privilege for which has expired or is about to expire, or providing for the transfer or acquirement in whole or in part of any public utility (except the lease of a portion of a public conduit or tunnel), or for the granting of a franchise upon any boulevard as provided in subdivision forty-nine (49) of section fifty-one (51) of this charter, must be referred and submitted to the vote of the electors of the city at the election next ensuing not less than sixty (60) days after the adoption of such ordinance or other measure, and shall not go into effect until ratified by a majority of the voters voting thereon.

Referendum by Electors

SEC. 178. No ordinance or other measure passed by the council granting either any franchise, permit or privilege to operate or to be used in connection with, any public utility either wholly or partially within or without the city of Oakland, or

authorizing the acquirement, or transfer or change in the use of any lands or interest therein, or authorizing the lease or permission to use a portion of any public conduit or tunnel, shall go into effect until the expiration of sixty (60) days from the date it becomes final. At the end of such sixty (60) days such ordinance, measure or action shall be in force and effect, unless within such period there shall be filed with the city clerk a petition signed by qualified electors equal in number to ten (10) per cent of the entire vote cast for all candidates for mayor at the last preceding general municipal election provided that the number of signers to any such petition shall not be less than two thousand) requesting that such ordinance, measure or action be submitted to the electors. In case such petition is filed, such ordinance, measure or action shall not go into effect until approved by a majority of the voters voting thereon at a general or special municipal election.

Referendum by Council.

SEC 179. Any ordinance which the council is empowered to pass may be submitted by an affirmative vote of three (3) of its members at a general municipal election only, subject to the provisions of this article so far as applicable.

Preliminaries to Filing Petition

SEC 180. Before any petition for the submission of an ordinance or other measure to the referendum vote of the electors shall be circulated, an affidavit by or on behalf of its opponents shall be filed with the city clerk containing the following: A copy of the ordinance or measure, a statement in not more than two hundred (200) words giving the opponent's reasons for the rejection of such ordinance or measure; a statement of the intention to secure the submission of such ordinance or measure to a vote of the electors by a referendum petition; and the address of the party making such affidavit. The council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such ordinance or measure should be adopted. These reasons for and against the adoption of the ordinance or measure shall be printed as a part of the individual certificate forming a part of the petition.

Regulations Governing Petitions

SEC 181. The form and conditions of the petition asking that any ordinance or measure be referred to the people under this article shall be substantially as follows:

(Individual certificate)

PETITION TO THE COUNCIL

Requiring the submission at

A SPECIAL (OR GENERAL) MUNICIPAL ELECTION

(The above heading must be printed in type of a 24-point Roman face, caps and lower case.)

Of that ordinance or measure entitled (here insert title of ordinance or measure),

OPPONENT'S REASONS
AGAINST ADOPTING ORDINANCE
(OR MEASURE)

COUNCIL'S REASONS
FOR ADOPTING ORDINANCE
(OR MEASURE)

(Here insert such reasons.)

(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit, as provided in the charter of Oakland to the vote of the electors of the city of Oakland, at a special municipal election (or general municipal election) that certain ordinances (or measure) entitled (here insert title of ordinance or measure), to a copy of which this certificate is attached, passed by the council on the _____ day of _____ 19____.

I further certify that I have read the above reasons for and against the adoption of said ordinance (or measure), and am against its adoption, that I am a qualified elector of the city of Oakland, State of California, that I am not at this time a signer of any other like certificate, that I reside at No. _____ street, between _____ street and _____ street, in said city, and that my occupation is _____.

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF ALAMEDA, } ss
CITY OF OAKLAND }

_____ being duly sworn, deposes and says That he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____
Subscribed and sworn to before me this _____ day of _____, 19____.

(Signed) _____
Verification Deputy or (Notary Public).

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street Oakland, California.

The provisions of subdivision four (4) of section seven (7) of this charter, applying to recall petitions, shall apply to petitions filed under this article.

Arguments to Be Mailed to Voters.

SEC. 182. If an ordinance (or measure) be submitted to the vote of the electors by referendary petition, the person filing the affidavit preliminary to the circulation of such referendary petition, or the person or organization on whose behalf said affidavit was filed shall have the right to present to the city clerk, at any time twenty-five (25) days prior to said election, printed copies of an argument opposing said ordinance (or measure), and the council shall have the right to present or to permit to be presented to the city clerk, within the same limit of time printed copies of an argument favoring said ordinance or measure. No such argument shall exceed two thousand (2000) words in length, and such argument shall be printed in such form and upon such character of paper suitable for mailing as the clerk shall prescribe. The city clerk shall enclose one copy of each of such arguments with the sample ballot and copy of the ordinance or measure, mailed to each voter, provided he has been furnished with printed copies of such argument equal to five (5) per cent in excess of the total number of qualified electors. Nothing in this section contained shall authorize the council to expend any money of the city for the formulation or printing of any such argument.

Time of Election

SEC. 183. If a petition be filed more than thirty days and less than ninety days prior to a general election the ordinance or measure shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the council shall decide.

Elections—How Conducted

SEC. 184. Sections one hundred sixty-seven (167), one hundred sixty-nine (169), one hundred seventy (170) and one hundred seventy-five (175) of this charter applying to the initiative, shall govern elections held under the authority of this article, so far as applicable.

Majority Vote.

SEC. 185. If a majority of the votes cast on any ordinance or measure so referred to the electors, as herein provided, shall be in favor thereof, it shall go into effect five (5) days after the declaration of the official canvass, otherwise it shall be repealed and rejected.

Further Regulations

SEC. 186. The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article and to adapt the provisions of Article III thereto.

ARTICLE XXIII.

THE PUBLIC SCHOOLS

The Board of Education.

SEC. 187. The board of education shall have entire control and management of the public schools in the city, in accordance with the constitution, general laws of the state and provisions of this charter, and said board is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the state for city boards of education. The board of education shall have power to purchase land for educational purposes, subject to the approval by ordinance of the council, and to construct school buildings and additions thereto, in the method prescribed by this charter.

Plans for School Buildings.

SEC. 188. When funds for the construction of school buildings or additions thereto have been raised by the municipality, the board of education must, and when such funds have been raised otherwise the board of education may make requisition upon the commissioner of public works for plans and specifications and estimates for a new school building, or for any addition to school buildings or a school building, specifying the location thereof, the number of class rooms needed, the date on which the work should be completed, the amount of money in the school fund available for the purpose, giving in detail the size of the class rooms, the type of the building, the number and width of the stairways of the building, and such other information as will enable the said commissioner of public works to prepare the necessary plans and specifications and estimates for the cost of the said building or buildings or additions.

Construction of School Buildings.

SEC. 189. The said commissioner of public works shall within ninety days after the receipt of said requisition submit in duplicate to the board of education such plans and specifications and estimates. The board of education shall approve, reject, or return the same to the said commissioner of public works for amendments. When the plans shall have finally been approved by the board of education, the date of approval shall be indorsed on each duplicate by the president and secretary of the board, and thereupon one of the said duplicates shall be filed in the office of the

board of education, and the other shall be returned to the said commissioner of public works. The board of education shall then proceed to contract for the construction of such building, in the manner provided for making contracts for the construction of other public buildings in Article XIX of this charter. The construction of every such school building shall be under the immediate supervision of the commissioner of public works. No change shall be made in the plans and specifications without the written consent of said commissioner of public works and the board of education. A copy of such changes shall be certified to and shall be attached to the original plans and specifications and original contract. When the funds for the construction of such buildings, or addition thereto, have been raised by the municipality, the provisions of this section shall be mandatory.

Meetings to be Public

SEC 190. All meetings of the board of education shall be public.

Superintendent of Schools.

SEC 191. The board of education shall appoint a superintendent of schools, fix his compensation and prescribe his powers and duties.

Term of Teachers

SEC. 192. Every person employed as a regular teacher by the school department shall be considered reelected for the ensuing fiscal year unless at least two months before the beginning of such fiscal year he or she is notified in writing, by authority of the board of education, that it is expected that his or her services will not be required for the ensuing fiscal year. Such notice shall be deemed given when placed in a sealed envelope and sent by registered mail to the teacher affected at his or her last known place of residence, as it appears from the records of the department.

School Warrants

SEC 193. Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board a certificate of such approval shall be indorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the president and countersigned by the secretary and shall specify the purpose for which it is drawn and receive the approval of the auditor as provided in this charter.

Annual Estimate of Expenses.

SEC 194. The board of education shall annually, at the time fixed by section one hundred fourteen (114) of this charter, submit in writing to the council, a careful estimate of the amount of money to be received from any and all sources whatsoever, other than the city, for the support of the public schools in the city (separate estimates to be made for the grammar and primary schools and for the high schools), together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year, and a careful estimate of the amount of money, if any, required for the purchase of land for educational purposes, or for the construction of permanent school buildings, or permanent additions thereto, specifying in detail the uses to be made of such money.

ARTICLE XXIV.

MISCELLANEOUS

When This Charter Takes Effect

SEC. 195. For the purpose of nominating candidates and electing mayor, auditor, who shall be ex officio assessor, commissioners and school directors, in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature, for all other purposes it shall take effect on the first day of July, 1911.

First Election Under This Charter.

SEC 196. The city council of the city of Oakland in office at the time this charter is approved by the legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

Terms of Incumbents in Office

SEC 197. The members of the council the members of the board of education, the mayor, the auditor and ex officio assessor, the city attorney, the city engineer, the city treasurer, the members of the board of public works and the members of the board of commissioners of the police and fire departments, in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, auditor and ex officio assessor, commissioners and school directors, respectively, first elected under this charter.

Except when in this charter otherwise provided, the term of each and all the other elective officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing Ordinances Continued in Force.

SEC. 198. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Judicial Power.

SEC. 199. The judicial power of the city shall be vested in a police court and in such justices' courts as are or may be provided for by law, and the existing police court of the city shall continue as it now exists until otherwise provided by law.

Said police court shall have exclusive jurisdiction of all misdemeanors punishable by fine or imprisonment or by both said fine and imprisonment, committed in the city where such police court is held, and in all such cases to hear, try and determine the same, convict or acquit, pass and enter judgment and carry such judgment into execution as the case may require, according to law. Said police court shall also have exclusive jurisdiction of all proceedings for violation of any and all ordinances of said city, both civil and criminal, and of all actions for the collection of any licenses required by the ordinances of said city.

All proceedings in said police court in behalf of the people, whether for the violation of any statute of the State or ordinance of the city shall be prosecuted by a deputy district attorney of this county as is now provided for by law.

The chief of police shall designate one or more policemen who shall always attend on the police court and act as bailiffs therein.

Premium on Official Bonds.

SEC. 200. The premium or charge for all official bonds required of elective officers, of all officers whose bonds are fixed by the charter, and of all officers and employees of the city, or of any board thereof, of whom official bonds in specified amounts shall be required with approval of the council, shall be paid by the city; *provided, however*, that no premium or charge for such bond shall exceed one half of one per centum per annum on the amount thereof.

Streets.

SEC. 201. The word "streets" when used in this charter includes streets, highways, lanes, alleys, courts and public places.

Qualified Elector Defined.

SEC. 202. A "qualified elector" for the purposes of petitions for nomination, initiative, referendum and recall under the provisions of this charter, is any voter whose name appears on such great register of Alameda County or any supplement thereto as is then allowed by general law to be used to determine the eligibility of persons to vote at municipal elections in the city, and whose address appearing on such great register or supplement is in the same precinct as the address given by him on the certificate signed by him and forming part of such petition.

Attention to Duties.

SEC. 203. All persons holding any office or employment under the city, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held to the extent that their services may be necessary for the full and complete discharge of the duties of such office or employment, and a failure so to do shall be ground for removal. The council shall by ordinance fix the office hours of all chief officials, clerks, assistants and office employees, and the hours of labor of all other employees.

SEC. 204. All appointments of officers, deputies, clerks and other employees to be made under any of the provisions of this charter, must be made in writing and in duplicate, authenticated by the person or persons, council board or officer making the same. One of such duplicates must be filed with the secretary of the civil service board and the other with the auditor.

Regarding Certain Provisions in Charters of Cities Consolidated or Annexed.

SEC. 205. Whenever, under the terms of this charter as adopted, or as hereafter amended, or under the provisions of the Constitution or of the general laws of the State of California, any incorporated city or town shall be consolidated with or annexed to the city of Oakland, and the charter of such incorporated city or town shall contain therein any provision or provisions restricting, prohibiting or regulation of the sale of any spirituous, malt, vinous or alcoholic liquors, within the boundaries of such city or town so consolidated with or annexed to the city of Oakland, such provision or provisions of the charter of such city or town so consolidated with or annexed to the city of Oakland shall, upon such consolidation or annexation becoming effective, be and thereby become an integral part of and take place as a subdivision of the charter of the city of Oakland, but only for the purposes in this section specified, and shall operate and be of full force and effect in the territory of such city or town so consolidated with or annexed to the city of Oakland, and shall govern as to the restricting, prohibiting or regulating the sale of spirituous, malt, vinous or alcoholic liquors within such territory. No such provision or provisions shall be altered or repealed except by a majority of the electors within such territory.

CERTIFICATE

WHEREAS, The city of Oakland, a city containing a population of more than one hundred thousand (100,000) and less than two hundred thousand (200,000) inhabitants, on the sixth day of July, 1910, at a special election and under and in accordance with the provisions of section eight (8), Article XI of the Constitution of the State of California, did elect R. H. Chamberlain, William C. Clark, I. H. Clay, Charles H. Daly, George W. Dornier, Albert H. Elliot, Raymond B. Felton, John Forrest, Richard M. Hamb, Hugh Hogan, Albert Kayser, John J. McDonald, George C. Pardee, Harrison S. Robinson and Fred L. Shaw, a board of fifteen (15) freeholders to prepare and propose a charter for said city.

BE IT KNOWN, That in pursuance of said provisions of the Constitution, and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Oakland, and that in submitting and proposing such charter, the board of freeholders, pursuant to said provisions of the constitution, also presents therewith for the choice of the voters, and to be voted on separately without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated.

Said alternative proposition shall if approved by the voters take the place of subdivision thirty-one (31) of section fifty-one (51), Article IX, of the proposed charter, which reads as follows:

"To license for purposes of regulation or revenue all and every kind of business not prohibited by law, to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise, *provided, however*, that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library, but such prohibition as to location shall not apply to the renewal of any such license which was in force September first, 1910, and which continues in force until this charter goes into effect."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed, "Shall the alternative proposition prohibiting the sale of liquor in residential districts take the place of subdivision thirty-one (31) of section fifty-one (51), Article IX?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

(31) To license for purposes of regulation or revenue all and every kind of business not prohibited by law, to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise, *provided, however*, that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar located within three hundred (300) feet of any church building or synagogue in use as a place of public worship, public school or public library, but such prohibition as to location shall not apply to the renewal of any such license which was in force September first, 1910, and which continues in force until this charter goes into effect; *and provided, however*, that the council shall have no power to license any saloon, bar, or other place wherein may be sold to be drunk on the premises, any spirituous, malt, vinous or alcoholic liquors in residential districts of the city that is to say, in any place within a radius of three hundred (300) feet of which there are more residences than business houses, and every person who, within any such residential or other restricted district, so sells, barter, gives away in lieu of selling, or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor, *all provided*, that the council may, under such regulations as it may adopt, authorize within as well as without such districts, the sale of such liquors by any regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of such liquors for chemical, mechanical or scientific purposes.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this third day of October, one thousand nine hundred and ten

R. H. CHAMBERTAIN,
WILLIAM C. CLARK
I. H. CLAY
CHARLES H. DALY
ALBERT H. ELLIOT
RAYMOND B. FELTON
JOHN FORREST
RICHARD M. HAMB
HUGH HOGAN
ALBERT KAYSER
JOHN J. McDONALD
GEORGE C. PARDEE
HARRISON S. ROBINSON.
FRED L. SHAW.

Attest
HARRY A. ENCELL, Secretary.

STATE OF CALIFORNIA,
COUNTY OF ALAMEDA,
CITY OF OAKLAND } ss.

I, FRANK K. MOTT, mayor of the city of Oakland, county of Alameda, State of California, do hereby certify that the board of freeholders, a majority of whose names appear signed to the foregoing proposed charter, were on the 6th day of July, 1910, at a special election held in said city of Oakland on said date for that purpose, duly elected as such board by the qualified electors of said city of Oakland to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city more than five years previous to said election; that the foregoing is a true copy of said charter prepared and proposed and returned to me as mayor of said city of Oakland, within ninety days after said election as required by Section 8 of Article XI of the Constitution of this State; that said proposed charter was published in the Oakland Enquirer and in the Oakland Tribune, which then were daily papers of general circulation printed and published in said city, and that said publication was made for more than twenty days, and that the first publication of said proposed charter was so made within twenty days after the completion of said charter; that within thirty days after the publication of said charter, to wit: on the 8th day of December, 1910, the said charter was submitted to the qualified electors of said city at a special election duly called and held therein for the purpose of ratifying or rejecting of said proposed charter and the alternative proposition submitted therewith; that at said election, by a majority of the voters of the said qualified electors voting at said election, said proposed charter was ratified as a whole, and the alternative proposition therein contained being separately voted on, was not ratified, and the majority of the qualified electors of said city voting at said election voted against the ratification of said alternative proposition; that the returns of said election were duly canvassed by the council of the city of Oakland on the 12th day of December, 1910, and the results thereof declared as above set forth, and that in all matters and things pertaining to said proposed charter and the ratification thereof, all provisions of the Constitution of California and all the laws thereof pertaining to the adoption of said charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Oakland to be affixed this 6th day of January, 1911.

[SEAL]

FRANK K. MOTT,
Mayor of the City of Oakland.

Attest:

FRANK R. THOMPSON,

City Clerk and Clerk of the Council of the City of Oakland.

AND, WHEREAS, Said proposed charter so ratified, without said alternative proposition has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power to alter or amend, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (the majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), that said charter of the city of Oakland, without said alternative proposition, as said charter was presented to, adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole as and for the charter of said city of Oakland

RECESS.

At twelve o'clock and forty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 344—An Act to regulate the public service of stallions in California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 344 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, March, McDonald, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Willie, Young, and Mr. Speaker—52.

NOES—Mr. Griffiths—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 348—An Act to amend Section 2193 of the Political Code, with relation to moneys due the State by reason of commitments to the Sonoma State Home.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 348 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinsbaw, Jasper, Jones, Joel, Judson, Kehoe, Lyon of Los Angeles, Maher, March, McDonald, Mott, Nolan, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Willie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No 469—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 469 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinsbaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Maher, March, McDonald, McGowen, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Willie, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 297—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure

Bill read second time.

Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Bill read second time.

Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School

Bill read second time.

Senate Bill No. 369—An Act appropriating money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Bill read second time.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 297, 361, 362, and 369.

Motion carried.

IN COMMITTEE OF THE WHOLE

Speaker Hewitt in the chair

Senate Bills Nos. 297, 361, 362, and 369 considered

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911

GENTLEMEN. The Committee of the Whole have had under consideration Senate Bills Nos. 297, 361, 362, 369, and do now report the same back, and recommend that they do pass

HEWITT, Chairman

Bills ordered on file for third reading.

Senate Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any highway in the State of California, and prescribing a penalty for the violation of such section.

Bill read second time, and ordered on file for third reading

Senate Bill No. 378—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 367d, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle or other motor vehicle and prescribing a penalty for the violation of said section.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367c, concerning the operation or driving of an automobile, motor cycle or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle or other motor vehicle and who while so operating said automobile, motor cycle or other motor

vehicle, causes the death of, or bodily injury to, any person, and prescribing a penalty for the violation of said section

Bill read second time, and ordered on file for third reading

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No 716—An Act to prohibit the use of nets, seines, traps, or weirs in the Napa River and its tributaries, in the counties of Sonoma, Napa, and Solano.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 716 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benumk, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Fairwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Gull, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, March, McDonald, McGowan, Mendenhall, Nolan, Polesky, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Teller, Tibbats, Walker, Walsh, Williams, Young, and Mr. Speaker—58.
NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee and for the payment of the indebtedness of levee district number one of Sutter County," approved March 20, 1874

During the third reading of the bill, Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 8, Section 5 of printed bill strike out all of lines 3 to 18, inclusive, and insert in lieu thereof the following

Section 11. The directors shall each receive an annual compensation of five hundred dollars, payable in quarterly installments, of one hundred and twenty-five dollars each, on the first Monday in June, September, December and March of each year, which sum shall be in full compensation for all services of every nature or kind rendered by said directors. The assessor shall receive two hundred and fifty dollars per annum, payable on the first Monday in August of each year, and six per cent on all personal property taxes collected by him. The tax collector, or ex officio tax collector of the district shall be entitled to receive as compensation for his services one per cent on the first fifty thousand dollars, and one half of one per cent on all sums over fifty thousand dollars collected by him for the use of the district. The county auditor of Sutter County shall receive an annual compensation for his services for said district of two hundred and fifty dollars payable in equal installments on the first Monday in January and July of each year. The election officers shall receive for their services such sum as the board of directors shall deem just and reasonable.

Motion carried

The Speaker appointed Mr. Bohnett as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No 1015, with instructions, do now report that the instructions of the Assembly have been carried out

BOHNETT, Select Committee.

Report of select committee and amendment adopted

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 718—An Act to protect fraternal, benevolent and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

During the third reading of the bill Mr. Cronin moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "member", in line 1 of the printed bill, insert the words "of a secret benevolent or fraternal society, organization, or lodge".

Also: Strike out the word "any", in line 4 of Section 1 of the printed bill, and insert in lieu thereof the word "such".

Motion carried.

The Speaker appointed Mr. Cronin as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 718, with instructions, do now report that the instructions of the Assembly have been carried out.

CRONIN, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 798—An Act to add a new section to the Civil Code of the State of California to be numbered 292a, relating to articles of incorporation and requiring that the signatures of each person therein named as directors shall be affixed to said articles of incorporation and acknowledged.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 798 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, McGowen, Mott, Nolan, Polsley, Preisker, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Young, and Mr. Speaker—60.

NOES—Mr. March—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 972—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 972 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bohnett Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mott, Nolan, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 904—An Act to amend Section 1521 of the Political Code of California, relating to the powers and duties of the State Board of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 904 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1006—An Act to amend an Act entitled "An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1909, extending the provisions of said Act to include sanitary districts

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1006 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges.

During second reading of bill, the following amendment was submitted by the committee:

In line 16, Section 1, of the printed bill, strike out the period after the word "fund" and insert in lieu thereof a semicolon, and all the following: "provided, however, said board shall not take any money out of the county general fund for cost of material for road construction except by unanimous vote of the board of supervisors."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 841—An Act to amend sections twelve hundred and forty-five, twelve hundred and forty-six and twelve hundred and

forty-eight of the Civil Code of the State of California, relating to proceedings on execution against homesteads.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 9, of the printed bill, strike out the period at the end, after the word "thereof", and insert in lieu thereof a semicolon, and the following "and if such application shall not be made within sixty days after the levy of such execution the lien of the execution shall cease at the expiration of said period, and no execution based upon the same judgment shall thereafter be levied upon the homestead."

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 3, line 5, of the printed bill, strike out the words "or claimants", and insert in lieu thereof the words "or his attorney".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 3, line 6, of the printed bill, strike out the period after the word "hearing", and insert a semicolon, and the following "and if such service shall not be so served, the lien of the execution shall cease at the expiration of said period of ninety days, and no execution based upon the same judgment shall thereafter be levied upon the homestead."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 532—An Act to add a new section to the Penal Code, to be known as Section 345, relating to loans upon salaries or wages, and limiting the amount of interest to be charged thereon, and providing a penalty for the violation thereof.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 796—An Act to amend the Civil Code of the State of California, by adding three new sections thereto to be numbered 3474, 3475 and 3476, requiring all assignments of wages to be earned in the future to be recorded in the county in which such wages are to be earned, and prescribing the effect thereof, and the fees therefor; and requiring all assignments of wages to be earned in the future when the assignor thereof is a married man or woman to be signed by the wife or husband of the assignor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 6, of the printed bill, strike out the word "section"

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 15, of the printed bill, strike out the word "section".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor."

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title thereof, by adding after the word "therefor", in the last line of the title, the words "Approved March 11, 1907."

Amendment adopted.

AMENDMENT No. 2.

In Section 1, page 1 line 6 of the printed bill, after the word "therefor", insert the following "Approved March 11, 1907."

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 2, page 2, of the printed bill, and insert in lieu thereof the following

"Sec. 2. Section 22 of said Act is hereby amended to read as follows."

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 2, beginning with the last word of line 12, strike out down to and including the word "retailer" at the next period, and insert in lieu thereof the following "When such dealer can establish by satisfactory evidence that the article sold by him was mislabeled and that at the time of making such sale he was not aware of that fact"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 929—An Act to authorize and require the payment by the counties of interest on state highway bonds

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code relating to leases of city and town lots.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 931—An Act to amend the Political Code of California by adding thereto a new section to be numbered 4156b, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of, or act as counsel for, any person or persons, association or corporation accused of a crime in any county or city and county in the State, during their incumbency.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1031—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims.

Bill read second time, and ordered to engrossment and third reading.

Assembly bill No. 330—An Act making an appropriation to pay the claim of Marin County against the State of California.

Bill read second time.

Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California

Bill read second time.

Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Bill read second time.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 330, 331, and 345.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 330, 331, and 345 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 330, 331, and 345, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Bills ordered to engrossment and third reading.

Assembly Bill No. 1042—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1068—An Act to amend section ten of an Act entitled "An Act to define the boundary and provide for the government of Levee District Number Two of Sutter County," approved March 23, 1876.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 10, line 18, strike out the word "six", and insert in lieu thereof the following "seven".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 719—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commis-

sioner of Public Works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the enacting clause add the words:

SECTION 1. An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain Acts a felony, and making an appropriation of money for the purposes of this Act," approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and

to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing for the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof, approved March 11, 1907, is hereby amended to read as follows

Amendment adopted.

AMENDMENT No. 2

In line 6, Section 1, page 1, of the printed bill, strike out the word "resident".

Amendment adopted.

AMENDMENT No. 3.

In line 8, Section 1, page 3, of the printed bill, strike out the first word "and", and insert the word "act".

Amendment adopted.

AMENDMENT No. 4.

In lines 1 and 2, Section 2, page 3, of the printed bill, strike out the words "by and with the consent of the Senate".

Amendment adopted.

AMENDMENT No. 5.

In line 3, Section 2, page 3, after the word "of", insert the words "department of".

Amendment adopted.

AMENDMENT No. 6.

In line 3, Section 2, page 3, of the printed bill, after the words "engineering and", insert the words "who shall be a competent civil engineer and who shall be selected with particular reference to his qualifications for and practical knowledge of highway, location, construction and maintenance".

Amendment adopted.

AMENDMENT No. 7.

After the word "office", in line 2, Section 3, page 3, of the printed bill, strike out the rest of the section, and substitute the following: "during the pleasure of the Governor".

Amendment adopted.

AMENDMENT No. 8.

In line 4, Section 5, page 3, of the printed bill, strike out the word "resident".

Amendment adopted.

AMENDMENT No. 9.

In line 6, Section 5, page 4, of the printed bill, strike out the word "superintendent", and insert in lieu thereof the word "superintendents".

Amendment adopted.

AMENDMENT No. 10.

After the period after the word "engineering" in line 10, Section 5, page 4, of the printed bill, insert "Section 5a. Upon this Act becoming effective the Superintendent of the Department of Engineering shall appoint a competent engineer to be superintendent of rivers."

"Sec. 5b. The superintendent of rivers shall have control of all river and dredger work and other work connected with river, swamp and harbor work under control of the department of engineering".

Amendment adopted.

AMENDMENT No. 11

On page 9, Section 12, strike out lines 1, 2, and 3

Amendment adopted.

AMENDMENT No. 12.

After the word "counties", in lines 4, 5, and 6, Section 13, page 9, strike out the words, "or which shall not be of especial benefit to the counties through which it passes", and insert the words, "to the state highway system."

Amendment adopted.

AMENDMENT No. 13.

In lines 11 and 12, Section 13, page 9 of the printed bill, strike out the words, "in and for the especial benefit of".

Amendment adopted.

AMENDMENT No. 14

In line 5, Section 16, page 10, of the printed bill, strike out the word "estimated".

Amendment adopted.

AMENDMENT No. 15.

In line 8, Section 17, page 10, of the printed bill, strike out the word "same" and insert the words, "department of engineering".

Amendment adopted.

AMENDMENT No. 16.

After the period in line 6, Section 19, page 11, of the printed bill, add the words "in this fund shall all moneys appropriated by the State for the maintenance of completed state highways and shall be drawn upon at the order of the superintendent of department of engineering."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment and third reading.

Committee Substitute for Assembly Bill No. 553—An Act to divide the State of California into six fish and game districts.

Bill read second time, and ordered to engrossment and third reading.

NOTICE OF MOTION TO RECONSIDER CONTINUED.

On motion of Mr. Maher, his previous notice of motion to reconsider Assembly Bill No. 25 was continued until the next legislative day.

MOTION.

Mr. Brown moved that when the Assembly adjourn this day, it do so out of respect to the memory of Abraham Lincoln.

Motion carried.

LEAVE OF ABSENCE.

Mr. Stuekenbruck asked for, and was granted, leave of absence until Wednesday, February 15, 1911.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following request for permission to introduce bill was filed:

By Mr. Schmitt:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to add a new section to the Civil Code to be known as Section 6532, c. thereof, relating to terms of office of directors in non-profit cooperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time."

SCHMITT,

Member Fortieth District.

Referred to Committee on Introduction of Bills.

RESOLUTION.

Mr. Slater sent to the desk a resolution relative to the election of a United States Senator in Congress, which was referred to the Committee on Rules and Regulations.

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, February 14 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Tuesday, February 14, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—76.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker. Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Crosby, its further reading was dispensed with.

GUESTS ADMITTED TO FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Wilson, Mr. R. W. Rice was granted the privileges of the floor of the Assembly for this day.

PETITIONS.

The following petitions were filed:

By Mr. Young:

To the Honorable Senate and Assembly, Legislature of the State of California:

Your petitioners, the Berkeley Chamber of Commerce, respectfully show to your honorable body that the University of California has grown to be recognized as one of the great seats of learning of the world, and is entitled to the support that its

importance deserves. Your petitioners are informed that your honorable body appreciates these conditions, and have under consideration measures intended to provide for new buildings and increased facilities for the use of the faculty and students of the university, and we beg permission to add our petition on behalf of these measures. As residents of Berkeley we are familiar with the needs of this institution, and know that the funds granted by your honorable body will be most worthily bestowed and wisely administered. We respectfully request that the appropriation for the University of California may be ample, in order that it shall be able to meet the demands of the present generation in higher and better education.

And your petitioners will ever pray.

BERKELEY CHAMBER OF COMMERCE,

C. C. JUSTER, President.
WELLS DRURY, Secretary.

Petition read, and on motion of Mr. Young, ordered printed in the Journal.

By Mr. Wilson:

Petition opposing the enactment of laws abolishing the use of pump guns.

Signed: A. L. MARSHALL (and 61 other hunters).

COMMUNICATION.

The following communication was filed by Speaker Hewitt:

WASHINGTON, D. C., February 13, 1911.

To the President of the Senate, and Speaker of the Assembly, California Legislature, Sacramento, California.

I have received numerous telegrams from commercial organizations and different corporations in California, some advocating, other protesting, against adoption proposed reciprocity treaty with Canada. I am very desirous of carrying out wishes of the people of our State in regard to this treaty as well as all other matters. The members of present Legislature recently elected coming direct from the people, it would be gratifying to me to have them give expression to their wishes in relation to this subject-matter. In the absence of such instructions I shall feel it my duty to support the policy of President Taft's administration.

GEO. C. PERKINS.

Communication ordered printed in the Journal, and referred to Committee on Federal Relations.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 823—An Act providing for the employment of convicts confined in the state prisons on the public highways belonging to and under the control of the State of California, and providing for the care and control of such convicts during such employment—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CHANDLER, Chairman.

The above reported bill ordered on file for second reading.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Senate Bill No. 695—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison and the disposition thereof—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

GERDES, Chairman.

The above reported bill ordered on file for second reading.

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER Your Committee on Common Carriers, to whom was referred Assembly Bill No. 606—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653g and providing a penalty in case any person, company or corporation operating a railroad permits an intoxicated person or person in habit of becoming intoxicated to operate a railroad—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

PREISKER, Chairman.

The above reported bill ordered on file for second reading.

ON RETRENCHMENT AND REFORM.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER Your Committee on Retrenchment and Reform, to whom was referred Assembly Bill No. 997—An Act to amend section one of chapter XLIV of the statutes passed at the extra session of 1906, requiring the payment into the state treasury of all moneys belonging to the State received by the various state institutions, commissions, and officers, and directing the disposition of the same—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

IAMB, Chairman.

The above reported bill ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 836—An Act to amend Chapter 107 of the general laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets" etc., approved March 6, 1908—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER Your Committee on Medical and Dental Laws, to whom was referred Senate Bill No. 655—An Act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto making violations of its provisions a misdemeanor, providing penalties, and repealing an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889—have had the same under consideration, and respectfully report the same back with five amendments, and recommend that the same do pass as amended.

HINSHAW, Chairman.

The above reported bill ordered on file for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No. 687—An Act making an appropriation to pay the claim of the San Diego Union Company.

Also Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale and others against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

WALKER, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 797—An Act to provide permanent headquarters in the Capitol Building for the Grand Army of the Republic, to designate the purposes for which the same shall be used—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

HINKLE, Chairman.

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 768—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park near the city of Sacramento, State of California and erect thereon a new and modern combination grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

Also Assembly Bill No. 769—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds at Agricultural Park near the city of Sacramento, State of California, and making an appropriation therefor.

Also Assembly Bill No. 1139—An Act to provide for equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also Assembly Bill No. 1140—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Also Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and appropriate money therefor.

Also Assembly Bill No. 420—An Act appropriating money for the purchase of a standpipe and water pipes to repipe grounds and buildings of the Whittier State School.

Also Assembly Bill No. 421—An Act appropriating money to be used in the purchase of new range and new equipment in kitchen, boys department of the Whittier State School.

Also Assembly Bill No. 422—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Also Assembly Bill No. 423—An Act appropriating money to be expended in the erection and equipment of a hospital building on the grounds of the Whittier State School.

Also Assembly Bill No. 425—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Also Assembly Bill No. 430—An Act to appropriate money for repairs on the main building of the Whittier State School.

Also Assembly Bill No. 1092—An Act to appropriate money to erect construct and equip a training school at the San Jose State Normal School.

Also Senate Bill No. 364—An Act appropriating money for the purchase of a standpipe and water pipes to repipe grounds and buildings of the Whittier State School.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills ordered on file for second reading and re-referred to Committee on Ways and Means

ON CONSERVATION

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER Your Committee on Conservation, to whom was referred Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power, fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights

under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act repealing all Acts and parts of Acts in conflict with this Act.

Also · Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Also · Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "Conservation Commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor.

Also · Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CLARK, Chairman

The above reported bills ordered on file for second reading

ON SWAMP AND OVERFLOWED LANDS, LEVEES, AND RIVER IMPROVEMENTS

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER · Your Committee on Swamp and Overflowed Lands, Levees, and River Improvements, to whom was referred Assembly Bill No. 833—An Act to amend Section 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Section 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

LYNCH, Chairman.

The above reported bill ordered on file for second reading.

ON CONTESTED ELECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911

MR. SPEAKER · Your Committee on Contested Elections have had the matter of the contest of Vollmer vs. Walsh under consideration, and beg leave to report as follows

That the contest of Vollmer be dismissed

SLATER
LYON of San Francisco.
GERDES
CHANDLER.
McDONALD.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, CAL., February 14, 1911.

MR. SPEAKER: Your Committee on Contested Elections, to whom was referred the matter of the contest of *Vollimer vs. Walsh* (said Vollimer acting for E. J. Baumberger), for a seat in this Assembly from the Thirty-seventh Assembly District, beg leave to submit a minority report as follows:

We have carefully examined all the testimony submitted to this committee and find ample evidence to cause your committee to believe that probable error had been committed in counting the votes for the office of member of Assembly in said Thirty-seventh Assembly District. The sworn testimony presented to your committee shows that the election officers in many of the polling places in said Thirty-seventh Assembly District were lamentably unfit to perform their respective duties as they were evidently unable to count or tally the vote correctly; that in one instance one of the tally books mysteriously disappeared, and that in some polling places six out of the eight election officers had disappeared from the polling places long before the votes in said polling places were counted.

We find from the evidence submitted no direct evidence of fraud but such a gross carelessness and indifference on the part of election officers as to almost amount to criminal negligence.

We recommend that your committee be authorized, empowered, and instructed to send for persons and papers including election ballots as provided by law and that your committee be ordered to count such ballots and report the result of its labors to this Assembly.

GAYLORD, Chairman.
CRONIN.

SPECIAL ORDER SET.

On motion of Mr. Bohnett, the consideration of the *Vollimer vs. Walsh* contest was made a special order for Wednesday, February 15, 1911, at eleven o'clock A. M.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1255a, relating to the abandonment of condemnation proceedings and providing for costs upon such abandonment.

Also, Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act, which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto.

Also Senate Bill No. 556—An Act to amend the Code of Civil Procedure, by adding a new section thereto to be numbered eighteen hundred seventy (a), relating to the appointment of medical experts as witnesses, the manner of obtaining and introducing the testimony of such experts, and to provide for the payment of the services of such witnesses.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 52 read first time, and referred to Committee on Judiciary.

Committee substitute for Senate Bill No. 261 read first time, and referred to Committee on Medical and Dental Laws.

Senate Bill No. 556 read first time, and referred to Committee on Judiciary.

MOTION.

On motion of Mr Bohnett, the proceedings of the Joint Assembly in commemoration of Lincoln's Birthday were ordered printed in the Journal.

COMMEMORATION IN JOINT ASSEMBLY OF LINCOLN'S BIRTHDAY.

IN ASSEMBLY CHAMBER.

SACRAMENTO, Monday, February 13, 1911

At eight o'clock P. M., members of the Senate and Assembly, with their families and friends, occupied the Assembly Chamber for the purpose of observing the anniversary of the birthday of Abraham Lincoln, in conformity with the provisions of Assembly Concurrent Resolution No. 7, and the order of exercises as arranged by the "Joint Committee of Senators and Assemblymen on Lincoln's Birthday Celebration," previously appointed by Hon. A. J. Wallace, Lieutenant Governor and President of the Senate, and Hon. A. H. Hewitt, Speaker of the Assembly. The following program was rendered, each number being punctuated by much appreciated applause:

PROGRAM

1. Ode, "America" (three stanzas audience standing)---Led by Quartette
2. Introductory-----Hon A H Hewitt, Speaker of Assembly
3. Chairman of the evening-----President pro tem of Senate A B Boynton
4. Invocation-----Rev. Father Henry H. Wyman
5. "Rest, Soldier, Rest"-----Quartette
 Mrs. J. A. Moynihan Mrs. Wm. T. Murcell
 Mr. Walter Longbotham Mr. Homer Henley
 Miss Zuelettia Geery, Accompanist
6. Address-----Governor Hiram W. Johnson
7. Duet-----Mrs. J. A. Moynihan, Mrs. Wm. T. Murcell
8. Address, "Lincoln, the Man"-----Judge Albert G. Rutsett
9. Baritone solo-----Mr. Homer Henley
10. "Tribute to Lincoln" Original Poem by-----Frances Lane Leavitt
11. Address, "Lincoln"-----Hon Lee C. Gates
12. Solo and Duet, "California" (by request)-----
 Mrs. Wm. T. Murcell, Mrs. J. A. Moynihan
13. Poem, "Death of Lincoln"-----Chas. A. Vogelsang
14. "Star Spangled Banner"-----Quartette (audience standing)
 Mrs. J. A. Moynihan Mrs. Wm. T. Murcell
 Mr. Walter Longbotham Mr. Homer Henley
 Miss Zuelettia Geery, Accompanist
15. Benediction-----Rev. Frank K. Baker

HON. CHARLES P. CUTTEN,
 HON. NEWTON W. THOMPSON,
 HON. L. W. JILLIARD,
 HON. H. N. BEATTY,
 HON. J. H. TIBBITS,
 HON. JOHN C. MARCH,

Joint Legislative Committee on Arrangements

J. J. MCCARTHY, *Secretary*

THIRD READING OF BILLS.

Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907; amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have

failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 740 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Benunk, Bishop, Bliss, Bohnett, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinslaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Malone, March, McGowan, Mendenhall, Mott, Palsley, Preisker, Randall, Rindmger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Teller, Tibbitts, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—65

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 1 of Article 4 thereof, relating to legislative powers and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls, independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

SPECIAL ORDER SET.

On motion of Mr. Jones, the consideration of Senate Constitutional Amendment No. 22 was made a special order for Thursday, February 16, 1911, at eleven o'clock A. M.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11 and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts.

During the consideration of the Assembly constitutional amendment, the following amendment was submitted by the committee:

On page 3, Section 3, line 58, of the printed resolution, amend by striking out the period after the word office, and inserting in lieu thereof a semicolon, and the following "provided, that justices of the peace now holding office shall receive to their own use such fees as are now allowed by law during the terms for which they have been elected."

Amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for adoption.

SECOND READING OF BILLS.

Assembly Bill No. 1201—An Act to amend section ten hundred and forty-four of the Political Code of the State of California, relating to conduct of municipal elections.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1202—An Act to amend Section 1079 of the Political Code of the State of California, relating to expenditures in respect to elections.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1203—An Act to amend Section 1188 of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1204—An Act to repeal Sections 1186, 1187, 1189, 1190, 1193, 1194, 1357, 1358, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1367a, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375 of the Political Code of the State of California, relating to elections.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1182—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California and adding a new section to the Political Code of the State of California to be numbered Section 461, relating to the public schools and creating a fund for their support.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 607—An Act to amend Section 1198 of the Political Code of the State of California, relating to the printing and binding of ballots.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 401—An Act to amend Section 1216 of the Political Code, relating to the duties of a registrar of voters, and a board of election commissioners.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section of article of the Constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 145—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

During third reading of the bill, Mr. Held moved that the Speaker appoint a select committee of one to amend the bill as follows:

By striking out lines 9 and 10, of page 1, of the printed bill.

Roll call regularly demanded.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Brown, Callaghan, Coghlan, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Gaylor, Guill, Hall, Harlan, Held, Hinshaw, Jasper, Kennedy, Lamb, Lyon of San Francisco, Maher, Mendenhall,

Polsley, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, and Mr. Speaker—35.

NOES—Messrs. Beatty, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Farwell, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Hinkle, Jones, Joel, Judson, Kehoe, Lynch, Lyon of Los Angeles, Malone, March, McDonald, McGowen, Mott, Preisker, Randall, Rogers of Alameda, Rutherford, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, and Young—41.

On motion of Mr. Young, further consideration of the bill was continued until the completion of the Senate File this day.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 575—An Act to amend an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private lands within the State of California; creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund and appropriating the money in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making appropriation therefor," approved March 18, 1905, as amended March 22, 1909.

During the third reading of the bill Mr. Brown moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the period after the word "paid", in line 20, Section 1 of bill, and insert semicolon in lieu thereof, and insert the following: "provided, that he shall not appoint any relative within the degree of first cousin to any deputyship or position in his office."

Roll call regularly demanded.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Bennink, Bliss, Bohnett, Brown, Cattell, Farwell, Held, Hinshaw, Judson, Kehoe, March, Polsley, Telfer, and Wyllie—14.

NOES—Messrs. Beatty, Beckett, Bishop, Butler, Callaghan, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Jones, Joel, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—57.

During the further consideration of the bill, Mr. March moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by inserting after the word officer, on page 2, line 12, of the printed bill, the following: "and who shall be a technically trained forester".

On motion of Mr. Brown, further consideration of Assembly Bill No. 575 was continued until after recess.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

The question being on the motion of Mr. March to appoint a select committee to amend Assembly Bill No. 575.

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 575 passed by the following vote:

AYES—Messrs. Bennink, Bishop, Callaghan, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Fitzgerald, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Judson, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walker, Williams, Wilson, and Mr. Speaker—42.

NOES—Messrs. Beatty, Beckett, Benedict, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Farwell, Feeley, Flint, Gerdes, Griffin of Modesto, Joel, Kehoe, Kennedy, Lyon of San Francisco, March, McDonald, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Smith, Sutherland, Walsh, Wyllie, and Young—34.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 574—An Act to provide for the propagation, distribution, and protection of wild game and fish in the State of California, and defining the powers and duties of the State Forester, his deputies and appointees in connection therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 574 passed by the following vote:

AYES—Messrs. Bennink, Bishop, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Fitzgerald, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—46.

NOES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Butler, Chandler, Clark, Farwell, Feeley, Flint, Gerdes, Joel, Kehoe, Lyon of San Francisco, March, McDonald, Nolan, Polsley, Preisker, Randall, Rimlinger, Ryan, Sbragia, Smith, Sutherland, Walsh, and Wyllie—28.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 576—An Act to repeal sections three hundred and forty-four, six hundred and forty-two, and six hundred and forty-three of the Political Code, relating to the State Board of Fish and Game Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 576 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Judson, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McGowen, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda,

Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—54.

NOES—Messrs. Beatty, Beckett, Bliss, Bohnett, Brown, Clark, Feeley, Gerdes, Kehoe, Kennedy, Lyon of San Francisco, McDonald, Nolan, Ryan, Sbragia, and Wyllie—16.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 573—An Act to regulate and license hunting of wild birds and animals, and the vocation of fishing, and to provide revenue therefrom for fish and game preservation and restoration.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 573 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Benuink, Bishop, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Cunningham, Denegri, Fitzgerald, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Jones, Judson, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McGowen, Mendenhall, Mott, Randall, Rogers of Alameda, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—48.

NOES—Messrs. Beatty, Bliss, Bohnett, Brown, Chandler, Clark, Farwell, Feeley, Flint, Gerdes, Held, Joel, Kehoe, Kennedy, Lyon of San Francisco, McDonald, Nolan, Polesley, Rutherford, Ryan, Sbragia, Telfer, and Wyllie—22.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS.

Senate Bill No. 247—An Act to repeal Section 644 of the Penal Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 247 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bliss, Bohnett, Callaghan, Clark, Cogswell, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Joel, Hinkle, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Nolan, Polesley, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—53.

NOES—Messrs. Bennink, Brown, Butler, Cattell, Chandler, Cogswell, Crosby, Farwell, Freeman, Guill, Hamilton, Hinshaw, Jasper, Jones, Mendenhall, Mott, Preisker, Rogers of Alameda, Rosendale, Smith, and Wyllie—21.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Joint Resolution No. 8—Relative to diverting the waters of the Truckee River from their natural course.

Assembly Bill No. 255—An Act to amend section two and section fourteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys,

courts and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Assembly Bill No. 578—An Act to prohibit the use of nets, seines, traps, or weirs for the catching of fish in Cache Slough and its tributaries in the counties of Solano and Yolo.

And were presented to the Governor February 13th, at five o'clock P. M.

RANDALL, Chairman.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following

Assembly Concurrent Resolution No. 13—Relative to the observance of Washington's birthday.

Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-four, ten hundred ninety-five, ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

Assembly Bill No. 1110—An Act to amend sections eleven hundred thirteen, eleven hundred fifteen and eleven hundred seventeen of the Political Code of the State of California, relating to registration of electors.

Assembly Bill No. 1111—An Act to repeal section eleven hundred eighteen of the Political Code of the State of California, relating to qualification and registration of voters at primary elections.

Assembly Bill No. 1112—An Act to repeal section eleven hundred nineteen of the Political Code of the State of California, relating to registration of voters at primary elections.

Assembly Bill No. 1113—An Act to amend section eleven hundred twenty of the Political Code of the State of California, relating to qualifications of voters.

Assembly Bill No. 1114—An Act to amend section eleven hundred forty-two of the Political Code of the State of California, relating to boards of election.

Assembly Bill No. 1115—An Act to amend section eleven hundred ninety-two of the Political Code of the State of California, relating to the filing of certificates of nomination.

Assembly Bill No. 1116—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

Assembly Bill No. 1117—An Act to amend section twelve hundred eighty-five of the Political Code of the State of California, relating to returns of election of district officers.

Assembly Bill No. 82—An Act to provide for the building, equipping and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Assembly Bill No. 694—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112, of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

Assembly Bill No. 966—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1251a, relating to eminent domain.

Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed.

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Assembly Bill No. 57—An Act to amend the Civil Code by adding a new section thereto to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations, and prescribing a penalty therefor.

Assembly Bill No. 727—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered 598a, providing for the creation of a bonded indebtedness upon personal property by corporations organized where pecuniary profit is not their object.

Assembly Bill No. 947—An Act to amend Section 628a of the Penal Code of the State of California, relating to striped bass.

Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California.

Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Assembly Bill No. 553—An Act to divide the State of California into six fish and game districts.

Assembly Bill No. 929—An Act to authorize and require the payment by the counties of interest on state highway bonds

Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Assembly Bill No. 1031—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims.

Assembly Bill No. 1042—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein

Assembly Bill No. 909—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands

Assembly Bill No. 855—An Act to repeal Section 250 of the Political Code of the State of California, relating to codification by the Judiciary Committee of laws referred to other committees

Assembly Bill No. 208—An Act to authorize the personal representative of James Touhey, deceased, to bring suit against the State of California

And report that the same have been correctly engrossed.

RANDALL, Chairman.

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911

MR SPEAKER Your Committee on Introduction of Bills, to whom were referred the following joint resolutions, herewith return the same with the recommendation that the authors be permitted to introduce them. The numbers of said joint resolutions are as follows:

Joint Resolution No. 14—Relative to the Panama-Pacific Exposition.

Joint Resolution No. 15—Relative to the Panama-Pacific Exposition

CHANDLER, Chairman.

Mr. Chandler moved the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—67.

NOES—None

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

MR SPEAKER Your Committee on Introduction of Bills, to whom was referred the following bill, herewith return the same with the recommendation that the author be permitted to introduce it. The number of said bill is as follows:

Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 6532c thereof, relating to the terms of office of directors in non-profit cooperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time

CHANDLER, Chairman.

Mr. Chandler moved the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—Mr. Flint—1.

INTRODUCTION OF BILL, ETC.

The following were introduced and referred as indicated:

By Mr. Held: Assembly Joint Resolution No. 14—Relative to the Panama-Pacific International Exposition.

Read, and referred to Committee on Federal Relations.

Also: Assembly Joint Resolution No. 15—Relative to the Panama-Pacific Exposition.

Read, and referred to Committee on Federal Relations.

By Mr. Schmitt: Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 6532c thereof, relating to the terms of office of directors in non-profit coöperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time.

Bill read first time, and referred to Committee on Corporations.

RECONSIDERATION.

In accordance with notice previously given, Mr. Maher moved that the vote whereby Assembly Bill No. 25 was passed, be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Maher the reconsideration of Assembly Bill No. 25 was made a special order for Wednesday, February 15, 1911, at ten o'clock and twenty minutes A. M.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 185—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing, or tracking of deer with dogs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 185 passed by the following vote:

AYES—Messrs. Beatty, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Shragia, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—Messrs. Beckett, and Walker—2.

Title read and approved

Bill ordered transmitted to the Senate.

NOTICE OF INTENTION TO MOVE TO AMEND RULES.

Mr. Bishop gave notice that on next legislative day he would move to amend the Standing Rules of the Assembly in accordance with the following resolution:

Resolved, That the last paragraph of Rule 68 of the Standing Rules of the Assembly be amended so as to read as follows:

"The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation. When such temporary rule or regulation shall have been adopted by a two-thirds vote of the house it shall have the effect, for the time being, of a standing rule, and if such temporary rule shall be in conflict with a standing rule it shall supersede said standing rule for the time being, and shall be enforced by the Speaker."

MOTION.

Mr Coghlan moved that the words "with amendments", and "as amended", on the last line of the report of the Committee on Municipal Corporations, which appears on page 57 of the Journal of the Assembly of date, February 10, 1911, be stricken out, and expunged from the Journal, and that the said report be amended accordingly.

Motion carried.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Gerdes:

WHEREAS, Leave of absence was granted by this Assembly to the following members of the Committee on State Prisons and Reformatory Institutions: A. Cunningham and Fred C. Gerdes to visit the Whittier State School at Whittier, California, and investigate appropriation bills for that institution: and

WHEREAS, The said members of said committee have submitted the following as a statement of their actual expenses:

A. Cunningham—	
Railroad fare -----	\$37 85
Expenses, including meals, lodgings, etc.-----	30 00
Total -----	\$67 85
Fred C. Gerdes—	
Railroad fare -----	\$37 85
Expenses, including meals, lodgings, etc.-----	30 00
Total -----	\$67 85

Now, therefore, the undersigned chairman recommend that said members be allowed their actual expenses as per Assembly Rule No. 80, and respectfully ask that the aforesaid accounts be referred to the Committee on Contingent Expenses and Accounts.

GERDES, Chairman.

Resolution read, and referred to Committee on Contingent Expenses and Accounts

Also:

By Mr. Bohnett.

Resolved, That the Controller be, and is hereby authorized and directed to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same, for the sum of thirty-four and 71-100 dollars in favor of the Western Union Telegraph Co., same being for the payment of the following claim:

Jan. 20—To Hon. Geo. C. Perkins, Washington, D. C.-----	\$17 51
Jan. 23—To Hon. Geo. C. Perkins, Washington, D. C.-----	8 00
Jan. 31—To Hon. J. N. Sherman, Washington, D. C.-----	4 60
Jan. 31—To Hon. Joe Cannon, Washington, D. C.-----	4 60
	<hr/> \$34 71

Resolution read, and referred to Committee on Contingent Expenses and Accounts

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 1042—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1042 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell,

Feele, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevonot, Sutherland, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

During the third reading of the bill Mr. Young moved that the Speaker appoint a select committee of one to amend the bill as follows:

At the beginning of line 1 of the printed bill, insert the words "Section 1."

Also: In line 5 of the printed bill, strike out the words "at least."

Also: In line 6 of the printed bill, strike out the word, "every", and in place thereof insert the word "one."

Also: In line 7 of the printed bill, after the word "of", insert the words "each school district of".

Also: Strike out lines 9 and 10 of the printed bill, and in place thereof insert the following: "The school trustees of each school district shall select the trustee, whose duty it shall be to attend such meeting, and each trustee so selected shall be allowed his actual traveling expenses incurred in going to and returning from such meetings, such expenses to be verified by the county superintendent of schools".

Also: In line 5 of the printed bill, change "must" to "may".

Also: In line 6 of the printed bill, change "trustee's" to "trustees".

Motion carried.

The Speaker appointed Mr. Young as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 108, with instructions, do now report that the instructions of the Assembly have been carried out.

YOUNG, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Crosby, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, February 15, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Wednesday, February 15, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Benmink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunn-

ham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hatt, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—SO.

Quorum present

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Slater, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Harlan, Mr. Geo. A. Story was granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Messrs. Chas. B. Whilden, Edward P. Healey, M. R. Sutherland and Wm. Gleeson were granted the privileges of the floor of the Assembly for this day.

PETITIONS.

The following petitions were filed and, on motion, ordered printed in the Journal:

By Mr. Polsley:

RED BLUFF, CALIFORNIA, February 13, 1911.

Hon. Harry Polsley, Assembly Chamber, Sacramento, California

We, the undersigned, farmers, citizens, taxpayers, and business men of the county of Tehama, State of California, respectfully petition you to use your best endeavors to amend Section 637a of the Penal Code of the State of California in regard to the protection of the following non-game birds, to wit: What is commonly known and called sandhill crane, as these birds are very destructive to growing crops, and do untold damage to a farmer during the year.

Also to have the law relating to meadow larks amended so that said birds may be killed by any person at any time or place, as these birds are very destructive to farmers, orchardists, and gardeners, and are in fact a pest and should be destroyed, and if the law were so amended as to permit any one to kill them at any time, it would gradually in time reduce the numbers of this pest.

And your petitioners will ever pray, etc.

Signed: E. J. BLOSSOM (and others).

Also:

By Mr. Wilson:

A petition from the Woodland local of the Socialist party relative to the Board of Regents of the University of the State of California.

Signed: H. HACHMAN (and others).

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No 961—An Act to amend "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said depart-

ment, its officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a commissioner of public works, defining his duties and powers, and fixing his compensation,' approved February 9, 1900, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April 1, 1897; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March 17, 1897, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March 24, 1893, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April 1, 1897, and all Acts or parts of Acts amendatory thereof," approved March 11, 1907, by amending Sections 1, 14, 2, 3, 6, 7 and 17 thereof, and by adding a new section thereto to be numbered Section 204, relating to the officers and employees of the department of engineering, their powers, duties and salaries—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CHANDLER, Chairman

The above reported bill ordered on file for second reading

ON CONSERVATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Conservation, to whom was referred Assembly Bill No. 829—An Act prohibiting the unnecessary wasting of natural gas into the atmosphere, providing for the capping or otherwise closing of wells from which natural gas flows, and providing penalties for violating the provisions of this Act—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CLARK, Chairman.

The above reported bill ordered on file for second reading

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

Also: Assembly Bill No. 1129—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

Also: Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

GERDES, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 11—Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FREEMAN, Chairman.

The above Assembly joint resolution ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 10—Relating to federal aid for the Indian schools of the Northern California Indian Association in Yolo County, California—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FREEMAN, Chairman.

The above Assembly joint resolution ordered on file for adoption.

ON STATE LIBRARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on State Library, to whom was referred Assembly Concurrent Resolution No. 14—Relative to a building for the California State Library, the Supreme Court, and the Third District Court of Appeal—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FEELEY, Chairman.

The above Assembly concurrent resolution ordered on file for adoption.

SPEAKER HEWITT IN THE CHAIR

At ten o'clock and twenty minutes A. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

REPORTS OF STANDING COMMITTEES—(RESUMED)

ON COMMERCE AND NAVIGATION

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 352—An Act creating a board of pilot commissioners for the harbor of San Diego, defining their duties, and fixing their compensation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SCHMITT, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 310—An Act to provide for the accomplishment of the work of the construction of a breakwater in Monterey Bay, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives No. 1084, sixty-first Congress, third session, and making an appropriation for such work—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

SCHMITT, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 998—An Act ceding to the city of San Diego certain state tide lands in the bay of San Diego for improvement and operation under

municipal control in the interests of commerce and navigation—have had the same under consideration, and report the same back with the following committee substitute therefor

Committee Substitute for Assembly Bill No. 998—An Act conveying certain tide lands lying under inland navigable waters situated in the bay of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof—and recommend that the committee substitute do pass

SCHMITT, Chairman

Mr. Schmitt moved the adoption of the committee substitute.

Motion carried.

Committee Substitute for Assembly Bill No. 998 read first time, and ordered on file without reference.

ON PUBLIC MORALS

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 1013—An Act to amend Section 316 of the Penal Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Judiciary.

CRONIN, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 1023—An Act to repeal Section 79 of the Civil Code of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CRONIN, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CRONIN, Chairman

The above reported bill ordered on file for second reading.

ON RULES AND REGULATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Mr. Bishop's notice of motion to amend the rules, by amending Rule 68 in accordance with the following resolution.

Resolved, That the last paragraph of Rule 68 of the Standing Rules of the Assembly be amended so as to read as follows

'The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation. When such temporary rule or regulation shall have been adopted by a two-thirds vote of the House it shall have the effect, for the time being, of a standing rule, and if such temporary rule shall be in conflict with a standing rule it shall supersede said standing rule for the time being, and shall be enforced by the Speaker'

Have had the same under consideration, and respectfully report the same back, and recommend that the Assembly amend its Standing Rules in accordance with said notice of motion

PREISKER, Chairman

Mr. Bishop moved the adoption of the report and resolution

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley,

Fitzgerald, Flint, Freeman, Gavlord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hushaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rindlinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—66

NOES—None

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER Your Committee on Rules and Regulations, to whom was referred resolution by Mr. Gerdes relative to leave of absence of Committee on State Prisons and Reformatory Institutions.

WHEREAS, There has been reported to the Committee on State Prisons and Reformatory Institutions certain bills calling for appropriation for the state prison at San Quentin and

WHEREAS, It is necessary in order to enable said committee to intelligently act on said bills that they visit said institution, said committee now through the chairman thereof, applies to this Assembly for leave of absence for the members of said committee hereinafter designated. That the occasion and necessity for visiting said institution are as above stated; that the names of the committeemen designated by the chairman for the purpose aforesaid are as follows, to wit Messrs. Bishop, Cattell, Cunningham, Gerdes, Harlan, Lynch, Rogers, Stevenot, and Telfer to visit the state prison at San Quentin; and application is hereby made to this Assembly for a leave of absence for the above named members of said committee for the period extending from and including Friday, the 17th day of February, 1911, at three o'clock P. M. to and including Monday, the 20th day of February, 1911, therefore, be it now

Resolved, That the above named members of said committee on State Prisons and Reformatory Institutions be and they are hereby granted leave of absence from and including the 17th day of February, 1911, at three o'clock P. M., to and including the 20th day of February, 1911—have had the same under consideration and respectfully report the same back and recommend that it be adopted

PREISKER, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER Your Committee on Rules and Regulations begs leave to report the following resolution:

Resolved, That for the purpose, and for that purpose only, of considering the resolution by Mr. Gerdes, granting leave of absence to the Committee on State Prisons and Reformatory Institutions, that Rule 80 of the Standing Rules of the Assembly be changed to read as follows:

"Whenever any committee shall report to the Assembly that it is desirable that such committee receive information concerning any public institution, the Assembly may, by a two-thirds vote of all its members, grant a leave of absence to such committee for a specified period to visit said institution; and also grant permission to take one stenographer with said committee. The members of said committee shall be allowed their actual expenses and the expenses of said stenographer."

And recommend that it be adopted.

PREISKER, Chairman

Mr. Preisker moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Guill, Hall, Hayes, Held, Hinkle, Hushaw, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowan, Mendenhall, Nolan, Polsley, Randall, Rindlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—60.

NOES—None.

Mr. Preisker moved the adoption of the report and resolution, relative to leave of absence to the Committee on State Prisons and Reformatory Institutions.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri,

Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hall, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mullally, Nolan, Poisley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—Messrs Kehoe and Mendenhall—2.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 469—An Act to amend an Act entitled "An Act to add a new section to the Code of Civil Procedure of the State of California to be known and numbered as Section 526a, relating to actions by taxpayers against officers and agents of any county, town, city, or city and county in said State," approved March twentieth, nineteen hundred and nine.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 13—Relative to aid from the Government of the United States for industrial education and the inauguration and establishment of a national university and department of education.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 688—An Act to amend Section 1560 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

Also, Senate Bill No. 298—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

Also, Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Also, Senate Bill No. 300—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Also, Senate Bill No. 723—An Act amending section one hundred seventy one a, of the Penal Code of California.

Also, Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relating to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds.

Also, Senate Bill No. 251—An Act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

Also, Senate Bill 250—An Act to amend section twenty-two of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," relating to the duties of clerks.

Also, Senate Bill No. 382—An Act to amend the Political Code of the State of California by amending Sections 1094, 1097, 1109, 1145 and 1216 of said Political Code, and by adding to said Political Code two new sections to be known and numbered as Section 1106a, and Section 1072a of said Political Code, all relating to elections.

Also, Senate Bill No. 109—An Act to declare the Sonora and Mono road in Tuolumne County a state highway.

Also, Senate Bill No. 116—An Act to add a new section to the Political Code, to be numbered section thirty-eight hundred and four a, relating to the cancellation of erroneous assessments.

Also, Senate Bill No. 457—An Act to promote the sale of county, city, city and county, or school district bonds, and to safeguard the purchasers thereof.

Also, Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of Cali-

fornia, approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Also Senate Bill No. 552—An Act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park, music and advertising purposes.

Also Senate Bill No. 725—An Act regulating the sale of cold storage eggs and butter, represented to be fresh eggs and butter, and fixing a penalty for the violation thereof

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 742—An Act to regulate the vocation of dealing in fish and in wild game and animals by wholesale for profit and to provide therefrom revenue for the propagation and restoration of fish and game in the State of California.

Also Senate Bill No. 743—An Act to add three new sections to the Penal Code of the State of California, to be numbered Sections 630, 630a and 630b, regulating the business of wholesale dealers in fish and in wild game and animals, and providing for a record of transactions therein.

Also Senate Bill No. 356—An Act to authorize and regulate the possession, use, transportation and sale of trout by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

Also Senate Bill No. 732—An Act to amend Section 241 of the Penal Code, relating to the punishment of the crime of assault.

Also Senate Bill No. 711—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

Also Senate Bill No. 477—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure to be numbered Section 1057a, relating to justification by corporate surety on bonds or undertakings.

Also Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Also Senate Bill No. 785—An Act to amend Section 607e of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals

Also Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Also Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Also Senate Bill No. 437—An Act to amend section one thousand two hundred and fourteen of the Civil Code of the State of California, relating to the recording of conveyances

Also Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185c, relating to arrest, hearing and commitment of inebriates and drug habitues to a state hospital for the insane.

Also Senate Bill No. 505—An Act to amend Section 1750 of the Political Code, relating to course of study for high schools.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Joint Resolution No. 13 read, and referred to Committee on Federal Relations.

Senate Bill No. 688 read first time, and referred to Committee on Education.

Senate Bill No. 298 read first time, and referred to Committee on Education.

Senate Bill No. 299 read first time, and referred to Committee on Education.

Senate Bill No. 300 read first time, and referred to Committee on Education.

Senate Bill No. 723 read first time, and referred to Committee on Judiciary.

Senate Bill No. 418 read first time, and referred to Committee on Banks and Banking.

Senate Bill No. 251 read first time, and referred to Committee on Election Laws.

Senate Bill No. 250 read first time, and referred to Committee on Election Laws

Senate Bill No. 382 read first time, and referred to Committee on Election Laws

Senate Bill No. 109 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 116 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 457 read first time, and referred to Committee on Judiciary.

Senate Bill No. 685 read first time, and referred to Committee on Judiciary.

Senate Bill No. 552 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 725 read first time, and referred to Committee on Live Stock, Dairies, and Dairy Products.

Senate Bill No. 742 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 743 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 356 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 732 read first time, and referred to Committee on Judiciary.

Senate Bill No. 711 read first time, and referred to Committee on Engrossed and Enrolled Bills.

Senate Bill No. 477 read first time, and referred to Committee on Judiciary.

Senate Bill No. 788 read first time, and referred to Committee on Judiciary.

Senate Bill No. 438 read first time, and referred to Committee on Judiciary.

Senate Bill No. 785 read first time, and referred to Committee on Judiciary.

Senate Bill No. 775 read first time, and referred to Committee on Judiciary.

Senate Bill No. 557 read first time, and referred to Committee on Judiciary.

Senate Bill No. 437 read first time, and referred to Committee on Judiciary.

Senate Bill No. 721 read first time, and referred to Committee on Judiciary.

Senate Bill No. 505 read first time, and referred to Committee on Education.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 171—An Act to amend Section 1322 of the Code of Civil Procedure of the State of California, relating to wills.

Also. Assembly Bill No. 62—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Also: Assembly Bill No. 507—An Act entitled An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations.

Also: Assembly Bill No. 547—An Act to amend an Act entitled "An Act providing for the labeling or stamping by the manufacturer, vender, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags, or cast-off, or secondhand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor," approved March 18, 1909, by adding a new section thereto, to be numbered Section 3, providing for the enforcement of this Act by the Commissioner of the Bureau of Labor Statistics.

Also: Assembly Bill No. 741—An Act establishing, and fixing and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

The above Assembly bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 13, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate, on February 10, 1911, amended, and on this day adopted as amended, Assembly Joint Resolution No. 1—Relating to defense of the Pacific seaboard by the National Government, and respectfully request your honorable body to concur in the Senate amendments to said Assembly Joint Resolution No. 1.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Joint Resolution No. 1?"

On page 2, line 23, strike out the word "instructed," and insert in lieu thereof the following, "requested."

The roll was called, and the Assembly refused to concur in Senate amendment to Assembly Joint Resolution No. 1 by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Gerdes, and Harlan—5.

NOES—Messrs. Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, and Mr. Speaker—64.

SPECIAL ORDER.

The hour of ten o'clock and twenty minutes A. M. having arrived the special order heretofore set for this hour was taken up for consideration.

The question being, the motion to reconsider the vote whereby Assembly Bill No. 25 was passed.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Maher, Preisker, Rosendale, Stuckenbruck, Walker, and Young—6.

NOES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Randall, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Mr. Speaker—59.

COMMUNICATION.

The following communication was presented, and on motion of Mr. Bohnett, ordered printed in the Journal:

SAN FRANCISCO, CAL., February 14, 1911.

To the Honorable, the Senate and Assembly of the State of California, in session:

The Supreme Court of the State of California, and the individual members thereof, to the end that the truth may be known and by you made a matter of public record, respectfully request that, by appropriate committee or committees, you investigate the conduct of this court in the matter of the granting of the petition of Abraham Ruef for rehearing in the case entitled *The People of the State of California*, plaintiff and respondent, vs. *Abraham Ruef*, defendant and appellant (Crim. No. 1655); and also that you investigate any other or further matters touching the conduct of the Supreme Court and the transaction of its business which to your honorable bodies shall seem advisable.

Respectfully submitted

WM. H. BEATTY, C. J.
F. W. HENSHAW, J.
F. M. ANGELLOTTI, J.
W. G. LORIGAN, J.
M. C. SLOSS, J.
HENRY A. MELVIN, J.

P. S. Justice Shaw being temporarily absent from the city, it has been impossible to get his views in reference to the above communication. A copy of it has been forwarded to him at Los Angeles for his consideration and action.

Communication read, and referred to Committee on Rules and Regulations

SENATE MESSAGE—(OUT OF ORDER).

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day received, ordered printed in the Journal, and referred to the Committee on Rules, the following communication:

SAN FRANCISCO, CAL., February 14, 1911.

To the Honorable the Senate and Assembly of the State of California, in session:

The Supreme Court of the State of California, and the individual members thereof, to the end that the truth may be known and by you made a matter of public record, respectfully request that, by appropriate committee or committees, you investigate the conduct of this court in the matter of the granting of the petition of Abraham Ruef for rehearing in the case entitled *The People of the State of California*, plaintiff and respondent, vs. *Abraham Ruef*, defendant and appellant (Crim. No. 1655); and also that you investigate any other or further matters touching the conduct of the Supreme Court and the transaction of its business which to your honorable bodies shall seem advisable.

Respectfully submitted.

(Signed) WM. H. BEATTY, C. J.
(Signed) F. W. HENSHAW, J.
(Signed) F. M. ANGELLOTTI, J.
(Signed) W. G. LORIGAN, J.
(Signed) M. C. SLOSS, J.
(Signed) HENRY A. MELVIN, J.

P. S. Justice Shaw being temporarily absent from the city, it has been impossible to get his views in reference to the above communication. A copy of it has been forwarded to him at Los Angeles for his consideration and action.

Message read, and referred to Committee on Rules and Regulations.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:
By Mr. Guill:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act to amend an Act entitled an Act to provide for the formation of levee districts in the various counties of this State and to

provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts, approved March 20, 1905, by providing for the formation thereunder of levee districts, situate partly in different counties and to make said act applicable to such districts.

GUILL

Member Seventh District.

Referred to Committee on Introduction of Bills.

Also:

By Mr. Bishop:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 862 of "An Act providing for the regulation, incorporation and government of municipal incorporations."

BISHOP,

Member Seventy-seventh District.

Referred to Committee on Introduction of Bills

Also:

By Mr. Polsley:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 634 of Penal Code relating to taking of salmon.

POLSLEY,

Member Fifth District.

Referred to Committee on Introduction of Bills

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

The question being the consideration of the report of the Committee on Contested Elections, relative to the contest of *Vollimer vs. Walsh*

Mr. Chandler moved the adoption of the majority report.

Mr. Cronin moved, as an amendment to the motion, that the word "minority" be substituted for the word "majority."

POINT OF ORDER.

Mr. Coghlan rose to the following point of order: "That a minority report can only be acted on by way of substitution."

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

MOTION.

Mr. Cronin moved that the minority report be substituted for the majority report.

The roll was called, and the motion lost by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Brown, Butler, Cattell, Cronin, Gaylord, Harlan, Jones, Judson, Kehoe, Stevenot, Telfer, and Willie—15

NOES—Messrs. Beatty, Bishop, Bohnett, Callaghan, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan,

Polsley, Preisker, Randall, Rimlunger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—61.

PREVIOUS QUESTION.

Mr. Coghlan moved the previous question.

Motion carried.

The question being on the original motion.

The roll was called, and motion adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlunger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Willie, Young, and Mr. Speaker—66.

NOES—Messrs. Bennink, Brown, Butler, Cronin, Gaylord, Harlan, and Judson—7.

RECESS.

At twelve o'clock and ten minutes P. M., on motion of Mr. Schmitt, the Assembly was declared at recess until two o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At three o'clock and forty minutes P. M. the Assembly reconvened
Speaker pro tem Cattell in the chair

SECOND READING OF BILLS.

Assembly Bill No. 366—An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town." approved March 3, 1909.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 823—An Act providing for the employment of convicts confined in the state prisons on the public highways belonging to and under the control of the State of California, and providing for the care and control of such convicts during such employment.

During second reading of bill, the following amendment was submitted by the committee:

In line 6, Section 1, of the printed bill after the word "for" insert the following: "and to be used for".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 666—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653g and providing a penalty in case any person, company or corporation operating a railroad permits an intoxicated person or person in habit of becoming intoxicated to operate a railroad.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 7, of the printed bill, strike out the second word "or", and in lieu thereof insert the word "on".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 9, of the printed bill, strike out the word "intixicated", and in lieu thereof insert the word "intoxicated".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 11, of the printed bill, strike out the word "two", and in lieu thereof insert the word "three".

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, line 15, of the printed bill, strike out the first word "city", and in lieu thereof insert the word "county".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 997—An Act to amend section one of Chapter XLIV of the statutes passed at the extra session of 1906, requiring the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers, and directing the disposition of the same.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 836—An Act to amend Chapter 107 of the general laws of the State of California entitled "An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets," etc., approved March 6, 1909.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 687—An Act making an appropriation to pay the claim of the San Diego Union Company.

Bill read second time, and re-referred to Committee on Ways and Means.

Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Denison, Edgar D. Peixotto, C. C. McDougall, A. J. Hechtman, and James Rolph, Jr., against the State of California and making an appropriation therefor.

Bill read second time, and re-referred to Committee on Ways and Means.

Assembly Bill No. 797—An Act to provide permanent headquarters

in the Capitol building for the Grand Army of the Republic, to designate the purposes for which the same shall be used.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder, providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such license; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power, and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said board of control and fixing their compensation; compelling persons, firms, associations and corporations, supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said board of control; providing for the appointment and compensation of employees and assistants to said board of control; limiting the expenses of said board of control and providing for the payment thereof; fixing the place of business of said board of control; declaring the diversion of use of water for generating electricity, or electrical or other power, otherwise than provided in this Act to be a misdemeanor, and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

During second reading of bill, the following amendments were submitted by the committee.

AMENDMENT No. 1

On page 3, Section 6, line 10, of the printed bill, strike out the word "willfully", and insert in lieu thereof the word "wilfully".

Amendment adopted.

AMENDMENT No. 2

On page 3, Section 6, line 11, of the printed bill, strike out the word "willfully", and insert in lieu thereof the word "wilfully".

Amendment adopted.

AMENDMENT No. 3

On page 4, Section 7, line 3, of the printed bill, strike out the word "home", and in lieu thereof insert the words "residence, or principal place of business if the applicant be a corporation".

Amendment adopted.

AMENDMENT No. 4

On page 6, Section 12, of the printed bill, first sentence to be amended to read as follows: "Upon the receipt of such report, the board shall, if the law has been fully complied with, and if the work shall have been completed in accordance with the application, issue a license to the applicant or his assigns, allowing him or them to divert and use said water or so much thereof as may be necessary for the use proposed, for a certain period of time therein specified, but in no case for more than twenty-five (25) years."

Amendment adopted.

AMENDMENT No. 5.

On page 7, Section 16, lines 3, 4 and 5 of the printed bill, strike out the words "and water actually applied to the use of generating electricity or electrical or other power".

Amendment adopted.

AMENDMENT No. 6.

On page 8, Section 17, line 7, of the printed bill, after the word "required", insert the words "or being stored".

Amendment adopted.

AMENDMENT No. 7.

On page 8, Section 18, line 3, of the printed bill, strike out the word "and", and insert in lieu thereof the word "or".

Amendment adopted.

AMENDMENT No. 8

On page 8, Section 19, lines 12, 13, 14 and 15, of the printed bill, strike out the words "for the next nine hundred (900) horse power, fifteen (15) cents for each horse power, for the next one thousand (1,000) horse power, five (5) cents for each horse power

Amendment adopted.

AMENDMENT No. 9.

On page 8, Section 19, line 16, of the printed bill, strike out the words "two thousand (\$2,000)" and insert in lieu thereof "one hundred (100)".

Amendment adopted.

AMENDMENT No. 10.

On page 8, Section 19, line 16, of the printed bill, strike out the words "two and one-half (2½)", and insert in lieu thereof "ten (10)".

Amendment adopted.

AMENDMENT No. 11.

On pages 8 and 9, of the printed bill, strike out Section 20, and in lieu thereof insert the following: "For the purpose of carrying out the provisions of this Act, a Board of Control, to consist of five persons, is hereby created and established. Three members of said board shall be appointed by the Governor for a term of four years; *provided*, that the members first appointed shall be appointed so that one of them shall go out of office at the end of one year, one at the end of two years, and one at the end of three years. The Governor and the State Engineer are hereby made *ex officio* members of said Board of Control in addition to the three members appointed by the Governor. The appointed members of said board shall receive as compensation for services rendered by them, as such members, the sum of ten (10) dollars per day for each day's service actually rendered. If, however, there shall, hereafter, be created by law, any board or commission having power to regulate or fix rates to be charged for services rendered, or commodities furnished, by public utilities, or by persons or corporations engaged in public service business, the powers and duties of said Board of Control shall vest in and

be exercised by the board or commission so created, and the Board of Control created by this Act shall thereafter cease to exist."

Amendment adopted.

AMENDMENT No. 12.

On page 9, Section 21, line 4, of the printed bill, strike out the period at the end of the sentence, and insert in lieu thereof a comma and the following words: "and it shall be the duty of the board to provide for the public hearing upon the merits of all applications filed with the board and to prescribe the rules of procedure to be observed at such hearings".

Amendment adopted.

AMENDMENT No. 13

On page 9, Section 24, of the printed bill, strike out lines 1 and 2 and that portion of line 3 to include the words "this act", and insert in lieu thereof the following: "For the purpose of carrying out the provisions of this Act, the said Board of Control is authorized to employ such expert, technical, professional and clerical assistance and upon such terms as it may deem proper".

Amendment adopted.

AMENDMENT No. 14.

On page 9, Section 24, line 4, of the printed bill, after the word "Act" insert the following: "during the sixty-third and sixty-fourth fiscal years."

Amendment adopted.

AMENDMENT No. 15.

On page 9, Section 24, line 5, of the printed bill, strike out the following: "per annum".

Amendment adopted.

AMENDMENT No. 16.

On page 11, strike out Section 29, of the printed bill, and in lieu thereof insert the following "Any violation of the provisions of this Act or of any order or regulation of the Board of Control is hereby declared to be a misdemeanor and shall be punished by a fine not exceeding five thousand (\$5,000) dollars, or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. It shall be the duty of the Board of Control to enforce the provisions of this Act and to prosecute violations thereof, by proceeding in a court of competent jurisdiction, against any person, firm, association or corporation violating any such provision or failing or refusing to comply with any regulation or requirement of the Board of Control made pursuant to the provisions of this Act."

Amendment adopted.

AMENDMENT No. 17.

On page 11, Section 30, line 2, of the printed bill, after the word "districts", insert the words "and lighting districts".

Amendment adopted.

AMENDMENT No. 18.

On page 11, Section 30, line 4, of the printed bill, after the word "districts", insert the words "and lighting districts".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, line 9, of the printed bill, after the word "appropriated", insert the following: "except by a municipal corporation (including irrigation districts and lighting districts)".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "Conservation Commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 1, of the printed bill, strike out the word "five", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 2

On page 3, Section 7, line 7, of the printed bill, strike out the words ", punishable as provided in such cases;".

Amendment adopted.

AMENDMENT No. 3

On page 3, Section 7, line 13, of the printed bill, strike out the word "prevent", and insert in lieu thereof the word "make".

Amendment adopted.

Bill read second time, ordered to reprint and re-referred to Committee on Ways and Means.

Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 4, of the printed bill, after the word "shall", insert the word "hereafter".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 7, Section 9, strike out lines 37 to 40 inclusive and strike out of line 41 the words "paid out of subsequent assessments".

Amendment adopted.

AMENDMENT No. 2.

On page 9, Section 12, line 17, after the word "assessment", insert the following: "If the amount of any assessment in said list shall be changed, the board of supervisors shall set a day for hearing objections to said assessment as changed, and shall give notice thereof by publication for two weeks in some newspaper published in the county. At such hearing objections in writing may be made by any person interested and the board of supervisors shall proceed to hear the same in the same manner as upon the original hearing. If the amount of any assessment shall again be changed the board of supervisors shall proceed as before to give notice and to hear objections thereto, and shall proceed in a similar manner until the amount of each assessment shall be finally fixed and approved"

Amendment adopted.

AMENDMENT No. 3.

On page 9, Section 12, line 24, insert after the word "law" as follows "except in an action commenced as hereinafter provided".

Amendment adopted.

AMENDMENT No. 4.

On page 9, at the end of Section 12, insert as follows: "Any person aggrieved by the decision of the board of supervisors may commence an action in the superior court of the county in which the greater part of said district is situated to have said assessment corrected, modified or annulled. Such action must be commenced within thirty days after said assessment list has been filed in the office of the county treasurer. If said action shall not be commenced within thirty days, no action or defense shall thereafter be maintained attacking the legality of said assessment in any respect".

Amendment adopted.

AMENDMENT No. 5.

On page 10, Section 15, line 17, strike out the word "September" and insert in its place the word "January". Also on the same page and same section, in line 20, strike out the words "one year" and insert the words "two years".

Amendment adopted.

AMENDMENT No. 6.

On page 11, Section 15, line 57, strike out the word "six months" and insert in its place the words "one year".

Amendment adopted.

AMENDMENT No. 7.

On page 11, Section 15, line 61, strike out the words "six months" and insert in lieu thereof the following, "one year".

Amendment adopted.

AMENDMENT No. 8.

On page 12, Section 16, line 14, strike out the period and insert in its place a semicolon. Also on said line strike out the word "and" and insert the word "or".

Amendment adopted.

AMENDMENT No. 9.

On page 12, Section 16, at the end of line 17, insert the following: "Such reassessment shall be made by commissioners appointed by the board of supervisors as provided in Section 3456 of this Code, and must be made and approved in the same manner as other assessments".

Amendment adopted.

AMENDMENT No. 10.

In Section 19, line 182, on page 18, after the word "bids" insert the following: "In case no bid is received and accepted as herein provided, or a sufficient amount of bonds can not be sold to carry on the work of construction as contemplated, the board of trustees of said district may enter into contracts and make contracts for constructing the reclamation works of said district, payable in said bonds, at par, and may use such bonds in payment for labor or services performed for, or materials or property furnished to, said district, for the purpose of constructing the reclamation works thereof and the expenses necessarily incident thereto; and in making such payments in bonds, the board of trustees of said district may draw orders upon

the county treasurer, payable in bonds to the amount therein named, for such labor, material, or services so rendered, which orders shall be approved by the board of supervisors and thereafter be paid with bonds at par by the county treasurer, upon presentation, to the amount therein provided for, if such bonds then remaining in said treasury be sufficient to pay the same".

Amendment adopted

AMENDMENT No. 11.

At the end of Section 15 insert the following Assessments heretofore made in any reclamation district shall be validated and collected in the manner provided by law at the time such assessments were made

Amendment adopted

AMENDMENT No. 12

On page 1 Section 1, line 5, after the word newspaper, insert the following, "of general circulation".

Amendment adopted.

AMENDMENT No. 13

On page 3 Section 5, line 31, after the word newspaper, insert the following "of general circulation".

Amendment adopted.

AMENDMENT No. 14

On page 8, Section 12, line 8, after the word newspaper, insert the following "of general circulation".

Amendment adopted

AMENDMENT No. 15

On page 10, Section 13, line 24, after the word newspaper, insert the following "of general circulation".

Amendment adopted

AMENDMENT No. 16

On page 14, Section 19, line 27, after the word newspaper, insert the following "of general circulation".

Amendment adopted.

AMENDMENT No. 17.

On page 18, Section 19, line 177, after the word newspaper, insert the following "of general circulation".

Amendment adopted

AMENDMENT No. 18

On page 19, Section 19, line 197, after the word newspaper, insert the following "of general circulation".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

SECOND READING OF SENATE BILLS.

Senate Bill No. 695—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison and the disposition thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 655—An Act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto, making violations of its provisions a misdemeanor, providing penalties, and repealing an Act entitled "An Act to encourage and provide for a

general vaccination in the State of California," approved February 20, 1889.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

On page 2, Section 1, line 16 of the printed bill, after the word "or" strike out the words "other proper person" and insert in lieu thereof the words "board of health".

Amendment adopted.

AMENDMENT NO. 2.

On page 2, Section 1a, line 13 of the printed bill, after the word "manufacture" insert a new paragraph as follows:

"Successful vaccination means that there has been evidence of a normal vaccinia, and that ordinarily the person so vaccinated may be assured of immunity to smallpox for at least five years without repetition of the vaccination.

"Notice to the Vaccinator—If repeated vaccinations fail to 'take', read the instructions in Section 9 of the vaccination law.

"It shall be the duty of every physician and person who shall vaccinate any child or person to take proper aseptic precautions, to use only vaccine prepared under United States Government or State of California license, to give to the child or person full instructions for home-care during the progress of the vaccinia, and when observation of the case is completed and found to be successful, to furnish a vaccination certificate in the form prescribed by the terms of this section."

Amendment adopted.

AMENDMENT NO. 3.

On page 4, Section 5, line 10 of the printed bill, after the word "smallpox" insert a period.

Amendment adopted.

AMENDMENT NO. 4.

On page 4, section 5, line 11 of the printed bill, strike out the words "and after such investigation" and insert in lieu thereof "if upon such examination the State Board of Health shall find that smallpox does exist therein".

Amendment adopted.

AMENDMENT NO. 5.

On page 4, Section 5, line 24 of the printed bill, after the word "direct" strike out period, and insert in lieu thereof the following: "provided, that in cities, cities and counties, and districts, where two or more schools are maintained, the State Board of Health shall subdivide such cities, cities and counties or districts, and for such period as it shall determine to be advisable unvaccinated children and persons may be permitted to attend schools in subdivisions in which no smallpox exists

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

CONCURRENT RESOLUTION OFFERED.

The following was offered:

By Mr. Coghlan: Assembly Concurrent Resolution No 18—Relative to adjournment *sine die*.

Read, and referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following:

Assembly Concurrent Resolution No. 10—Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said

city at a special municipal election held therein for that purpose on the 12th day of December, 1910.

Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

Assembly Bill No. 931—An Act to amend the Political Code of California by adding thereto a new section to be numbered 4156b, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of, or act as counsel for, any person or persons, association or corporation accused of a crime in any county or city and county in the State, during their incumbency.

Assembly Bill No. 1201—An Act to amend section ten hundred forty-four of the Political Code of the State of California, relating to conduct of municipal elections.

Assembly Bill No. 1202—An Act to amend section ten hundred seventy-nine of the Political Code of the State of California, relating to expenditures in respect to elections

Assembly Bill No. 1204—An Act to repeal sections eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred eighty-nine, eleven hundred ninety, eleven hundred ninety-three, eleven hundred ninety-four, thirteen hundred fifty-seven, thirteen hundred fifty-eight, thirteen hundred sixty, thirteen hundred sixty-one, thirteen hundred sixty-two, thirteen hundred sixty-three, thirteen hundred sixty-four, thirteen hundred sixty-five, thirteen hundred sixty-six, thirteen hundred sixty-seven, thirteen hundred sixty-seven a, thirteen hundred sixty-eight, thirteen hundred sixty-nine, thirteen hundred seventy, thirteen hundred seventy-one, thirteen hundred seventy-two, thirteen hundred seventy-three, thirteen hundred seventy-four and thirteen hundred seventy-five, of the Political Code of the State of California, relating to elections

Assembly Bill No. 1182—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system and to that end amending Section 443 of the Political Code of the State of California and adding a new section to the Political Code of the State of California to be numbered Section 461, relating to the public schools and creating a fund for their support

Assembly Bill No. 607—An Act to amend Section 1198 of the Political Code of the State of California, relating to the printing and binding of ballots

Assembly Bill No. 401—An Act to amend Section 1216 of the Political Code, relating to the duties of a registrar of voters, and a board of election commissioners.

Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters

Assembly Bill No. 145—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Assembly Bill No. 718—An Act to protect fraternal, benevolent and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

And report that the same have been correctly engrossed

RANDALL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1911.

Mr SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled

Assembly Bill No. 333—An Act making an appropriation to pay the deficiency in the appropriation for erection and construction of additional cells at the state prison at San Quentin (Ch. 214, Stats. 1905).

Assembly Bill No. 334—An Act making an appropriation to pay the deficiency in the appropriation for support of San Quentin State Prison for the sixty-first fiscal year.

Assembly Bill No. 337—An Act making an appropriation to pay the deficiency in the appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work (Ch. 579, Stats. 1909)

Assembly Bill No. 338—An Act making an appropriation to pay the deficiency in the appropriation for the erection of an additional dormitory building on the grounds of the Industrial Home of Mechanical Trades for the Adult Blind. (Ch. 210, Statutes 1907.)

Assembly Bill No. 329—An Act making an appropriation for certain urgent repairs and equipment at the State Normal School at San Diego

Assembly Bill No. 369—An Act to provide for the establishment and maintenance of county free libraries in the State of California, and repealing "An Act entitled 'An Act to provide county library systems,' approved April 12, 1909, and all Acts and parts of Acts in conflict with this Act."

Assembly Bill No. 217—An Act to amend Section 2287 of the Civil Code of the State of California, relating to the appointment of trustees in case of vacancy.

Assembly Bill No. 102—An Act to amend Section 1724 of the Code of Civil Procedure relating to establishing who are or were the heirs at law of persons to whom patent for lands has been or shall be issued in cases where the person entering such lands has died or shall die before the issuance of such patent.

And were presented to the Governor February 14th at one o'clock P. M.

RANDALL, Chairman

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 992—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading

ADJOURNMENT.

At four o'clock and fifteen minutes P. M., on motion of Mr. Brown, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, February 16, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Thursday, February 16, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Walker, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Deuegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—79.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rogers of Alameda, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Stuckenbruck, Mr. H. S. Welch and friends were granted the privileges of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Messrs. J. O'Connor, M. R. Cahill and M. R. Ford were granted the privileges of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 160—An Act to amend Sections 1918 and 1920 of the Civil Code and add new sections thereto to be numbered Sections 1918½, 1921, and 1922, relating to "loan of money," and providing for rate of interest thereon

Also, Assembly Bill No. 856—An Act to amend section ten hundred and fifty-six of the Code of Civil Procedure of the State of California, relating to corporations which may become sureties on undertakings and bonds.

Also, Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public

Also, Assembly Bill No. 919—An Act to amend Section 892 of the Code of Civil Procedure, relative to the entry of judgment by justices of the peace.

Also: Assembly Bill No. 1081—An Act to amend section five ninety-six of the Penal Code, relating to the poisoning of animals or bees.

Also, Assembly Bill No. 869—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California

Also, Assembly Bill No. 1173—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Also, Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended

KEHOE, Chairman.

The above reported bills ordered on file for second reading:

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 135—An Act to amend Section 190 of the Penal Code, relating to the punishment of murder

Also: Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains.

Have had the same under consideration, and respectfully report the same back and recommend that they do not pass

KEHOE, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER SACRAMENTO, February 15, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No. 103—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be paid upon demand by the person, firm, or corporation issuing the same

Also: Senate Bill No. 467—An Act to validate municipal bonds.

Also: Senate Bill No. 76—An Act to amend Section 1639 of the Code of Civil Procedure.

Also: Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Also: Senate Bill No. 473—An Act to repeal Title XV of Part IV of division third of the Civil Code of the State of California, and to add a new Title XV of Part IV, Division Third of said Code in place thereof, relating to negotiable instruments, and to make the law of negotiable instruments in the State of California uniform with the law of other states

Also: Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing.

Also: Assembly Bill No. 730—An Act to amend Section 485 of the Political Code, relating to appointments of Surveyor General.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC LANDS AND FORESTRY

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No. 708—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of lien land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Also: Senate Bill No. 709—An Act to provide for the cancellation of application for lien lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lien lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States Land Office and given a register and receiver's number, and forwarded to the General Land Office at Washington, D. C., and of record therein.

Also: Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Also: Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

FLINT, Chairman.

The above reported bills ordered on file for second reading.

ON IRRIGATION AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Senate Bill No. 600—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Also: Senate Bill No. 601—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Also: Senate Bill No. 602—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Also: Senate Bill No. 622—An Act to recognize and declare valid all proceedings in South San Joaquin Irrigation District.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

LYON, Chairman.

The above reported bills ordered on file for second reading.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 848—An Act to amend sections one, three and seven of an Act entitled "An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907.

Also: Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Also: Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

JONES, Chairman.

The above reported bills ordered on file for second reading.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Joint Resolution No. 6—Relative to establishment of postal savings banks in California by the National Government—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

JONES, Chairman.

The above Assembly joint resolution ordered on file for adoption.

ON AGRICULTURE, FRUIT AND VINE INTERESTS

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Assembly Bill No. 1152—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319g, 2319h, 2319i, of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers, duties and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said Commissioner and providing methods, means and penalties for the enforcement of such powers and duties and providing for the appointment of additional officers, fixing their compensation and prescribing their duties—have had the same under consideration, and respectfully report the same back with recommendation that it do pass as amended.

JUDSON, Chairman.

The above reported bill ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution, have had the same under consideration and beg to report that the said resolution be adopted.

Resolved. That the Controller be, and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly and the State Treasurer is hereby authorized to pay the same for the sum of two hundred fifty-five dollars and thirty cents (\$255.30) in favor of L. B. Mallory, Chief Clerk of the Assembly, the same being for the payment of the following bills attached of the Committee on Public Buildings and Grounds:

J. H. Tibbets—		
Railroad fare	\$6 00	
Expenses	8 00	
Total		\$14 00
J. H. Guill. Jr.—		
Railroad fares	\$6 00	
Expenses	8 00	
Total		14 00
J. J. Ryan—		
Railroad fare and Pullman accommodation.....	\$40 85	
Incidental expenses, including meals, lodging, etc	37 50	
Total		78 35
John C. March—		
Railroad fare and Pullman accommodation.....	\$40 85	
Incidental expenses, including meals, lodging, etc.....	37 50	
Total		78 35
C. L. Preisker—		
Railroad fare and Pullman accommodation.....	\$33 10	
Incidental expenses, including meals, lodging, etc	37 50	
Total		70 60
Total		\$255 30

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Clark, Cronin, Crosby, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimmer, Rogers of Alameda, Rosendale, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—60.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER Your Committee on Contingent Expenses and Accounts to whom was referred the following bill, has had the same under consideration and begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same for the sum of thirty-four and seventy-one one-hundredth (34.71) dollars in favor of the Western Union Telegraph Company, the same being for payment of the bill attached.

STEVENOT, Chairman

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bohnett, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimmer, Rogers of Alameda, Rosendale, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER, I am directed to inform your honorable body that the Senate on February 11, 1911, amended, and on this day passed as amended Assembly Bill No. 559—An Act to create a reclamation district to be called "Reclamation District Number 900," and providing for the control and management thereof—and respectfully requests your honorable body to concur in the Senate amendments to said Assembly Bill No. 559.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 559?"

On page 3, Section 2, line 5, strike out the words at the end of Section 2, and insert the following:

"Provided, that the center of the crown of the northern levee of said district shall not, without the consent of the Southern Pacific Company, be constructed nearer than 300 feet from the center line of the Southern Pacific Railroad track at the point opposite the southern end of the west levee of Reclamation District No. 537 as the same now exists; and the center of the crown of said levee shall not, without the consent of the Southern Pacific Company, be constructed nearer than 1,000 feet from the center line of said railroad track where said track crosses the east boundary of township 9 north, range 3 east, M. D. B. & M."

The roll was called, and Senate amendment to Assembly Bill No. 559 was concurred in by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bohnett, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los

Angeles, Lyon of San Francisco, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—64.

NOES—None

The above Assembly bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 14, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 673—An Act to regulate bakeries or bakeshops, prohibiting the use of cellars or basements for the manufacturing of flour or meal food products in certain cases, providing for clean and sanitary conditions of room or rooms used for said purpose, and of employers and employees working therein; providing for the enforcement of the Act by the Commissioner of the Bureau of Labor Statistics, and providing for penalties for the violation of this Act.

Also Senate Bill No. 672—An Act to increase the number of judges of the Superior Court of the county of Kern, and to provide for the appointment of an additional judge.

Also Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1183b and Section 1183c, relating to liens of mechanics and others.

Also Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Also Senate Bill No. 643—An Act regarding irrigation and declaring the same to be a public use.

Also Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

Also Senate Bill No. 631—An Act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Also Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating, vinous or alcoholic liquors within or contiguous to certain state buildings and grounds.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 673 read first time, and referred to Committee on Manufactures and Internal Improvements.

Senate Bill No. 672 read first time, and referred to Committee on Judiciary.

Senate Bill No. 674 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 646 read first time, and referred to Committee on Judiciary.

Senate Bill No. 647 read first time, and referred to Committee on Judiciary.

Senate Bill No. 643 read first time, and referred to Committee on Irrigation and Drainage.

Senate Bill No. 665 read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

Senate Bill No. 631 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 935 read first time, and referred to Committee on Public Morals.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed :

By Mr. Clark :

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act to amend section two of an Act entitled, "An Act to regulate the erection of public buildings and structures," approved April 1, 1872.

CLARK,
Member Fifthth District.

Referred to Committee on Introduction of Bills.

By Mr. Beckett :

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act making an appropriation for the payment of the claim of C. A. Palmer.

BECKETT,
Member Sixty-third District

Referred to Committee on Introduction of Bills

RESOLUTION.

The following resolution was offered :

By Mr. Griffiths :

WHEREAS, It has been represented to the Committee on Fish and Game of this Assembly, by reliable persons, that employees of the California Fish and Game Commission have been guilty of extorting money from certain persons in this State under color of official right, and

WHEREAS, Your committee believes that these charges should be thoroughly investigated with the view of bringing these alleged guilty persons to justice ; therefore, be it

Resolved, That the Fish and Game Committee of this Assembly be and it is hereby authorized, empowered and instructed to send for papers and persons, to subpoena witnesses, to hear evidence, and to employ competent assistants in making such investigation and to report the result of its labors to the Assembly.

GRIFFITHS, Chairman.

Mr. Bohnett moved that the resolution be referred to the Committee on Rules and Regulations.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote :

AYES—Messrs. Beatty, Beckett, Bohnett, Chandler, Clark, Coghlan, Cogswell, Feeley, Gerdes, Griffin of Modesto, Guill, Held, Joel, Judson, Kehoe, Lyon of San Francisco, McDonald, Polsley, Preisker, Rimlinger, Rogers of Alameda, Telfer, Young, and Mr. Speaker—24.

NOES—Messrs. Bishop, Callaghan, Cronin, Crosby, Cunningham, Denegri, Fitzgerald, Flut, Freeman, Gaylord, Griffiths, Hall, Hamilton, Harlan, Hinkle, Jasper, Jones, Lamb, Lynch, Lyon of Los Angeles, March, McGowen, Mendenhall, Mott, Mullally, Randall, Rosendale, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, and Wyllie—40

Mr. Griffiths moved the adoption of the resolution.

SPECIAL ORDER SET.

On motion of Mr. Beatty, the consideration of the resolution was made a special order for Friday, February 17, 1911, at eleven o'clock A. M.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Senate Constitutional Amendment No. 22—A resolution to propose

to the people of the State of California an amendment to the Constitution of said State by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls, independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature

During the consideration of the Senate constitutional amendment, the following amendments were submitted by Mr. Polsley:

In line 23, page 2, Section 1, of printed bill, strike out the word "eight" and substitute the word "fifteen".

Amendment lost.

Also:

In line 40, Section 1, page 2, of printed bill, strike out the word "five" and substitute the word "ten".

Amendment lost.

Also:

In line 87, page 4, Section 1, of the printed bill, strike out the word "five" and substitute the word "ten".

Amendment lost.

The question being on the adoption of the Senate constitutional amendment.

The roll was called, and the constitutional amendment adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Roseadale, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—72.

NOES—None.

Senate constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 22

A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls, independent of the Legislature, and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature

The Legislature of the State of California, at its regular session commencing on the second day of January, 1911, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby propose that Section 1 of Article 4 of the Constitution of the State of California, be amended so as to read as follows:

Section 1. The legislative power of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the Constitution, and to adopt or reject the same, at the polls independent of the Legislature, and also reserve the power, at their own option, to so adopt or reject any Act, or section or part of any Act, passed by the Legislature.

The enacting clause of every law shall be "The People of the State of California do enact as follows:"

The first power reserved to the people shall be known as the initiative. Upon the

presentation to the Secretary of State of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for governor at the last preceding general election, at which a governor was elected, proposing a law or amendment to the Constitution, set forth in full in said petition, the Secretary of State shall submit the said proposed law or amendment to the Constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the Governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the Secretary of State at any time not less than ten days before the commencement of any regular session of the Legislature, of a petition certified as herein provided to have been signed by qualified electors of the State equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law set forth in full in said petition, the Secretary of State shall transmit the same to the Legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the Legislature, within forty days from the time it is received by the Legislature. If any law proposed by such petition shall be enacted by the Legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature within said forty days, the Secretary of State shall submit it to the people for approval or rejection at the next ensuing general election. The Legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in such event both measures shall be submitted by the Secretary of State to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the Governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve point black-face type the following: "Initiative measure to be presented to the Legislature."

The second power reserved to the people shall be known as the referendum. No Act passed by the Legislature shall go into effect until ninety days after the final adjournment of the session of the Legislature which passed such Act, except Acts calling elections, Acts providing for tax levies or appropriations for the usual current expenses of the State and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the Act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon, provided, *however*, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the Secretary of State within ninety days after the final adjournment of the Legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election at which a Governor was elected, asking that any Act or section or part of any Act of the Legislature, be submitted to the electors for their approval or rejection, the Secretary of State shall submit to the electors for their approval or rejection, such Act, or section or part of such Act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the Governor, in his discretion, prior to such regular election, and no such Act or section or part of such Act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any Act the remainder of such Act shall not be delayed from going into effect.

Any Act, law or amendment to the Constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the Secretary of State. No Act, law or amendment to the Constitution, initiated or adopted by the people, shall be subject to the veto power of the Governor, and no Act, law or amendment to the Constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure, but Acts and laws adopted by the people under the referendum provisions of this section may be amended by the Legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this

section, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the Constitution, proposed by the Legislature, and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the Constitution, proposed by the Legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk, or registrar of voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow said clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition together with his said certificate to the Secretary of State and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the Secretary of State a supplemental petition identical with the original as to the body of the petition but containing supplemental names may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the Secretary of State.

When the Secretary of State shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the State his certificate showing such fact. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the State. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office.

The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the State, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or

future powers of cities or cities and counties having charters adopted under the provisions of section eight of article eleven of this constitution.

In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this State, except as is herein otherwise provided.

This section is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

RESOLUTION—(RESUMED.)

By Mr. Beatty.

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of the Sergeant-at-Arms of the Assembly for the sum of ninety-eight dollars and seventy-five cents (\$98.75) out the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same, being in payment of the Assembly's portion (one half) of the expenses incurred by your committee for Lincoln memorial exercises, which were held on Monday evening, February 13, 1911, in the Assembly chambers itemized account of which is as follows:

Printing programs -----	\$12 50
Music (including piano rental) -----	35 00
Decorations -----	37 50
Plants -----	6 25
Labor -----	7 50
	<hr/>
	\$98 75

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

NOTICE OF INTENTION TO MOVE TO AMEND RULES.

Mr. Lyon of Los Angeles gave notice that on the next legislative day he would move to amend the standing rules as follows:

In Rule 41, strike out the following "No member shall be allowed to speak more than thirty minutes upon any question, except by leave of the House," and in lieu thereof insert the following: "No member shall be allowed to speak more than five minutes upon any question except by leave of the House, and except further the author shall be allowed five minutes to open and five minutes to close."

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

Assembly Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers and reserving to the people of the State of California the power to propose laws, statutes and amendments to the Constitution and to enact the same at the polls, independent of the Legislature and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or any part of any Act of the Legislature.

WITHDRAWAL OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

Mr. Clark asked for and was granted unanimous consent to withdraw Assembly Constitutional Amendment No. 20.

Assembly constitutional amendment withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS.

Assembly Bill No 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code

to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

During the third reading of the bill, Mr. Crosby moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 9, of the printed bill as amended, after the word "colonel," insert the following: "and one naval aid with the rank of commander."

Also On page 1, Section 1, line 10, of the printed bill as amended, strike out the word "aid-de-camp" and insert in lieu thereof the words "aids-de-camp".

Also On page 4, Section 5, line 18, of the printed bill as amended, after the word "regiment" strike out comma, and insert in lieu thereof the following: ", of the coast artillery corps."

Also, On page 5, Section 5, line 69, of the printed bill as amended, strike out the following "will direct that".

Also: On page 6, Section 5, line 80, of the printed bill as amended, after the word "regiment", insert the following: ", coast artillery corps."

Also On page 6, Section 5, line 88, of the printed bill as amended, after the word "regiment" insert the following: ", or the coast artillery corps".

Also On page 7, Section 9, line 17, of the printed bill as amended, strike out the words "one hundred and fifty" and insert in lieu thereof the following: "two hundred".

Also: On page 7, Section 9, line 20, of the printed bill as amended, strike out the words "one hundred" and in lieu thereof insert the following: "one hundred and fifty".

Motion carried.

The Speaker appointed Mr. Crosby as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 991, with instructions, do now report that the instructions of the Assembly have been carried out.

CROSBY, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reengrossment, and on file for passage

Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 568 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 82—An Act to provide for the building, equipping, and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 82 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rumliger, Rosendale, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—64

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1110—An Act to amend sections eleven hundred thirteen, eleven hundred fifteen and eleven hundred seventeen of the Political Code of the State of California, relating to registration of electors

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1110 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rumliger, Rosendale, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 1111—An Act to repeal section eleven hundred eighteen of the Political Code of the State of California, relating to qualification and registration of voters at primary elections

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1111 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rumliger, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1112—An Act to repeal section eleven hundred nineteen of the Political Code of the State of California, relating to registration of voters at primary elections.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1112 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Shragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—63

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 1113—An Act to amend section eleven hundred twenty of the Political Code of the State of California, relating to qualification of voters.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1113 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Freeman, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Shragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—54

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1114—An Act to amend section eleven hundred forty-two of the Political Code of the State of California, relating to boards of election.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly bill No. 1114 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, March, McDonald, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Shragia, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Bill No. 1115—An Act to amend section eleven hundred ninety-two of the Political Code of the State of California, relating to the filing of certificates of nomination.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1115 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los

Angeles, Malone, McDonald, McGowen, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1116—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1116 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Deugeri, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—59.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1117—An Act to amend section twelve hundred eighty-five of the Political Code of the State of California, relating to returns of election of district officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1117 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Denegri, Farwell, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—56.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1201—An Act to amend section ten hundred and forty-four of the Political Code of the State of California, relating to conduct of municipal elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1201 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rosendale, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No 1202—An Act to amend Section 1079 of the Political Code of the State of California, relating to expenditures in respect to elections

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1202 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Struckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Welthe, Young, and Mr. Speaker—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1204—An Act to repeal Sections 1186, 1187, 1189, 1190, 1193, 1194, 1357, 1358, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1367a, 1368, 1369, 1370, 1371, 1372, 1373, 1374, and 1375 of the Political Code of the State of California, relating to elections.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1204 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 607—An Act to amend Section 1198 of the Political Code of the State of California, relating to the printing and binding of ballots

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 607 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Freeman, Gerdes, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Wyllie, Young, and Mr. Speaker—61.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.
Bill, on motion of Mr. Hamilton, re-referred to Committee on Live Stock, Dairies and Dairy Products.

Senate Bill No. 297—An Act to amend section fourteen hundred and seventy-four of the Code of Civil Procedure.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 297 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Williams, Wylie, Young, and Mr. Speaker—58

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 361—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 361 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Preisker, Randall, Rimlinger, Rogers of Alameda, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—61

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 362—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 362 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Guill, Harlan, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Polsley, Randall, Rimlinger, Rogers of Alameda, Ryan,

Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 369—An Act appropriating money to be expended in the purchase of furniture for one cottage of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 369 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—60
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 536—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 588a, concerning the throwing or depositing of any glass bottle, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any highway in the State of California, and prescribing a penalty for the violation of such section.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 536 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Preisker, Rimlinger, Rogers of Alameda, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—57.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 378—An Act to amend the Penal Code of the State of California, by adding a new section thereto, to be numbered Section 367d, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while driving said automobile, motor cycle or other motor vehicle and prescribing a penalty for the violation of said section.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 378 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Harlan, Hayes, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Preisker,

Randall, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Stevenot, Telfer Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56
 NOES—Mr. Mullally—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 695—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison and the disposition thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 695 passed by the following vote:

AYES—Messrs. Bennink, Bishop, Bliss, Bohnert, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILL.

Senate Bill No. 352—An Act creating a board of pilot commissioners for the harbor of San Diego, defining their duties, and fixing their compensation.

Bill read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911

MR. SPEAKER. Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them:

Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties and to make said Act applicable to such districts.

Also: Assembly Bill No. 1536—An Act to amend Section 862 of "An Act providing for the regulation, incorporation and government of municipal corporations"

CHANDLER, Chairman.

Mr. Chandler moved the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Benelict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Guill: Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties, and to make said Act applicable to such districts.

Bill read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

By Mr. Bishop: Assembly Bill No. 1536—An Act to amend Section 862 of an Act providing for the regulation, incorporation and government of municipal corporations.

Bill read first time, and referred to Committee on Municipal Corporations.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 401—An Act to amend Section 1216 of the Political Code, relating to the duties of a registrar of voters, and a board of election commissioners

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 401 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bohnett, Brown, Callaghan, Cattell, Clark, Cogswell, Cronin, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mullally, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 208—An Act to authorize James Touhey to bring suit against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 208 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Feeley, Freeman, Gerdes, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Wyllie, Young, and Mr. Speaker—54.

NOES—none.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 793—An Act to add a new section to the Penal Code of California to be designated 599g, relating to the subject of cruelty to animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 793 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Harlan, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Polesky, Rimlinger, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Wilson, Wyllie, and Mr. Speaker—47.

NOES—Messrs. Bennink, Bliss, Cunningham, Denegri, Feeley, Gaylord, Griffiths, Hayes, Held, Jones, Lynch, Maher, March, Mullally, Rosendale, Stuckenbruck, Schmitt, Walker, and Walsh—19

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Coghlan gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 793 was this day passed.

Assembly Bill No. 827—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 827 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Polesky, Preisker, Randall, Rimlinger, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, and Mr. Speaker—61.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

During the third reading of the bill Mr. Beatty moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out, beginning with the words "and provided," in Section 1, line 14, of the printed bill, down to and including the word "act," in Section 1, line 33, thereof.

Also: Strike out of Section 1, lines 33 and 34, of the printed bill, the words "municipal corporation of" and insert in lieu thereof the following "city and county, or any incorporated city or town within".

Also: Immediately after the word "acquires" in Section 1, line 34, of the printed bill, insert the following: ", or has acquired,".

Also: Strike out of Section 1, line 37, of the printed bill, the words "municipal corporation" and insert in lieu thereof the following: "city and county, city or town".

Also: Strike out of Section 1, lines 39 and 40, of the printed bill, the words "municipal corporation" and insert in lieu thereof the following "city and county, city or town".

Also: Strike out of Section 1, lines 42 and 43, of the printed bill, the words "the municipal corporation" and insert in lieu thereof the following: "such city and county, city or town".

Also: Strike out of Section 1, line 46, of the printed bill, the words "the municipal corporation" and insert in lieu thereof the following: "such city and county, city or town".

Also: Strike out of Section 1, lines 47 and 48, of the printed bill, the words "a municipal corporation" and insert in lieu thereof the following: "any such city and county, city or town".

Motion carried.

The Speaker appointed Mr. Beatty as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 70, with instructions, do now report that the instructions of the Assembly have been carried out.

BEATTY, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Joint Resolution No. 10—Relating to Federal aid for the Indian schools of the Northern California Indian Association in Yolo County, California.

The question being on the adoption of the Assembly joint resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, and Mr. Speaker—64.

NOES—None.

Assembly joint resolution ordered transmitted to the Senate.

ASSEMBLY JOINT RESOLUTION No. 10.

Relating to Federal aid for the Indian schools of the Northern California Indian Association in Yolo County, California

WHEREAS, The Northern California Indian Association has recently acquired a suitable tract of land near the town of Guinda, in the county of Yolo, California, for the purpose of founding a permanent trades and training school, for the education of the remainder of the Indian races of California in the useful trades and pursuits, which training will enable the Indian to place himself upon an equal footing with other residents of the State in agriculture and the trades, enabling him to become independent and self-supporting; and

WHEREAS, There has been introduced in the Senate of the Congress of the United States an appropriation bill carrying, among other items, twenty thousand dollars for the construction of buildings for educational purposes upon the tract of land acquired by the Northern California Indian Association for such purpose, which said fund is to be available upon the raising of an endowment for the maintenance of the schools to be built on the lands of the association for educational purposes; therefore, be it

Resolved, That our Senators in Congress be directed and our Representatives in Congress requested to use all honorable means to have the appropriation made by the National Congress for the purposes mentioned in this resolution; be it further

Resolved, That the Chief Clerk of the Assembly, upon the passage of this resolution, forward a copy thereof to each of our Senators and Representatives in Congress to be by them presented to the Senate and House of Representatives of the Congress of the United States.

Assembly Concurrent Resolution No. 12—Approving an amendment to the charter of the city of Sacramento, State of California, voted for

and ratified by the qualified electors of said city at a general municipal election held therein on the second day of November, 1909.

The question being on the adoption of the Assembly concurrent resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McGowen, Mendenhall, Mort, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Struckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wylie, Young, and Mr. Speaker—67.

NOES—None.

Assembly concurrent resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION No. 12.

Approving an amendment to the charter of the city of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the second day of November, 1909.

WHEREAS, The city of Sacramento, in the county of Sacramento, State of California, contains a population of more than thirty-five hundred inhabitants and has been ever since the year 1893 and is now organized and acting as a municipal corporation under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State, and

WHEREAS, On the 2d day of November, 1909, after due notice given, and proceedings had, an amendment to Section 8 of said charter of the city of Sacramento was submitted to and voted upon by the qualified electors of said city, and at said election the said amendment was ratified by a majority of the electors of said city voting thereon and was thereafter upon the canvass of the votes thereon made by the board of trustees of said city on the 5th day of November, 1909, duly declared to have been ratified by the electors of said city, which said Section 8 as so amended reads as follows:

"Section 8. The board of trustees shall consist of nine (9) members, one member from each ward, and he shall be a resident of such ward. The trustee from each ward shall be elected by the qualified voters of the city and each such elector shall be entitled to vote on the election of each trustee. The trustees in office on the last day of December, 1911, shall go out of office at noon on the first Monday after the first day of January, 1912. At the general municipal election to be held on the first Tuesday after the first Monday in November, 1911, a full board of nine (9) trustees shall be elected. Of the trustees thus elected, those who are residents of the first, third, fifth, seventh, and ninth wards shall hold office for two years only and those who are residents of the second, fourth, sixth, and eighth wards shall hold office for four years. At each election thereafter, members of the board of trustees shall be elected to succeed those whose terms are about to expire and the trustees thus elected shall hold office for four years." Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), that the said amendment to the city charter of the city of Sacramento hereinbefore set forth, as presented and submitted to and adopted and ratified by the said electors of said city, be, and the same is, hereby approved for and as an amendment to the city charter of said city of Sacramento.

PROPOSED AMENDMENT TO THE CITY CHARTER.

1 That Section 8 of said charter be amended so as to read as follows:

"SECTION 8. The Board of Trustees shall consist of nine (9) members, one member from each ward, and he shall be a resident of such ward. The trustee from each ward shall be elected by the qualified voters of the city and each such elector shall be entitled to vote on the election of each trustee. The trustees in office on the last day of December, 1911, shall go out of office at noon on the first Monday after the first day of January, 1912. At the general municipal election to be held on the first Tuesday after the first Monday in November, 1911, a full board of nine (9) trustees shall be elected. Of the trustees thus elected, those who are residents of the first, third, fifth, seventh and ninth wards shall hold office for two years only, and those who are residents of the second, fourth, sixth and eighth wards shall hold office for four years. At each election thereafter, members of the board of trustees shall be elected to succeed those whose terms are about to expire, and the trustees thus elected shall hold office for four years."

OFFICE OF THE CITY CLERK,
CITY OF SACRAMENTO,
STATE OF CALIFORNIA.

I, M. J. Desmond, city clerk of the city of Sacramento, and ex officio clerk of the board of trustees of said city, do hereby certify that said city is and at all of the times herein mentioned was a city containing a population of more than ten thousand inhabitants, governed by a charter framed for its own government by a board of fifteen freeholders, who were elected for that purpose, and which charter was duly ratified by the electors of said city and thereafter duly approved by the Legislature of the State of California.

I further certify that the above and foregoing amendment to Section 8 of said charter of the city of Sacramento was upon petition to the legislative authority of said city, by more than fifteen per cent of the qualified voters thereof, and after due notice given by a proposal therefor submitted by said legislative authority, to wit, the board of trustees of the city of Sacramento, to the qualified electors thereof at a general election held in said city on the second day of November, 1909, and at said election said amendment was ratified by a majority of the electors of said city voting thereon, and said amendment was upon the canvass of the votes thereon made by the board of trustees of said city on the eighth day of November, 1909, duly declared by said board to have been ratified by the electors of said city.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said city of Sacramento this 31st day of January, 1911.

[SEAL]

M. J. DESMOND,

City Clerk of the City of Sacramento and ex officio Clerk
of the Board of Trustees of said city.

Assembly Bill No. 727—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered 598a, providing for the creation of a bonded indebtedness upon personal property by corporations organized where pecuniary profit is not their object.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 727 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 842 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Maher, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 718—An Act to protect fraternal, benevolent and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

Bill read third time on previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 718 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt Slater, Stevenot, Sutherland, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. McDonald gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 718 was this day passed.

Assembly Bill No. 947—An Act to amend Section 628a of the Penal Code of the State of California, relating to striped bass.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 947 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Mullally, Randall, Rimlinger, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 851—An Act to amend Section 1768 of the Political Code of the State of California, relating to county boards of education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 851 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—64.

NOES—Mr. Guill—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 661—An Act giving and granting to the city of San Diego the right to hold, or to authorize the holding of an exposition in Balboa Park in said city of San Diego, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 661 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rimlinger, Rosendale, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—Mr. Cunningham—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 966—An Act to add a new section to the Code of Civil Procedure, to be known as Section 1251a, relating to eminent domain.

On motion of Mr. Kehoe, Assembly Bill No. 966 was re-referred to Committee on Judiciary.

Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants on owner's death in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 913 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Ryan, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

During the third reading of the bill Mr. Lyon of Los Angeles, moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of Section 1 after the word "unless", in line 10 of said Section 1, and insert in lieu thereof the following: "such officer shall have had actual notice of such defective or dangerous condition and shall have failed for a reasonable time after such actual notice to repair the same; *provided*, that such officer had authority to remedy such condition, or to make such repair at the expense of the State, or a political subdivision thereof, and funds were available for that purpose: *and provided further*, that it shall further appear that such damage or injury was sustained while said street, highway, public building, public work, or property was being carefully used and that due care was exercised to avoid such danger."

Motion carried.

The Speaker appointed Mr. Lyon of Los Angeles, as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 883, with instructions, do now report that the instructions of the Assembly have been carried out.

LYON of Los Angeles, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 871—An Act to amend section sixty-nine of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 871 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rumliger, Rodgers of San Francisco, Rosendale, Ryan, Shragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—61

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

During the third reading of the bill Mr. Slater moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out the period at the end of line 8, in Section 1 of the printed bill, and by adding after the word "years" a "semicolon" (;) and the following: "provided, however, that immediately after this Act takes effect, the commander-in-chief shall issue to each officer of the National Guard, who is then in service, except officers on the retired list, a commission for the same grade, or rank, which such officer then holds. The term of office of such officer, as provided for in Section 1 of this act, shall commence upon the issuing of said commission. The officers so commissioned in accordance with the provisions of this section shall be exempt from the examinations provided by Section 1954 of the Political Code of California".

Motion carried.

The Speaker appointed Mr. Slater as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 918, with instructions, do now report that the instructions of the Assembly have been carried out.

SLATER, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 929—An Act to authorize and require the payment by the counties of interest on state highway bonds.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 929 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Cronin, Crosby, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamiltou, Harlan, Hayes, Held, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE MESSAGE.

On motion of Mr. Lyon of San Francisco the following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California, entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

Also Senate Bill No. 422—An Act to amend Section 1965a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

Also Senate Bill No. 731—An Act to amend section four thousand and forty-nine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

Also Senate Bill No. 922—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein.

Also Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make an appropriation for the same.

Also Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make an appropriation for the same.

Also Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Also Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Also Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Also Senate Bill No. 436—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also Senate Bill No. 661—An Act to provide the equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also Senate Bill No. 659—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Also Senate Bill No. 716—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and defining their duties.

fixing their compensation and providing a special fund, and providing for the licensing of plumbers.

Also: Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Also: Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Also: Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also: Senate Bill No. 513—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Also: Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and conduct water about the grounds, and to make an appropriation for the same.

Also: Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Also: Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Also: Senate Bill No. 431—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

Also: Senate Bill No. 644—An Act to amend sections one, two, three, four, six, fifteen, sixteen, eighteen, twenty-one and twenty-seven of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895.

Also: Senate Bill No. 350—An Act to amend Sections 626 and 631a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 190 read first time, and referred to Committee on Judiciary.

Senate Bill No. 422 read first time, and referred to Committee on Education.

Senate Bill No. 731 read first time, and referred to Committee on County and Township Government.

Senate Bill No. 922 read first time, and referred to Committee on Conservation.

Senate Bill No. 516 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 514 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 74 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 55 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 36 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 436 read first time, and referred to Committee on Engrossed and Enrolled Bills.

Senate Bill No. 661 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 658 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 659 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 379 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 716 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 363 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 370 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 73 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 513 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 518 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 520 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 585 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 576 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 367 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 365 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 431 read first time, and referred to Committee on Engrossed and Enrolled Bills.

Senate Bill No. 644 read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Senate Bill No. 350 read first time, and referred to Committee on Fish and Game.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1109—An Act to amend sections eleven hundred five, eleven hundred eight and eleven hundred nine of the Political Code of the State of California, relating to registration of voters.

Assembly Bill No. 920—An Act to allow union high school districts to establish, equip and maintain public libraries; to provide for the formation, government and operation of such library districts; the acquisition of property thereby, the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein.

Assembly Bill No. 890—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison and the disposition thereof.

Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Assembly Bill No. 116—An Act appropriating money to purchase cement and the necessary material for laying a concrete floor in the basement of the infirmary building under officers' and boys' dining-room at the Preston School of Industry.

Assembly Bill No. 234—An Act authorizing and directing the reflooring of the manse and main building at the Sonoma State Home, and making an appropriation therefor.

Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home at Eldridge, California.

Assembly Bill No. 232—An Act authorizing and directing the construction of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Assembly Bill No. 231—An Act authorizing and directing the construction of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Assembly Bill No. 272—An Act to provide for the erection of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Assembly Bill No. 207—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Assembly Bill No. 76—An Act authorizing and directing the board of managers of the Napa State Hospital to construct and restore the principal tower of the buildings at the Napa State Hospital damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Assembly Bill No. 566—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Assembly Bill No. 190—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriations for the same.

Assembly Bill No. 696—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make appropriation for the same.

Assembly Bill No. 689—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment and to make appropriation for the same.

Assembly Bill No. 691—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make appropriations for the same.

Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter county," approved March 20, 1874.

Assembly Bill No. 193—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable.

Assembly Bill No. 585—An Act to amend Sections 276, 277 and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counsellors at law, and to add three sections to said Code, to be known as Sections 276a, 276b, and 276c, relating to the same subject.

And report that the same have been correctly engrossed

RANDALL, Chairman.

ON MANUFACTURES AND INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Manufactures and Internal Improvements, to whom was referred Assembly Bill No. 941—An Act to amend sections three thousand one hundred and ninety-seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trade-marks—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CUNNINGHAM, Chairman.

The above reported bill ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 603—An Act relating to bucket shops—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to Committee on Public Morals.

COGHLAN, Chairman.

The above reported bill ordered on file for second reading, and re-referred to the Committee on Public Morals

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 292—An Act to amend Section 103½ of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 380—An Act to amend Section 103 of the Code of Civil Procedure, relating to justice's courts and justices of the peace.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGHLAN, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1088—An Act to amend Section 349 of the Code of Civil Procedure of the State of California, relating to the time for commencing actions under local improvement Act of 1901.

Also: Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18, and 19, and by adding a new section thereto to be numbered 26

Also: Assembly Bill No. 1067—An Act to amend section one of an Act entitled "An Act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

COGHLAN, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 9—Approving eighteen certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special municipal election held therein on the fifteenth day of November, 1910.

Also: Senate Concurrent Resolution No. 11—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the twelfth day of September, 1910.

Have had the same under consideration, and respectfully report the same back and recommend that they be adopted.

COGHLAN, Chairman.

The above reported Senate concurrent resolutions ordered on file for adoption

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 293—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, by amending sections one and two thereof—have had the same under consideration, and respectfully report the same back with the following committee substitute therefor: An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without the Governor's approval, March 5, 1901—and recommend that the committee substitute do pass, and that Assembly Bill No. 293 be withdrawn.

COGHLAN, Chairman

Mr. Coghlan moved the adoption of the report.

Motion carried.

Committee Substitute for Assembly Bill No. 293 adopted, read first time, and ordered on file without reference.

Assembly Bill No. 293 withdrawn and ordered stricken from the file.

RESOLUTION.

The following resolution was offered:

By Mr. Schmitt:

WHEREAS, Leave of absence was by this Assembly granted to the following members of the Committee on Commerce and Navigation, Messrs. Lyon of San Francisco, Kennedy and Schmitt to visit the harbor of San Diego, and Messrs. Rosendale, Williams and Flint to visit the harbors of Monterey and San Francisco: and

WHEREAS, The said members of said committee have submitted the following as a statement of their actual expenses, namely:

W. T. Lyon—

Railroad fare and accommodation	\$46 30	
Incidental expenses, including meals, lodging, etc.....	38 50	
		\$84 80

W. P. Kennedy—

Railroad fare and accommodation	\$46 30	
Incidental expenses, including meals, lodging, etc.....	38 50	
		\$84 80

M. L. Schmitt—

Railroad fare and accommodation	\$46 30	
Incidental expenses, including meals, lodging, etc.....	38 50	
		\$84 80

C. B. Rosendale—

Railroad fare and accommodation	\$11 00	
Incidental expenses, including meals, lodging, etc.....	14 00	
		\$25 00

D. E. Williams—

Railroad fare and accommodation	\$11 00	
Incidental expenses, including meals, lodging, etc.....	14 00	
		\$25 00

Wm. R. Flint—

Railroad fare and accommodation	\$11 00	
Incidental expenses, including meals, lodging, etc.....	14 00	
		\$25 00

Now, therefore, the undersigned chairman recommends that said members be allowed their actual expenses in accordance with Assembly Rule No. 80, and respectfully asks that the aforesaid accounts be referred to the Committee on Contingent Expenses and Accounts.

SCHMITT, Chairman.

Resolution read and referred to Committee on Contingent Expenses and Accounts.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following request for permission to introduce bill was filed:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER. I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act granting to the city and county of San Francisco.

the right to construct, maintain and operate a municipal street railroad over, upon and along the lands in the control of the State Board of Harbor Commissioners within the said city and county of San Francisco.

COGHLAN,
Member Forty-first District.

Referred to Committee on Introduction of Bills.

TIME OF MAKING REPORT EXTENDED.

On motion of Mr. Coghlan the time for reporting back Assembly Concurrent Resolution No. 18—Relative to adjourning *sine die*—by the Committee on Ways and Means, was extended one day.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Callaghan, the Assembly was declared adjourned until ten o'clock and thirty minutes A. M., February 17, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Friday, February 17, 1911. }

At ten o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—79.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Fitzgerald, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion of Mr. Preisker, leave of absence was granted Mr. Harlan for the day.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Stuckenbruck, Mr. J. M. Kudley was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Messrs. E. A. Clancy, M. Conlin, M. R. Gilmore, William Flagler and D. Tattenheim were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Mott, Mr. R. L. Churchill was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Wilson, Messrs. F. M. Wyatt and F. W. Archer were granted the privilege of the floor of the Assembly for this day.

QUESTIONS OF PERSONAL PRIVILEGE.

Mr. Rogers, of Alameda, rose to a question of personal privilege, and explained his statement in regard to the Committee on Fish and Game made in debate of yesterday.

Also:

Mr. Stuckenbruck rose to a question of personal privilege, and explained his statement in regard to the Committee on Fish and Game made during debate of yesterday.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to section seven, article nine, of Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

Also: Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to section nineteen, of article eleven of the Constitution, relating to grants of corporate franchises by municipal corporations.

Also: Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they be adopted as amended.

SUTHERLAND, Chairman.

The above Assembly constitutional amendments ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article 6 thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the superior courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Court of Appeal of its clerk, and also relating to the duties and compensation of such officers.

Also: Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State

of California, amending Article X thereof, relating to state institutions and public buildings.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

SUTHERLAND, Chairman.

The above Assembly constitutional amendments ordered on file for adoption.

ON LIVE STOCK, DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Senate Bill No. 725—An Act regulating the sale of cold storage eggs and butter, represented to be fresh eggs and butter, and fixing a penalty for the violation thereof.

Also: Assembly Bill No. 1091—An Act to provide for the extermination of glanders in horses, mules and asses; to provide for the levy and collection in every county in this State of an annual tax on each horse, mule and ass for the purpose of indemnifying owners of horses, mules and asses destroyed by the State Veterinarian, his assistant or deputy of such horses, mules and asses as may be by such officers determined to be affected with glanders; creating a fund to be known as the "Glanders Indemnity Fund"; authorizing the State Veterinarian to employ deputies and incur expenses to be paid out of such fund; providing a method of indemnification of owners of such destroyed animals; and providing for the duties of the State Veterinarian, his assistant or deputy in relation to glanders.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HAMILTON, Chairman.

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

Also: Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CHANDLER, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road, a state highway—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and be re-referred to the Committee on Ways and Means.

CHANDLER, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California, to be numbered 590b, relating to riding and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CHANDLER, Chairman.

The above reported bill reported on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 946—An Act to amend Section 1741 of the Political Code, relating to powers and duties of high school boards.

Also: Senate Bill No. 573—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorizing by such school districts.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

WYLLIE, Chairman.

The above reported bills ordered on file for second reading.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 113—An Act to amend Section 1874 of the Political Code of the State of California, by amending Subdivision 10 thereof, providing for a free distribution of text-books in common schools.

Also: Assembly Bill No. 240—An Act to amend section one of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and as amended by Act approved March 20, 1905, and relating to age of school children.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

WYLLIE, Chairman.

The above printed bills ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating employment of children, prohibiting the employment of certain illiterate minors, providing for the employment here by the Commissioner of Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

ON PUBLIC CHARITIES AND CORRECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 1090—An Act to regulate the sale and use of hat pins: the majority of the committee recommend that it do pass as amended; Lamb, Ryan, Williams and a minority; Slater and Stevenot that it do not pass.

WILLIAMS, Chairman.

The above reported bill reported on file for second reading.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: Your Committee of Public Charities and Corrections, to whom was referred Assembly Bill No. 701—An Act to amend sections ten, ten a, ten b, ten c, ten d, ten e, ten f, ten g, ten h, ten i, ten j, ten k, ten l, ten m, ten n, and ten o, of an Act entitled "An Act concerning dependent and delinquent minor children, providing for their

care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children, providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909."

Also: Assembly Bill No. 872—An Act placing dependent children under the protection of public authority, and providing for the regulation of all corporations or societies engaged in caring for dependent children.

Also: Assembly Bill No. 1304—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 15 thereof, relating to the powers of probation officers.

Also: Assembly Bill No. 1156—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10k, relating to probation officers in counties of the twentieth, twenty-ninth and thirtieth classes.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

WILLIAMS, Chairman.

The above reported bills ordered on file for second reading

ON CLAIMS

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 281—An Act to appropriate the sum of one thousand dollars to pay the claim of Sergeant-Major Eugene De Sparr—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Ways and Means.

WALKER, Chairman

The above bill re-referred to Committee on Ways and Means.

ON AGRICULTURE, FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR. SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Assembly Bill No. 965—An Act to amend Sections 2321, 2322b, 2322c, 2322f, and 2322g of the Political Code of the State of California, said sections relating to orchards, trees, vines, or plants of any variety infested with diseases or scale insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or noxious weeds, and to the eradication of insect pests and diseases and to the appointment and removal of a county horticultural commissioner in the several counties of the State, prescribing his duties and powers and fixing his compensation and term of office, also providing for a state board of horticultural examiners, prescribing the duties of said board and providing for examinations to be taken by persons desiring to qualify for position as county horticultural commissioners; providing for the dividing of the several counties of the State into districts by the respective county horticultural commissioners, and providing for the appointment of deputy commissioners, local inspectors and quarantine guardians, prescribing their duties and powers and fixing their compensation—have had the same under consideration, and respectfully report the same back with recommendation that it do pass as amended

JUDSON, Chairman.

The above reported bill ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1353—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Also: Assembly Bill No. 1078—An Act to amend section ten of the Code of Civil Procedure of the State of California, relating to holidays.

Also: Assembly Bill No. 1079—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Also: Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Also: Assembly Bill No. 15—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Also: Assembly Bill No. 717—An Act authorizing and empowering unincorporated, benevolent or fraternal societies to purchase, receive, manage and sell real estate without incorporating.

Also: Assembly Bill No. 1193—An Act to add a new section to the Political Code of the State of California, to be designated and numbered three hundred and thirty-one, relating to the appointment to office of relatives by state officers and judges.

Have had the same under consideration, and respectfully report the same back with amendments and recommend that they do pass as amended.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 98—An Act to amend Section 907 of the Political Code of California.

Also: Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

Also: Senate Bill No. 132—An Act to increase the number of judges of the Superior Court of the county of Tulare, and to provide for the appointment of an additional judge.

Also: Assembly Bill No. 775—An Act authorizing owners of land or their grantees or assigns to sue the State of California, for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newton Jetties," and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 674—An Act to amend section one thousand ninety-six of the Penal Code of the State of California—have had the same under consideration, and respectfully report the same back and recommend that it do not pass; with minority report that it do pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading

ON REVISION AND REFORM OF LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 442—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to the taxation of costs in the appellate courts.

Also: Assembly Bill No. 446—An Act to add a new section to the Code of Civil Procedure of California, to be known as section six hundred and sixty-seven *a*, relating to vesting of title without the necessity of a conveyance upon a judgment in certain actions.

Also: Assembly Bill No. 447—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure of California, relating to foreclosure suits.

Also: Assembly Bill No. 448—An Act to amend section five hundred and ninety-nine of the Civil Code of California, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporation, by corporations for purposes other than profit.

Also: Assembly Bill No. 454—An Act to amend section three hundred ninety-seven of the Penal Code of California, relating to the sale of intoxicating liquors to minors.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

MARCH, Chairman.

The above reported bills ordered on file for second reading.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 438—An Act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of the Code of Civil Procedure of California, relating to the time within which certain actions must be commenced.

Also Assembly Bill No. 440—An Act to amend section eleven hundred and ninety-four of the Code of Civil Procedure of California, relating to the priority of liens of mechanics and others on real property.

Also Assembly Bill No. 441—An Act to amend section seventeen hundred and seventy-four of the Code of Civil Procedure of California, relating to the settlement of accounts of guardians.

Also Assembly Bill No. 445—An Act to amend section fourteen hundred and sixty-eight of the Code of Civil Procedure of California.

Also Assembly Bill No. 451—An Act to amend section thirteen hundred and eighty-six of the Civil Code of the State of California, relating to the succession to the property of deceased persons.

Also Assembly Bill No. 453—An Act to amend section eleven hundred and seventy-one of the Penal Code of California, relating to bills of exceptions in criminal cases.

Also Assembly Bill No. 462—An Act to amend section four hundred and seventy of the Penal Code of California relating to forgery.

Also Assembly Bill No. 1208—An Act to repeal an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand."

Also Assembly Bill No. 1209—An Act to repeal an Act entitled "An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain persons, property, and prescribing penalties for the violation of the Act."

Also Assembly Bill No. 1210—An Act to repeal an Act entitled "An Act to provide for a lunch hour for laborers in sawmills, shake mills, shingle mills, and logging camps."

Also Assembly Bill No. 1211—An Act to repeal an Act entitled "An Act requiring the marking of packages of butter containing less than six pounds and more than one half pound so as to advise the purchaser or others as to the weight of butter contained in such package."

Also Assembly Bill No. 1212—An Act to repeal an Act entitled "An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof," and for the appointment of inspectors under its provisions."

Also Assembly Bill No. 1213—An Act to repeal an Act entitled "An Act to authorize the managers of orphan asylums to give their consent to the adoption of certain children under their care."

Also Assembly Bill No. 1214—An Act to repeal an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State."

Also Assembly Bill No. 1215—An Act to repeal an Act entitled "An Act to protect the school districts of this State from injury during the year eighteen hundred and eighty, by the operation of section twelve, of article thirteen, of the Constitution."

Also Assembly Bill No. 1216—An Act to repeal an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor."

Also Assembly Bill No. 1217—An Act to repeal an Act entitled "An Act providing that all encampments of the National Guard shall be held at the state camp of instruction, unless otherwise ordered."

Also Assembly Bill No. 1218—An Act to repeal an Act entitled "An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove," approved April 15, 1880.

Also Assembly Bill No. 1219—An Act to repeal an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities."

Also Assembly Bill No. 1220—An Act to repeal an Act entitled "An Act to regulate and govern the state prisons of California."

Also Assembly Bill No. 1221—An Act to repeal an Act entitled "An Act to authorize the Justices of the Supreme Court to appoint a librarian for said court, and fixing a salary."

Also Assembly Bill No. 1222—An Act to repeal an Act entitled "An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor."

Also Assembly Bill No. 1223—An Act to repeal an Act entitled "An Act in relation to the currency of the United States."

Also: Assembly Bill No. 1224—An Act to repeal an Act entitled "An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep."

Also: Assembly Bill No. 1226—An Act to repeal an Act entitled "An Act authorizing and directing district attorneys to bring suits to abate public nuisances," approved March 15, 1899.

Also: Assembly Bill No. 1227—An Act to repeal an Act entitled "An Act to abolish attorney's fees, and other charges, in foreclosure suits."

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

MARCH, Chairman.

The above reported bills ordered on file for second reading.

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911

MR. SPEAKER Your Committee on Common Carriers, to whom was referred Assembly Bill No. 1123—An Act to add a new section to the Political Code to be known as section twenty-eight ninety-six, relating to public ferries

Also Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain and operate a municipal street railroad over, upon and along the lands under the control of the State Board of Harbor Commissioners within the said city and county of San Francisco.

Have had the same under consideration, and respectfully report the same back with amendments and recommend that they do pass as amended

PREISKER, Chairman.

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911

MR. SPEAKER Your Committee on Common Carriers, to whom was referred Assembly Bill No. 198—Entitled "An Act concerning baggage and excess baggage carried by common carriers, prescribing the duties of such common carriers in reference thereto while so engaged, defining certain offenses and fixing the punishment therefor, and repealing all conflicting laws"—have had the same under consideration, and respectfully reports the same back with a committee substitute entitled "An Act to amend Section 2181 of the Civil Code of the State of California, defining what shall be considered baggage or luggage to be carried by common carriers and prescribing the method of preparing such baggage for shipment", and recommends that the committee substitute be adopted.

PREISKER, Chairman

Mr. Preisker moved the adoption of the report

Motion carried.

Committee Substitute for Assembly Bill No. 198 adopted, read first time, and ordered on file without reference.

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911

MR. SPEAKER Your Committee on Fish and Game, to whom was referred the accompanying resolution introduced by Mr. Walker, report as follows

Said resolution was introduced in the Assembly on the eighth day of February, and the same was referred on that date to this committee. The original resolution has never been in the hands of your committee or the chairman thereof. On two different occasions the chairman of this committee has asked for the resolution at the Clerk's desk, but was informed that it had been mislaid and could not be found. The accompanying resolution is a copy of the original resolution as it appears in the Journal of the Assembly on the ninth of February. In view of the criticism of this committee made on the floor of the Assembly on the sixteenth instant, the committee feels that it is proper for it to explain the reason why the resolution introduced by Mr. Walker has not been acted upon by the committee prior to this time. We would respectfully suggest that the accompanying resolution be substituted for the original, and we report the same back to the Assembly and recommend that it be adopted, viz

WHEREAS, The twenty-first biennial report of the Board of Fish and Game Commissioners of the State of California, for the years 1909-1910, shows that large sums of money have been received and expended by said commission; and

WHEREAS, Many citizens of this State are complaining that the money received by said commission has been extravagantly spent, and that the business of the commission is conducted in an ineffective manner; therefore, be it

Resolved by the Assembly, That the Speaker of the Assembly is hereby authorized and directed to appoint a special committee of five members whose duty it shall be to investigate the books and accounts of said Board of Fish and Game Commissioners, the manner in which, and the purpose for which, the moneys received by the commission have been expended, and the effect of the work of the commission on the preservation and protection of fish and game in this State; and be it further

Resolved, That said committee, after making such investigations, report to the Assembly the result of its investigation; and be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, and also to issue subpoenas and compel attendance of witnesses when necessary, and be it further

Resolved That the Clerk of the Assembly is hereby instructed to assign for duty to such committee a sergeant-at-arms, and such stenographers and clerical assistance now in the service of the Assembly as may be necessary in the said investigation.

GRIFFITHS, Chairman.

Ordered on file for consideration.

SENATE MESSAGES

The following messages from the Senate were taken up and read

SENATE CHAMBER, SACRAMENTO, February 16, 1911

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted the following

Senate Joint Resolution No. 6—Relating to the acquisition by the United States of the Calaveras Big Trees

Also: Senate Joint Resolution No. 8—Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months.

Also Senate Joint Resolution No. 11—Relative to the continuation by the United States of surveys for the construction of storage reservoir sites for the impounding of flood waters in the Sierra Nevada Mountains in the State of California, and asking that an appropriation be made for forwarding the work as speedily as possible

Also Senate Joint Resolution No. 15—Relative to the plague and famine existing in China and Manchuria

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTHEW, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed the following

Senate Bill No. 79—An Act to amend Section 4300a of the Political Code of the State of California, relating to the county clerk's fees.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTHEW, Assistant Secretary

Senate Joint Resolution No. 6 read, and referred to Committee on Federal Relations.

Senate Joint Resolution No. 8 read, and referred to Committee on Federal Relations.

Senate Joint Resolution No. 11 read, and referred to Committee on Federal Relations.

Senate Joint Resolution No. 15 read, and referred to Committee on Federal Relations.

Senate Bill No. 79 read first time, and referred to Committee on County and Township Governments.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted the following

Assembly Concurrent Resolution No. 13—Relative to the observance of Washington's birthday

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary

Assembly concurrent resolution ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day receded from its amendments adopted February 10, 1911, to Assembly Joint Resolution No. 1—Relating to defense of the Pacific seaboard by the National Government.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Assembly Joint Resolution No. 1 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 881—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Assembly Bill No. 999—An Act legalizing the formation and organization of reclamation district number five hundred and forty-eight, in the county of San Joaquin, State of California, fixing, defining, and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Assembly Bill No. 1000—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California, fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Also: Assembly Bill No. 888—An Act to authorize and regulate the employment of prisoners in the state prisons of this State and to provide for the disposition of the products of their skill and labor.

Also: Assembly Bill No. 889—An Act to amend section one (1) of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885" (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said Act.

Also: Assembly Bill No. 195—An Act to provide for the registration of farm, ranch, and villa names in the several counties of California.

Also: Assembly Bill No. 654—An Act authorizing any municipal corporation, using the word "Town" in its corporate name, to change such word to "city" and providing the procedure therefor.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above reported bills ordered to enrollment.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:

By Mr. March:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 4099a of the Political Code of the State of California, relating to duty of auditor with respect to minor orphans or half orphans.

MARCH,
Member Eighteenth District.

Referred to Committee on Introduction of Bills.

By Mr. Polsley:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North

Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

POISLEY.

Member Fifth District.

Referred to Committee on Introduction of Bills.

By Mr. Wilson:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying joint resolution, the title of which reads as follows, viz: "Assembly Joint Resolution No. 16—Relative to immediate revision of the tariff on the necessities of life."

WILSON

Member Sixteenth District

Referred to Committee on Introduction of Bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911

MR. SPEAKER: I ask permission to introduce the accompanying joint resolution, the title of which reads as follows, viz: "Assembly Joint Resolution No. 17—Relating to the protection of the alfalfa industry of California by the United States Department of Agriculture."

WILSON.

Member Sixteenth District

Referred to Committee on Introduction of Bills

By Mr. Held:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend an Act entitled 'An Act to prevent the taking of fish by means of weirs, dams, nets, traps or seines in certain tide water on the coast of Mendocino County,' approved March 25, 1909."

HELD.

Member Sixth District.

Referred to Committee on Introduction of Bills.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

RESOLUTION.

By Mr. Griffiths:

WHEREAS, It has been represented to the Committee on Fish and Game of this Assembly, by reliable persons, that employees of the California Fish and Game Commission have been guilty of extorting money from certain persons in this State under color of official right; and

WHEREAS, Your committee believes that these charges should be thoroughly investigated with the view of bringing these alleged guilty persons to justice, therefore, be it

Resolved, That the Fish and Game Committee of this Assembly be and it is hereby authorized, empowered and instructed to send for papers and persons, to subpoena witnesses, to hear evidence, and to employ competent assistants in making such investigation and to report the result of its labors to the Assembly.

GRIFFITHS, Chairman.

On motion of Mr. Griffiths, the consideration of the resolution was continued until three o'clock and thirty minutes P. M. of this day.

THIRD READING OF BILLS.

Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 270 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Fhmt, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rosendale, Rutherford, Ryan, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Young, and Mr. Speaker—53

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 76—An Act authorizing and directing the board of managers of the Napa State Hospital to construct and restore the principal tower of the buildings at the Napa State Hospital damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 76 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Callaghan, Chandler, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 79 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Freeman, Gaylord, Griffiths, Guill, Hall, Hayes, Hinkle, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 207 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Fran-

cisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rumlinger, Rosendale, Rutherford, Ryan, Schmitt, Smith, Sutherland, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—57.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 272—An Act to provide for the erection, equipping and furnishing of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 272 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Feeley, Fitzgerald, Griffin of Modesto, Hayes, Held, Hinkle, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rumlinger, Rosendale, Rutherford, Ryan, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home at Eldridge, California

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 227 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hayes, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Preisker, Randall, Rumlinger, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 234—An Act authorizing and directing the re-flooring of the maunse and main building at the Sonoma State Home, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 234 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hayes, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rumlinger, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 116—An Act appropriating money to purchase cement and the necessary material for laying a concrete floor in the basement of the refectory building under officers' and boys' dining-room

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 116 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Callaghan, Cattell, Coghlan, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hayes, Held, Hinkle, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting, and repairing the administration building and the east and west cottages at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 121 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bohnett, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hayes, Held, Hinkle, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—56.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 123 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bohnett, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Hayes, Held, Hinkle, Joel, Judson, Kehoe, Lamb, Lynch, Maher, March, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 125 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bohnett, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord,

Gerdes, Griffin of Modesto, Griffiths, Hayes, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 126 passed by the following vote :

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lynch, McGowen, Mendenhall, Mullally, Polsley, Randall, Rimlinger, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 129 passed by the following vote :

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mullally, Nolan, Preisker, Rimlinger, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 130 passed by the following vote :

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Gull, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Sutherland, Telfer, Walker, Williams, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional

amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters.

During the third reading of the bill Mr. Young moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, line 22, of the printed bill, omit the comma and place in lieu thereof a semicolon, followed by the words "*provided*, that in all cases where the amendment or proposition to be submitted shall have been proposed by resolutions or bills introduced in both houses of the Legislature and shall have been passed substantially as proposed in each house, the statement herein provided for, setting forth the reasons why such amendment or proposition should be adopted, shall be prepared by the respective authors of said resolutions or bills."

Also: On page 2, line 22, of the printed bill, omit the words "and the", and insert in lieu thereof the word, "The"

Also On page 2, line 25, of the printed bill, before the word "shall" insert the words "the Secretary of State"

Also On page 2, line 26, of the printed bill, before the word "such" insert the word "all"

Also On page 2, line 27, of the printed bill, strike out the words "amendment and proposition", and insert in lieu thereof, "amendments and propositions".

Also On page 2, lines 29 and 30, of the printed bill, strike out the words "amendment and proposition," and insert in lieu thereof "amendments and propositions".

Also On page 2, line 30, of the printed bill, at the end of the line omit the period, and insert in lieu thereof a comma

Also On page 2, line 48, of the printed bill, after the period insert the following: "No leaflet, pamphlet, card, or other printed matter shall be inclosed or mailed in said envelope other than that expressly provided by law or prepared by the county clerk for the purpose of informing the voter regarding the number of his precinct, the location of his polling place, his voting number, or similar information regarding the ensuing election."

Motion carried.

The Speaker appointed Mr. Young as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 146, with instructions, do now report that the instructions of the Assembly have been carried out.

YOUNG, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

SECOND READING OF BILL.

Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 494 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Denegri, Farwell,

Feeley, Fitzgerald, Flint, Gerdes, Griffiths, Hall, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowan, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wylhe, and Mr. Speaker—77
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Mendenhall gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 494 was this day passed.

Assembly Bill No. 585—An Act to amend Sections 276, 277, and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counselors-at-law, and to add three sections to said Code to be known as Sections 276a, 276b, and 276c, relating to the same subject.

Mr. Joel moved that bill be re-referred to Committee on Judiciary.
 Motion lost.

During the third reading of the bill Mr. March moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, line 11, Section 1, of the printed bill, after the word "written", insert the words "and oral".

Motion carried.

The Speaker appointed Mr. March as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 585, with instructions, do now report that the instructions of the Assembly have been carried out

MARCH, Select Committee

Report of select committee and amendment adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 890—An Act to amend Section 1584 of the Penal Code of the State of California, relating to moneys received or collected by the wardens of San Quentin Prison and of Folsom Prison and the disposition thereof.

Mr. Gerdes asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 890

Bill withdrawn, and ordered stricken from the file.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter County," approved March 20, 1874.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1015 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby,

Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, Willie, Young, and Mr Speaker—67.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

WHEREAS There are before the Committee on Fish and Game certain bills affecting the State Game Reservation in Orange County, including the waters of Newport Bay; and

WHEREAS, It is necessary, in order to enable said committee to intelligently act on said bills, that they visit the said State Game Reservation, and the said waters, the said committee, through its chairman, applies to this Assembly for leave of absence for three of the members of said committee hereinafter designated. That the occasion and the necessity for visiting said reservation and waters are as above stated. That the names of the committeemen designated by the chairman for the purpose aforesaid are as follows: John R. Cronin, Geo. E. Malone, Henry H. Lyon.

Application is hereby made to this Assembly for a leave of absence for the above named members of the said Committee on Fish and Game for a period extending from and including Saturday, February 18th, to and including Tuesday, February 21st; therefore, be it

Resolved, That the above named members of the said Committee on Fish and Game be, and they are hereby granted leave of absence from and including Saturday, February 18th to and including Tuesday, February 21st, for the purpose aforesaid.

GRIFFITHS, Chairman

Resolution read, and referred to Committee on Rules and Regulations.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS

MR SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

WHEREAS, Leave of absence was by this Assembly granted to the following members of the Committee on Commerce and Navigation, Messrs. Lyon of San Francisco, Kennedy and Schmitt to visit the harbor of San Diego, and Messrs. Rosendale, Williams and Flint to visit the harbors of Monterey and San Francisco; and

WHEREAS, The said members of said committee have submitted the following as a statement of their actual expenses, namely:

W. T. Lyon—		
Railroad fare and accommodation-----	\$46 30	
Incidental expenses, including meals, lodging, etc.-----	38 50	
		\$84 80
W. P. Kennedy—		
Railroad fare and accommodation-----	\$46 30	
Incidental expenses, including meals, lodging, etc.-----	38 50	
		\$84 80
M. L. Schmitt—		
Railroad fare and accommodation-----	\$46 30	
Incidental expenses, including meals, lodging, etc.-----	38 50	
		\$84 80
C. B. Rosendale—		
Railroad fare and accommodation-----	\$11 00	
Incidental expenses, including meals, lodging, etc.-----	14 00	
		25 00
D. E. Williams—		
Railroad fare and accommodation-----	\$11 00	
Incidental expenses, including meals, lodging, etc.-----	14 00	
		25 00
W. R. Flint—		
Railroad fare and accommodation-----	\$11 00	
Incidental expenses, including meals, lodging, etc.-----	14 00	
		25 00

Now, therefore, the undersigned chairman recommends that said members be allowed their actual expenses in accordance with Assembly Rule No. 80, and respectfully asks that the aforesaid accounts be referred to the Committee on Contingent Expenses and Accounts.

SCHMITT, Chairman.

Have had the same under consideration, and beg leave to report that pursuant to said resolution that the following resolution be adopted:

Resolved. That the Controller be and is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of \$329 40 in favor of M. L. Schmitt, chairman of Committee on Commerce and Navigation, the same being for the payment of the following bills of the Committee on Commerce and Navigation, to wit:

W. T. Lyon—		
Railroad fare and accommodation.....	\$46 30	
Incidental expenses, including meals, lodging, etc.....	38 50	
		\$84 80
W. P. Kennedy—		
Railroad fare and accommodation.....	\$46 30	
Incidental expenses, including meals, lodging, etc.....	38 50	
		84 80
M. L. Schmitt—		
Railroad fare and accommodation.....	\$46 30	
Incidental expenses, including meals, lodging, etc.....	38 50	
		84 80
C. B. Rosendale—		
Railroad fare and accommodation.....	\$11 00	
Incidental expenses, including meals, lodging, etc.....	14 00	
		25 00
D. E. Williams—		
Railroad fare and accommodation.....	\$11 00	
Incidental expenses, including meals, lodging, etc.....	14 00	
		25 00
W. R. Flint—		
Railroad fare and accommodation.....	\$11 00	
Incidental expenses, including meals, lodging, etc.....	14 00	
		25 00
Total		\$329 40

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennuk, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Corblan, Coswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mendenhall, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—67

NOES—None.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

MOTION.

Mr. Bohnett moved that when the Assembly adjourn this day, it do so until ten o'clock A. M. of Saturday, February 18, 1911.

Motion carried

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following communication, to wit:

"SAN FRANCISCO, CAL., February 14, 1911

To the Honorable, the Senate and Assembly of the State of California, in session

The Supreme Court of the State of California, and the individual members thereof, to the end that the truth may be known and by you made a matter of public record, respectfully request that, by appropriate committee or committees, you investigate the conduct of this court in the matter of the granting of the petition of Abraham Ruef for rehearing in the case entitled *The People of the State of California*, plaintiff and respondent vs. *Abraham Ruef*, defendant and appellant (Crim. No. 1655); and also that you investigate any other or further matters touching the conduct of the Supreme Court and the transaction of its business which to your honorable bodies shall seem advisable.

Respectfully submitted

WM. H. BEATTY, C. J.
F. W. HENSHAW, J.
F. M. ANGELLOTTI, J.
W. G. LORIGAN, J.
M. C. SLOSS, J.
HENRY A. MELVIN, J.

P. S. Justice Shaw being temporarily absent from the city, it has been impossible to get his views in reference to the above communication. A copy of it has been forwarded to him at Los Angeles for his consideration and action.

Respectfully report that it has had the same under consideration, and after such consideration it recommends that the request contained in such communication be granted.

We further recommend that the subject-matter of said communication be referred to a special committee consisting of four members of the Assembly and three members of the Senate, and that said committee be authorized and directed to make a full and complete investigation of the matter specified in said communication, and also any other or further matters touching the conduct of the Supreme Court and the transaction of its business, and to that end we would recommend the adoption of the following concurrent resolution:

WHEREAS, A communication has been received by the Senate and Assembly of which the following is a true copy:

"SAN FRANCISCO, CAL., February 14, 1911.

To the Honorable, the Senate and Assembly of the State of California, in session:

The Supreme Court of the State of California, and the individual members thereof, to the end that the truth may be known and by you made a matter of public record, respectfully request that, by appropriate committee or committees, you investigate the conduct of this court in the matter of the granting of the petition of Abraham Ruef for rehearing in the case entitled *The People of the State of California*, plaintiff and respondent, vs. *Abraham Ruef*, defendant and appellant (Crim. No. 1655); and also that you investigate any other or further matters touching the conduct of the Supreme Court and the transaction of its business which to your honorable bodies shall seem advisable.

Respectfully submitted.

WM. H. BEATTY, C. J.
F. W. HENSHAW, J.
F. M. ANGELLOTTI, J.
W. G. LORIGAN, J.
M. C. SLOSS, J.
HENRY A. MELVIN, J.

P. S. Justice Shaw being temporarily absent from the city, it has been impossible to get his views in reference to the above communication. A copy of it has been forwarded to him at Los Angeles for his consideration and action."

Now, therefore, be it

Resolved, by the Assembly, the Senate concurring, That a special committee of four members of the Assembly and three members of the Senate be appointed to investigate all matters referred to in the above communication, relative to the conduct of the Supreme Court and the transaction of its business.

Resolved, That said committee be and it is hereby authorized and empowered to do any and all things necessary in order to make a full and complete investigation of the matters referred to in said communication; and that it be and it is hereby authorized to employ all necessary clerical assistance for the purpose of making

such investigation; also that said committee be and it is hereby authorized to send for persons and papers, and to take all necessary means to procure the attendance of witnesses; that members of said committee be, and each of them is, hereby authorized to administer oaths; and that all the provisions of Article VIII, Chapter II, Title I, Part III of the Political Code of this State, relative to the "attendance and examination of witnesses before the Legislature and committees thereof" be, and the same are, hereby made applicable to the committee appointed under this resolution; and the Sergeant-at-Arms of the Assembly be and he is hereby authorized and directed to serve any and all subpoenas and orders, or other process, that may be issued by said committee or the chairman thereof; and be it further

Resolved, That said committee be, and the same is, hereby directed to report the result of its investigation to the Senate and Assembly, respectively, with such recommendations as it may deem proper

PREISKER, Chairman.

Mr. Preisker moved the adoption of the report

Mr. Coghlan moved that the report be referred to the Committee on Judiciary.

Motion lost.

POINT OF ORDER

Mr. Schmitt rose to the following point of order: That the matter should be referred to a committee.

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

Motion of Mr. Preisker to adopt report carried.

INTRODUCTION OF ASSEMBLY CONCURRENT RESOLUTION.

The following was submitted:

By Committee on Rules and Regulations: Assembly Concurrent Resolution No. 19—Relative to investigating the Supreme Court of the State of California.

RULES SUSPENDED.

Mr. Coghlan moved that the rules be suspended, and Assembly Concurrent Resolution No. 19 be taken up for consideration.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Calhagan, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hishaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowan, Mott, Mullally, Nolan, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

Assembly concurrent resolution read, and, on motion of Mr. Coghlan, adopted.

Assembly concurrent resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION No. 19.

Relative to the appointment of a special joint committee of the Assembly and Senate for the purpose of making a full and complete investigation of the conduct of the Supreme Court of the State of California in the matter of the granting of the petition of Abraham Ruef for rehearing in the case entitled *The People of the State of California vs. Abraham Ruef*, and any other or further matters touching the conduct of said court, and giving said committee full authority to act in the premises

WHEREAS, A communication has been received by the Senate and Assembly, of which the following is a true copy:

"SAN FRANCISCO, CAL., February 14, 1911.

To the Honorable, the Senate and Assembly of the State of California, in session:

The Supreme Court of the State of California, and the individual members thereof, to the end that the truth may be known, and by you made a matter of public record,

respectfully request that, by appropriate committee or committees, you investigate the conduct of this court in the matter of the granting of the petition of Abraham Ruef for rehearing in the case entitled *The People of the State of California*, Plaintiff and Respondent, vs. *Abraham Ruef*, Defendant and Appellant (Crim. No. 1655); and also that you investigate any other or further matters touching the conduct of the Supreme Court and the transaction of its business which to your honorable bodies shall seem advisable.

Respectfully submitted

WM. H. BEATTY, C. J.
F. W. HENSHAW, J.
F. M. ANGELLOTTI, J.
W. G. LORIGAN, J.
M. C. SLOSS, J.
HENRY A. MELVIN, J.

P. S. Justice Shaw being temporarily absent from the city, it has been impossible to get his views in reference to the above communication. A copy of it has been forwarded to him at Los Angeles for his consideration and action.

Now, therefore, be it

Resolved by the Assembly, the Senate concurring. That a special committee of four members of the Assembly and three members of the Senate be appointed to investigate all matters referred to in the above communication, relative to the conduct of the Supreme Court and the transaction of its business.

Resolved. That said committee be and it is hereby authorized and empowered to do any and all things necessary in order to make a full and complete investigation of the matters referred to in said communication, and that it be and it is hereby authorized to employ all necessary clerical assistance for the purpose of making such investigation; also that said committee be and it is hereby authorized to send for persons and papers and to take all necessary means to procure the attendance of witnesses; that members of said committee be and each of them is, hereby authorized to administer oaths, and that all the provisions of Article VIII, Chapter II, Title I, Part III, of the Political Code of this State, relative to the "attendance and examination of witnesses before the Legislature and committees thereof" be, and the same are, hereby made applicable to the committee appointed under this resolution; and the Sergeant-at-Arms of the Assembly be and he is hereby authorized and directed to serve any and all subpoenas and orders, or other process, that may be issued by said committee of the chairman thereof, and be it further

Resolved. That said committee be and the same is hereby directed to report the result of its investigation to the Senate and Assembly, respectively, with such recommendations as it may deem proper.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 729—An Act to amend Section 500 of the Political Code, relating to clerks in the register's office, and their salaries.

Also: Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Also: Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 91—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 150—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Also: Assembly Bill No. 253—An Act making an appropriation for the use of the creamery department of the California Polytechnic School and making provision for the return of said appropriation to the state treasury.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 15, 1911.

MR SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for investigation of its prevalence and making an appropriation therefor.

Also: Assembly Bill No. 756—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and make an appropriation therefor.

Also: Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Also: Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer system of the California Polytechnic School.

Also: Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Also: Assembly Bill No. 153—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Also: Assembly Bill No. 156—An Act to appropriate money for the construction and furnishing of dormitories for the California Polytechnic School.

Also: Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also: Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 92—An Act to provide for the painting, inside and outside, of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Also: Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 90—An Act to provide for the construction of dams for water supply, at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company "C," at the Veterans' Home of California, located at Yountville, Napa County, California.

Also: Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion, at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Also: Assembly Bill No. 159—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading

HON. C. C. YOUNG IN THE CHAIR.

At two o'clock and thirty-five minutes P. M., Hon. C. C. Young in the chair.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1911.

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1485—An Act to make an appropriation for the contingent expenses of the Assembly for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year—have had the same under consideration, and respectfully report the same back with a recommendation that it be withdrawn and that the following committee substitute therefor do pass:

Committee Substitute for Assembly Bill No. 1485—An Act making an appropriation for the contingent expenses of the Assembly for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

COGSWELL, Chairman

Mr. Cogswell moved the adoption of the report.

Motion carried.

Committee Substitute for Assembly Bill No. 1485 adopted.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Cogswell:

Resolved, That Committee Substitute for Assembly Bill No. 1485 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Stuckenbruck, Sutherland, Tibbits, Williams, Wilson, Wyllie, and Young—57.

NOES—None.

Bill read first time, and ordered to second reading.

SECOND READING OF BILL.

During the second reading of the bill, Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. C. C. Young in the chair.

Assembly Bill No. 1485 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Hon. C. C. Young in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1485, and do now report the same back, and recommend that it do pass

YOUNG, Chairman

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1485 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polesley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Wilson, Wyllie, and Young—63.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution No. 11—Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the twelfth day of September, 1910.

The question being on the adoption of the Senate concurrent resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Coghan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polesley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Smith, Sutherland, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, and Young—59.

NOES—None.

Senate concurrent resolution ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 11.

Approving the charter of the city of San Luis Obispo, in the county of San Luis Obispo, State of California, which was voted for and ratified by the qualified electors of said city at a special municipal election held therein for that purpose on the 12th day of September, 1910.

WHEREAS the city of San Luis Obispo, in the county of San Luis Obispo, State of California is now and at all the times herein referred to was a city containing a population of more than 3,500 and less than 10,000 inhabitants, and

WHEREAS at an election held in said city on the 11th day of April, 1910, in accordance with law and the provisions of Section 8 of Article 11 of the Constitution of the State of California, a board of fifteen (15) freeholders, duly qualified was duly elected in and by said city and by the qualified electors thereof to pre-

pare and propose a charter for said city which said board of fifteen (15) freeholders did, within ninety (90) days next after such election, prepare and propose a charter for said city, which said charter was on the 8th day of July, 1910, signed in duplicate by a majority of the members of said board of fifteen (15) freeholders and was on the 9th day of July, 1910 returned, one (1) copy thereof to the president of the board of trustees of said city (he being the chief executive officer of said city) and the other copy thereof to the county recorder of the county of San Luis Obispo (within which said city is situated) and filed the same with said county recorder, and

WHEREAS such proposed charter was thereafter published in the "Morning Tribune," a daily newspaper printed and published, and of general circulation in said city of San Luis Obispo and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said proposed charter, and

WHEREAS said charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of San Luis Obispo to the qualified electors of said city at a special election previously, duly and regularly called and thereafter held in said city on the 12th day of September, 1910, and

WHEREAS at said last mentioned special election a majority of said qualified electors of the city of San Luis Obispo, voting at said special election voted in favor of the ratification of said charter as proposed as a whole and voted to reject the alternative proposition submitted at said election, which alternative proposition was not chosen by the majority of the qualified electors voting at said election, and

WHEREAS the board of trustees after canvassing said returns of said special election duly found, determined, and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as a whole as above specified, and

WHEREAS the same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California, and

WHEREAS said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF SAN LUIS OBISPO PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED APRIL 11, 1910, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

Article	I.	Name and rights of the city.
Article	II.	Boundaries.
Article	III.	Elective officers.
Article	IV.	The mayor.
Article	V.	Executive and administrative departments.
Article	VI.	The council.
Article	VII.	Powers of the city and of the council.
Article	VIII.	City clerk.
Article	IX.	Finance and taxation.
Article	X.	Public works and supplies.
Article	XI.	Elections
Article	XII.	Recall of elective officers
Article	XIII.	The initiative.
Article	XIV.	The referendum.
Article	XV.	The public schools
Article	XVI.	Franchises.
Article	XVII.	Miscellaneous.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

SECTION 1. *Name of City.* The municipal corporation now existing and known as the city of San Luis Obispo shall remain and continue a body politic and corporate in name and in fact, by the name of the city of San Luis Obispo, and by such name shall have perpetual succession.

SEC. 2. *Rights and Liabilities.* The city of San Luis Obispo shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II

BOUNDARIES.

SEC. 3. *Boundaries.* The boundaries of the city of San Luis Obispo shall be as follows:

Commencing at a stone 34" x 14" x 10" on the south boundary of township 30 south range 12 east, M. D. M 20 chains east of corner to sections 35 and 36—

the southeast corner of the city of San Luis Obispo: thence north on a true line, at 9.15 chains cross a fence bears north 30 deg. east, south 30 deg. west, at 9.30 chains a sycamore 48" in diameter is 5 links east, at 9.50 chains across a stream 3 links wide runs south 30 deg. west, at 15.90 chains cross a fence east and west, at 24.50 chains cross a creek runs south 40 deg. west, at 37.00 chains a creek 10 links wide runs southwest from north 10 deg. east, at 50.27 chains cross a fence east and west, at 50.50 chains the Arroyo de Los Laureles 60 links wide water in pools runs southwest, at 54.35 chains intersect the south boundary of Deleissigues addition at a post in fence bearing north 69½ deg. east, south 69½ deg. west, a laurel tree 30" in diameter, the southeast corner of said addition bears north 69 deg. 26' east 5.32 chains distant, at 64.10 chains a post on line in fence bearing north 33 deg. west and south 33 deg. east, leave Deleissigues' addition, at 77.30 chains cross a ravine runs south 80 deg. west ascend, at 81.50 chains cross a ravine runs west, at 89.50 chains a stream 8 links wide runs south 80 deg. west ascend spur, at 97.10 chains top of spur descend a post in stone mound, at 107.50 chains a deep ravine runs west enter flat, at 111.25 chains ravine runs southwest ascend, at 121.00 chains top of spur, at 126.50 chains a ravine runs S. 60 deg. west, at 128.00 chains top of high spur descend, at 134.00 chains a deep ravine runs west, at 140.00 chains to post northeast corner of city, in mound of earth; thence west on a true line along the north boundary of the city, at 5.00 chains cross a fence at foot of steep descent, at 8.00 chains enter valley northwest and southeast, at 11.00 chains enter willows along San Luis creek, at 12.00 chains cross creek 25 links wide runs south 80 deg. west, at 14.00 chains leave willows, a house is 1½ chains north, at 23.00 chains cross a gulch runs south, at 23.08 chains a stone 4" x 14" x 10" in line of a fence bears northeast and southwest on southeast side of road on continuation of Monterey street, at 24.62 chains a fence bears northeast and southwest, leave road, at 26.55 chains a fence bears north and south, corner of fence is 186 links south, at 35.13 chains cross a fence bears north and south, at 39.00 chains a gulch runs south, at 43.80 chains a fence bears north and south, enter Grand avenue, at 45.30 chains a fence bears north and south, leave Grand avenue, at 47.75 chains a gulch runs southeast, at 54.90 chains a post in a fence (bears north and south), the corner of a fence bearing east and west is 426 links south, at 56.70 chains top of knoll, at 61.20 chains Mr. A. R. Hathaway's house is 7 chains south, at 65.50 chains a gulch runs southwest, at 80.50 chains a gulch runs south 20 deg. west, at 100.00 chains a gulch runs south, at 104.50 chains to old Garden creek 80 links wide runs south, at 106.15 chains on the west side of road bearing north and south in line of fence a post,—the fence bearing east and west is 5.00 chains south, at 127.00 chains cross Stenner creek 20 links wide runs south 20 deg. east, at 130.50 chains cross a gulch runs north, at 140.00 chains to stone 3" x 14" x 7" northwest corner of the city, thence south on a true line, at 5.20 chains cross a fence bears east and west, Enter Stenner's field, at 16.50 chains cross a ravine runs east, ascend, at 44.75 chains intersect the line between Stenner and Feliz a post, at 47.20 chains top of spur of Cerro Obispo, at 52.00 chains descend at 64.91 chains intersect the line between J. Y. Feliz and Ventura Fernandez at post in fence (bears east and west) at 80.00 chains cross a gulch runs southeast, at 104.95 chains cross a fence east and west, enter Harford's addition, at 120.30 chains to intersection with line of Laguna Rancho and stone 3½" x 14" x 8" corner to city; thence along Laguna line south 42 deg. 29' east 16.80 chains to intersection with south boundary of township 30 south, range 12 E., M. D. M., at stone 3" x 12" x 9", the southwest corner of the city, thence along the south boundary of the city north 80 deg. 25' east on a true line, at 23.28 chains a post in a fence (bears north and south) on the east line of Harford's addition 370 links north of south line of said addition; at 62.90 chains a post in fence (bears north and south) on the easterly line of W. L. Beebe's land, The south line of Beebe and Phillip's addition is 388 links south, at 83.85 chains a post in a fence (bears northwest and southeast) on westerly line of road on the continuation of Broad street. The southeast corner of C. H. Phillip's land bears southeast 444 links distant, at 103.24 chains a post in a fence (bearing north and south) on the east line of H. S. Rembaugh's land 347 links north of south line of said lands, at 128.00 chains to the southeast corner of the city, the point of beginning. All the posts above mentioned are of redwood 4" x 4" x 4 feet in height, marked "S. L. O. City Limit."

ARTICLE III.

ELECTIVE OFFICERS.

SEC 4. *The Elective Officers.* The elective officers of the city shall be a mayor, a city clerk, four councilmen and four school directors.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of four school directors and the councilman appointed to be commissioner of finance and revenue, each of whom, including said commissioner, shall have the right to vote on all questions coming before the board.

SEC 5. *How Elected.* The mayor, city clerk, councilmen and school directors

shall be elected at the general municipal election on a general ticket from the city at large.

SEC. 6. *Eligibility of Mayor, Clerk and Councilmen.* To be eligible for the office of mayor, city clerk or councilmen, a person must be a citizen of the United States and a qualified elector of the State of California and of the city of San Luis Obispo.

SEC. 7. *Eligibility of School Directors.* To be eligible for the office of school director, a person must be a citizen of the United States of the age of twenty-one years and a resident of the city of San Luis Obispo.

SEC. 8. *Vacancies in Office of Mayor, Clerk or Councilman.* If a vacancy shall occur in the office of mayor, city clerk, or councilman, the council shall appoint a person to fill such vacancy.

SEC. 9. *Vacancy in Office of School Director.* If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy.

SEC. 10. *Term of Office of Mayor and Clerk.* The mayor and city clerk shall each hold office for a term of two years from and after the 15th day of May after his election, and until his successor is elected and qualified.

SEC. 11. *Term of Office of Councilmen.* The councilmen shall hold office for a term of four years from and after the 15th day of May after their election and until their successors are elected and qualified. *Provided*, that the councilmen first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this charter, there shall be elected two councilmen.

SEC. 12. *Term of Office of School Directors.* The school directors shall hold office for a term of four years from and after the 15th day of May after their election and until their successors are elected and qualified. *Provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that two of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this charter there shall be elected two school directors.

SEC. 13. *Bonds.* The mayor, city clerk and each councilman shall, before entering upon the duties of his office, give and execute to the city a bond with a surety company as sole surety, the mayor in the penal sum of five thousand dollars, the city clerk in the penal sum of seven thousand five hundred dollars, and each councilman in the penal sum of five thousand dollars. The city council may require an additional bond of any of the above officers if deemed necessary.

Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the mayor must be approved by the council and the bonds of the city clerk and the several councilmen must be approved by the mayor.

The council shall fix the amount of bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, when approved, shall be filed with the city clerk. All the provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with.

SEC. 14. *Oath of Office.* Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state and shall file the same with the city clerk.

SEC. 15. *Salaries.* The mayor shall receive an annual salary of six hundred dollars, payable in equal monthly installments.

The city clerk shall receive an annual salary of one thousand five hundred dollars, payable in equal monthly installments.

Each councilman shall receive an annual salary of five hundred dollars, payable in equal monthly installments.

Each school director shall receive two and one half dollars for each regular meeting of the board of education which he shall attend, provided that he shall not receive more than ten dollars in any one month.

SEC. 16. *Administering Oaths, Subpoenas.* Every elective officer, every chief official and every member of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board or commission or to answer any questions which any officer, or a majority of such board or commission shall decide to be proper and pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general laws of this State. The chief of police must, on request of such officer, or of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

ARTICLE IV

THE MAYOR

SEC. 17. *General Duties.* The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

SEC. 18. *Mayor pro tempore.* During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

SEC. 19. *Reports.* The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

SEC. 20. *Examination of Books.* The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a competent accountant who shall examine the books, records and reports of the city clerk and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make duplicate reports thereof, and present one to the mayor and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

SEC. 21. *Supervision of Public Utility Companies.* The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control, he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel and annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

SEC. 22. *Other Duties.* The mayor shall exercise such other powers and perform such other duties as may be prescribed by law and ordinance.

ARTICLE V.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

SEC. 23. *Municipal Departments.* The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments as follows —

1. Department of finance and revenue
2. Department of public health and safety.
3. Department of public works
4. Department of public supplies

SEC. 24. *Commissioners.* The council at its first regular meeting after the election of its members shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation by ordinance or by resolution published for five days, whenever it determines that the public service will be benefited thereby. Each commissioner shall take the active management and control as foreman and director of the affairs of his department, and shall be responsible for the full and complete discharge thereof.

SEC. 25. *Powers and Duties.* The council shall determine and assign the duties of the several departments subject to the provisions of section twenty-three. Each department shall be entitled to such salaried employees as may be authorized by the council. The head of each department shall nominate all such employees therein but their appointments shall be made by the council. Each commissioner shall have the power of selecting and employing the day laborers necessary for his department. Any and all employees in any department shall be subject to discharge by the commissioner at the head of that department at any time except as otherwise provided by this charter. The city council shall determine the number

of such employees in any department and shall also have like power of discharging them or any of them, or may require any employee in any department to perform duties in two or more departments, or may make such rules and regulations as they shall deem necessary or proper for the efficient and economical conduct of the business of the city. The salary or wages of any employee of the city shall cease immediately upon his discharge from such employment.

SEC. 26. *Chief Officials* The chief officials of the city shall be city treasurer, attorney, collector, engineer, chief of police, street superintendent, fire library trustees and fire chief. They shall be appointed and may be removed by a majority of the council, *provided, however*, that the chief of police and the fire chief shall be nominated by the commissioner of public health and safety, and the street superintendent by the commissioner of public works. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more of such officers. The council shall by ordinance prescribe the duties of all the chief officials.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties as provided in this section.

SEC. 27. *Subordinate Officers and Employees.* The council shall have power by ordinance to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

SEC. 28. *Compensation of Officers and Employees.* The compensation of all city officers provided for by section twenty-six of this charter, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by the council. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer, official or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

SEC. 29. *Department Reports.* Each department and commission shall annually on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

SEC. 30. *Publication of Reports.* The council shall provide for the publication of the annual reports of the mayor and of the several departments and commissions.

SEC. 31. *Councilman to Hold no Other Office.* No member of the council, except the commissioner of finance and revenue, who shall be ex officio a member of the board of education, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys; or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

SEC. 32. *Not to be Interested in Contracts or Franchises.* No officer, official or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer, official or employee shall be interested in, or in the employ of any public service corporation in the city or of any person, firm or corporation having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void.

Any violation of the provisions of this section shall be deemed a misdemeanor.

The council shall enforce the provisions of this section by appropriate legislation.

SEC. 33. *Political and Religious Tests.* No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VI.

THE COUNCIL

SEC. 34. *General Powers.* The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

SEC. 35. *Presiding Officers.* The mayor shall be president of the council and

shall preside at its meetings when present. The council shall elect one of its members to be vice-president.

SEC. 36. *Meetings.* The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

SEC. 37. *Meetings to be Public.* All legislative sessions of the council, whether regular or special, shall be open to the public.

SEC. 38. *Quorum.* A majority of the members of the council shall constitute a quorum for the transaction of business.

SEC. 39. *Rules of Procedure.* The council shall establish rules for its proceedings.

SEC. 40. *Ordinances and Resolutions.* (1) The council shall act only by ordinance or resolution.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

(5) The enacting clause of all ordinances passed by the council shall be in these words "Be it ordained by the council of the city of San Luis Obispo as follows:—".

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in like manner be republished as amended for not less than one day.

(7) No action providing for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessments, for the granting of any franchise; for establishing or changing fire limits, or for the imposing of any penalty, shall be taken except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the State.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

(9) All resolutions and ordinances shall be signed by the mayor and attested by the city clerk.

(10) No ordinance shall be revised, reenacted or amended by reference to its title only, but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

(12) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

(13) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

SEC. 41. *Absent Commissioner.* No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

SEC. 42. *Publication of Charter and Ordinances.* The council, during the first year after its organization under this charter and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and, together with or separately from the charter of the city and such provisions of the constitution and laws of the State as the council may deem expedient, to be published in book form.

ARTICLE VII.

POWERS OF THE CITY AND OF THE COUNCIL.

SEC. 43. *General Powers of City.* Without denial or disparagement of other powers held under the Constitution and laws of the State the city of San Luis Obispo, shall have the right and power

(1) To acquire by purchase, condemnation or otherwise, and to establish, main-

tain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, hospitals, charitable institutions, jails, houses of correction and farm schools, workhouses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning, street paving and sprinkling plants, quarries and all other public buildings, places, works and institutions.

(2) To acquire by purchase, condemnation or otherwise and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within and without the city, and to supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways and transportation service of any kind within or without the city.

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

(5) To acquire by purchase, condemnation or otherwise within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

(6) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

(7) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

(8) To raise money by a special tax, in addition to the annual tax levy provided by section fifty-four of this charter. The levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

(9) To sue and defend in all courts and places and in all matters and proceedings.

SEC. 44. *Direct Legislation.* The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the State, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

SEC. 45. *Powers of Council.* As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed five hundred dollars or six months' imprisonment, or both.

(3) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

(4) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

(5) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same.

(6) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun cotton, nitroglycerine, fireworks, and other explosive materials and substances.

(7) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

(8) To regulate the use of steam engines, gas engines, steam boilers and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

(9) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

(10) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used

in and the method of construction of foundations and foundation walls the manner of construction and location of drains and sewers the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing, to prohibit the construction of buildings and structures which do not conform to such regulations.

(11) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

(12) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

(13) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind, and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

(14) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

(15) To regulate or prohibit the exhibition or carrying of banners, placards or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate or prevent the flying of banners, flags, or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

(16) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds therefrom and from the sidewalk and gutters adjacent thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

(17) To regulate, license or prohibit the construction and use of billboards and signs.

(18) To regulate and prevent the running at large of dogs, to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

(19) To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

(20) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

(21) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

(22) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises and odors.

(23) To provide for and regulate the inspection of all dairies and slaughterhouses that offer for sale or sell any of their products in the city.

(24) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

(25) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools and vaults and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

(26) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

(27) To license for purposes of regulation or revenue, or regulation and revenue

all and every kind of business not prohibited by law to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise

(28) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles

(29) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed

(30) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements, to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

(31) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city

(32) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

(33) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected

(34) To fix the fees and charges for all official services not otherwise provided for in this charter.

(35) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor.

(36) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; *provided*, that the council may in its discretion reject any and all bids.

(37) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs

(38) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

(39) To provide for the execution of all trusts confided to the city.

(40) To establish or change the grade of any street or public place.

(41) To grade or regrade to the official grade, plank or replank, pave or repave, macadamize or remacadamize, gravel or regravel, pile or repile, cap or recap, sewer or resewer, surface or resurface the whole or any part of any street, avenue, lane, alley, court or place within the city, and to lay and construct sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks, breakwaters, levees, or walls of rock or other material to protect the same and also any other work or improvement within the city and to order any of the above work to be done in accordance with the general laws of the State of California. Also to provide for the care of shade trees planted therein and to cause shade trees to be planted, set out and cultivated therein. Also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property.

Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, *provided, however*, that at least one fourth of the cost and expense of grading or regrading to the official grade, planking or replanking, paving or repaving, macadamizing or remacadamizing, graveling or regraveling, piling or repiling, capping or recapping, surfacing or resurfacing the whole or any part of any street, avenue, lane, alley, court or place within the city, shall be paid by the said city, out of such fund as the council may designate, and no special assessment as aforesaid for any of such work shall be made on private property nor become a lien on the same in amount greater than three fourths of the total cost and expenses of such work or improvement; and the council shall, before any assessment for any such work is made up, designate by resolution the proportion of the total cost and expense of the same to be paid by the municipality, which shall not be less than one fourth thereof, and in making up such assessment there shall be deducted from the whole cost and expense such part thereof as has been so ordered to be paid out of the municipal treasury, and the remainder of said cost and expenses shall be assessed proportionately upon the lots, parts of lots and lands liable to be assessed therefor in accordance with the general laws of the said State of California.

(42) To open, extend, widen, straighten or close any street, lane, alley, court or public place within the city, or to order the same to be done in accordance with the general laws of the State of California, and to condemn and acquire any and all property necessary or convenient for that purpose

Whenever, in the judgment of the council or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners and secretaries shall be performed by or under the direction of the commissioner of public works of the city, who shall receive no compensation therefor.

(43) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

(44) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the council shall deem that equity requires.

(45) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power, telephone or transportation service supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service.

(46) To have general supervision and control of the business of all persons, firms or corporations engaged in furnishing water, heat, light, power or telephone service to the city or to inhabitants thereof, or acting as common carriers of passengers or freight within the city, to keep informed as to their general condition, their capitalization, their franchises and the manner in which their business is managed, conducted and operated, not only with respect to the adequacy, security, and accommodation afforded by their service, but also with respect to their compliance with all provisions of law and of this charter; to prohibit all unjust discriminations and unreasonable preferences in the rates charged or service furnished; to provide that the service rendered and the facilities furnished shall be safe and adequate and in all respects just and reasonable; to order such repairs, improvements, changes or additions as may be necessary to make such service adequate, just and reasonable; and to provide by ordinance for the punishment, by fine or imprisonment, of any person, firm or corporation, or agent, officer, or employee thereof, who shall fail to obey, observe and comply with its orders and regulations in any of the above respects.

(47) To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company.

(48) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

(49) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

(50) To make all rules and regulations governing elections not inconsistent with this charter.

(51) To establish a park commission, and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

(52) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

(53) To provide for public concerts which shall be free to the public.

(54) To provide that copies of all maps, plats, profiles, field notes, estimates and other memoranda of surveys and other professional work done by the city engineer or other officer of the city shall be filed with the city clerk.

(55) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

(56) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city, or any of the provisions of this charter, and to exercise all powers not in conflict with the Constitution of the State, with this charter or with ordinances adopted by the people of the city.

ARTICLE VIII.

CITY CLERK.

SEC. 46. General Duties The city clerk shall have the custody and be responsible for the corporate seal, and all books, papers, records and archives belonging to the city not in actual use by other officers, or otherwise by special provisions committed to their custody. He shall be clerk of the council and shall keep a complete record of all its proceedings. He shall also perform the duties of assessor. He shall perform such other duties as are or shall be imposed upon him by this charter or by ordinance.

ARTICLE IX.

FINANCE AND TAXATION.

SEC. 47. *Fiscal Year.* The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

SEC. 48. *Tax System.* The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of San Luis Obispo is situated and taxes collected by the tax collector of said county for and on behalf of the city of San Luis Obispo. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

SEC. 49. *Department Estimates.* On or before the second Monday in May in each year or on such date in each year as shall be fixed by the council, the heads of departments, officers, boards and commissions shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

SEC. 50. *Estimate of Commissioner of Finance and Revenue.* On or before the second Monday in June, in each year, or on such date in each year as shall be fixed by the council, the commissioner of finance and revenue shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department, also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

SEC. 51. *Annual Budget.* The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expense of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable.

SEC. 52. *Board of Equalization.* The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until the second Monday in August. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

SEC. 53. *Annual Tax Levy.* The council must finally adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the city clerk, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the city clerk as being the assessment roll of said tax.

SEC. 54. *Limit of Tax Levy.* The tax levy authorized by the council for any one year for all municipal purposes, other than for the payment of principal or interest on any bonds of the city, or for school purposes, shall not exceed eighty-five cents on each one hundred dollars worth of taxable property in said city, except as herein provided.

SEC. 55. *Tax Liens.* All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

SEC. 56. *Claims Against City. Additional Duties of Clerk.* Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city from whatever source, including the school department and the free public library when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the city clerk, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allow it, he shall endorse upon the warrant the word "allowed," and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the city clerk to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officers, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall on the first Monday of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and businesslike manner, every money transaction of the city so that he can at any time tell the exact condition of the city's finances, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

SEC. 57. *Disposition of Money Collected.* Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the city clerk on or before the last day of each month, or at more frequent intervals as may be directed by the council, and immediately pay all the same into the treasury, on the order of the city clerk, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or a legal holiday, the said payments shall be made on the next preceding business day. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

SEC. 58. *Uniform Accounts.* The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys.

ARTICLE X.

PUBLIC WORK AND SUPPLIES.

SEC. 59. *Income From Public Utilities.* All income derived from the operation and management of any public utility by the city shall be devoted exclusively to the payment of the expense of operating, maintaining, improving, or bettering such public utility, and to the payment of any debts and interest thereon which may have been incurred for the acquiring, improving, operating or maintaining of such utility.

SEC. 60. *Form of Contracts.* All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of San Luis Obispo by an officer or officers authorized to sign the same, and must be countersigned by the city clerk, who shall number and register the same in a book kept for that purpose.

SEC. 61. *Public Work to be Done by Contract.* In the erection, improvement and repair of all public buildings and public works, in all street and sewer work, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of three hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. *Provided, however,* the council may reject any and all bids, if deemed, excessive, and readvertise for bids, or may require the commissioner of public works to submit a detailed estimate of what the work may be done for by the department of public works, and if such estimate is lower than the lowest bid, the council may order the work to be done by the department of public works, but the department of public works must not be allowed a larger sum to complete such work than called for by the aforesaid estimate. In case no bid is received, the council may provide for the work to be done by the department of public works.

SEC. 62. *Contracts for Advertising.* The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The pro-

posals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided*, that the council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "official newspaper."

SEC. 63. *Contracts for Lighting.* No contracts for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

SEC. 64. *Collusion With Bidder.* Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to character of the material or supplies called for, or who shall knowingly accept material or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

SEC. 65. *Collusion by Bidder.* If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works, as herein provided.

SEC. 66. *Certain Acts Forbidden.* Every officer or employee of the city is forbidden and prohibited from soliciting, accepting or receiving, directly or indirectly, and every public service corporation, person having or contemplating any contract with the city or grantees of a franchise granted by the city, or agent, officer, attorney or employee thereof, is forbidden and prohibited from offering or giving, directly or indirectly, to any such officer or employee, any commodity or service furnished by such public service corporation or owner of a franchise, or any reduction in the rate thereof to which the public generally are not entitled, or any present, gift or gratuity of any kind. A violation of any of the provisions of this section shall be deemed a misdemeanor. Every officer or employee of the city who violates any of the provisions of this section shall be guilty of malfeasance and shall be removed from office.

ARTICLE XI.

ELECTIONS

SEC. 67. *General and Special Municipal Elections.* A municipal election shall be held in the city on the first Monday in May in the year 1911, and on the first Monday in April, 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

SEC. 68. *Nominations and Election of City Officers.* (1) The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise.

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

(3) The petition of nomination shall consist of not less than twenty-five nor more than one hundred individual certificates, which shall read substantially as follows.

PETITION OF NOMINATION.

STATE OF CALIFORNIA,
COUNTY OF SAN LUIS OBISPO, } ss.
CITY OF SAN LUIS OBISPO }

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of precinct No. _____ of the city of San Luis Obispo, and I hereby join in a petition for the nomination of _____ whose residence is at No. _____ street, San Luis Obispo, for the office of _____ to be voted for at the municipal election to be held in the city of San Luis Obispo on the _____ day of _____; and I further declare that I am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office.

Subscribed and sworn to before me this _____ day of _____.

Notary or Verification Deputy.

The petition of nomination of which this certificate forms a part shall if found insufficient, be returned to ----- at No. ----- street, San Luis Obispo, California

(4) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

(5) Each certificate must be a separate paper. All certificates must be of uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case petition is found insufficient.

(6) Verification deputies, under this section, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified, and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this section shall have been filed by the city clerk.

(7) A petition of nomination, consisting of not less than twenty-five nor more than one hundred individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

(8) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

(9) Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

(10) Any person whose name has been presented under this section as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

(11) If either the original or the amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

(12) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

(13) Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of San Luis Obispo, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term to be published in the proclamation calling the election at least ten successive days before the election in not more than two daily newspapers of general circulation published in the city of San Luis Obispo. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

(14) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by state law except as otherwise required in this charter. The ballots

shall contain the list of names and the respective officers, as published in the proclamation and shall be in substantially the following form.

GENERAL (OR SPECIAL) MUNICIPAL ELECTION. CITY OF SAN LUIS OBISPO.

(Inserting date thereof)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make a ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

(15) All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

(16) The name of no candidate, who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

"For mayor (if any) vote for one."

"For city clerk (if any) vote for one."

"For councilman (if any) vote for (giving number) "

"For school directors (if any) vote for (giving number)."

(18) Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

(20) The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

(21) The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates.

(22) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as herein provided.

(23) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

SEC. 69. *General Election Regulations.* (1) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

(2) In case voting machines shall be used at municipal elections, the council shall have power, by ordinance, to modify the provisions of section sixty-eight so far as may be necessary to adapt them to the use of voting machines.

ARTICLE XII.

RECALL OF ELECTIVE OFFICERS

SEC. 70. *Procedure Relating Thereto* (1) Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city. The procedure to effect such removal from office shall be as follows:

(2) A petition signed by qualified electors equal in number to twenty-five per centum of the entire vote cast for mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons for the demand.

(3) The provisions of section sixty-eight respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

(4) If the officer sought to be removed shall not resign within five days after

the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within sixty days, the council may in its discretion postpone the holding of such election to such general municipal election.

(5) In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and in not more than two hundred words the officer may justify his course in office.

(6) The officer sought to be removed shall be deemed a candidate, and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of section sixty-eight.

(7) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election, and, if he fail of election, he shall be deemed removed from office.

(8) No recall petition shall be filed against any officer until he has actually held his office for at least three months.

(9) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

(10) The council may by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of section sixty-eight thereto.

ARTICLE XIII.

THE INITIATIVE.

SEC. 71. *Procedure Relating Thereto* (1) Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

(2) The provisions of section sixty-eight of Article XI respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

(3) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendum vote, under the provisions of Article XIV of this charter): or.

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

(4) If the petition be signed by electors equal in number to at least ten, but less than twenty-five, per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

(5) Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (a) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (b) the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that each publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

(6) The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance," (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article.

(8) There shall not be held under this article of the charter more than one special election in any period of six months.

(9) The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal

election, and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

(10) The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section, and to adapt the provisions of section sixty-eight of Article XI thereto.

ARTICLE XIV.

THE REFERENDUM.

SEC. 72. *Mode of Protcting Against Ordinances.* No ordinance passed by the council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the State or by the provisions of this charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance, as is provided in Article XIII of this charter, to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of section sixty-eight of Article XI respecting the forms and conditions of the petition and the mode of verification and certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

SEC. 73. *Referrence of Measures to Popular Vote.* Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 74. *Further Regulations.* The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article, and to adapt the provisions of section sixty-eight of Article XI thereto.

ARTICLE XV.

THE PUBLIC SCHOOLS.

SEC. 75. *School Department.* The school department of the city of San Luis Obispo shall comprise all the schools within the city of San Luis Obispo, the Mission school district, and all territory that is now or may hereafter be annexed for school purposes; and shall be known as "San Luis Obispo School District," which shall succeed to all the obligations, property, rights and privileges of the Mission school district and the San Luis Obispo high school district.

SEC. 76. *Elections.* All territory included within the limits of the San Luis Obispo school district, but not within the city limits, shall be deemed a part of said city for the purpose of holding municipal elections, and shall constitute one or more separate precincts, and the qualified electors therein shall vote only for the school directors and on questions submitted to a vote of the people pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

SEC. 77. *The Board of Education.* The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the State, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the State for city boards of education.

SEC. 78. *President of Board.* The board of education shall annually elect one of its own members to be president of the board. He may be removed by the affirmative vote of four members. The president shall have no other vote than his vote as member of the board.

SEC. 79. *Meetings.* The board of education shall meet at such times as may be designated by resolution of said board and in the place provided therefor by the

council. The board shall provide the manner in which special meetings shall be called.

SEC. 80. *Quorum.* Three members of the board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe.

SEC. 81. *Rules.* The board of education may determine the rules of its proceedings.

SEC. 82. *Meetings to Be Public.* All meetings of the board of education shall be public.

SEC. 83. *Superintendent of Schools.* The board of education shall appoint a superintendent of schools and fix his compensation.

SEC. 84. *Powers and Duties of Superintendent.* The superintendent of schools shall be the executive officer of the board of education and he shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of the principals, teachers, and janitors shall be given through him. He must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools. He, or a deputy superintendent, may be required to act as secretary of the board of education.

SEC. 85. *Teachers, How Nominated.* The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

SEC. 86. *Election of Teachers.* The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

SEC. 87. *School Warrants.* Every claim payable out of the school fund shall be filed with the secretary of the board of education, and after it shall have been approved by the board a certificate of such approval shall be endorsed thereon, signed by the president and secretary, and a warrant upon the school fund shall be issued thereon for the payment of such claim. Said warrant shall be signed by the president and countersigned by the secretary and shall specify the purpose for which it is drawn and receive the approval of the city clerk as provided in section fifty-six.

SEC. 88. *Annual Estimates of Expenses.* The board of education shall annually, on such date as shall be fixed by the council, submit in writing to the council a careful estimate of the whole amount of money to be received from the State and county for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required from the city for the adequate support of the public schools for the ensuing year. The amount estimated to be required from the city shall, subject to the provisions of this charter, be assessed and collected in the annual tax levy. The proceeds of such tax shall be immediately paid into the school fund of the city, to be drawn out only upon the order of the board of education.

ARTICLE XVI.

FRANCHISES.

SEC. 89. *Property Rights Inalienable.* The right of the city in and to its streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

SEC. 90. *Franchise Required.* No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution and laws of the United States, in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

SEC. 91. *Franchises, How Granted.* Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway, or other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

SEC. 92. *Manner of Granting Franchises.* The provisions of the state law relating to the application for, conditions of, and method and manner of granting franchises, in so far as they do not conflict with the provisions of this charter and so far as they may be applicable, shall apply to the granting of all franchises by the city.

SEC. 93. *Life of Franchise.* The maximum length of time for which a franchise or privilege to use the streets, highways or other public places of the city may be granted to any person, firm or corporation shall be thirty-five (35) years.

SEC. 94. *Service and Accommodation.* The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger and inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

SEC. 95. *Rates and Charges.* The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise, but in no case shall the value of the franchise of the grantee (exclusive of the amount originally paid to the city for such franchise and of any tax or annual charge) be considered or taken into account in prescribing and regulating such rates, fares, rentals or charges. The grant of every franchise for a street, suburban or inter-urban railroad shall provide that all United States mail carriers, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

SEC. 96. *Right of City to Assume Ownership.* Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee (exclusive of the amount originally paid to the city therefor) be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

SEC. 97. *No Conveyance Necessary.* Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

SEC. 98. *Lease or Assignment of Franchises.* Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent; *provided*, that nothing herein shall be construed to prevent the grantee of such franchise from including in it a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

SEC. 99. *Street Sprinkling, Cleaning and Paving.* Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

SEC. 100. *Examination of Books.* The city of San Luis Obispo, by its city clerk, or accountants authorized by the city clerk, or by the council, shall have the right at all reasonable times to examine all books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

SEC. 101. *Annual Reports.* Every person, firm or corporation operating any business under a franchise granted under this article, after five years from the granting thereof, shall file annually with the city clerk on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation within the city of San Luis Obispo for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

SEC. 102. *Payment of Gross Receipts.* The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

SEC. 103. *Forfeiture.* Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

SEC. 104. *Franchises Not in Use Forfeited.* All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

ARTICLE XVII.

MISCELLANEOUS.

SEC. 105. *When This Charter Takes Effect.* For the purpose of nominating candidates and electing mayor, city clerk, councilmen and school directors in accordance with this charter, this charter shall take effect from the time of the approval of the same by the legislature; for all other purposes it shall take effect on the 15th day of Mar. 1911.

SEC. 106. *First Election.* The board of trustees of the city of San Luis Obispo in office at the time this charter is approved by the Legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election.

SEC. 107. *Terms of Incumbents in Office.* The members of the board of trustees, the city clerk and the members of the board of education in office at the time of the approval of this charter by the legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, city clerk, councilmen and school directors, respectively, first elected under this charter.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

SEC. 108. *Existing Ordinances Continued in Force.* All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

SEC. 109. *Conduct of Legal Proceedings.* The city attorney shall prosecute, in behalf of the people, all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits and proceedings in which the city may be legally interested; *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

SEC. 110. *Violation of Charter and Ordinances.* The violation of any of the provisions of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of an ordinance may be imprisoned in the city jail, or, if the council by ordinance shall so prescribe, in the county jail of the county in which the city of San Luis Obispo is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of San Luis Obispo.

CERTIFICATE.

WHEREAS, The city of San Luis Obispo, a city containing a population of more than three thousand and five hundred and less than ten thousand inhabitants, on the eleventh day of April, nineteen hundred and ten, at a general election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect Geo. H. Andrews, S. D. Ballou, James Blackburn, Forrest E. Brown, A. L. Dutton, J. F. Hayes, Warren M. John, W. A. Kesler, W. H. Metz, A. McAlister, Howard M. Payne, L. F. Sinsheimer, F. L. Smith, R. M. Smith and W. M. Stover a board of fifteen freeholders to prepare and propose a charter for said city:

BE IT KNOWN, That in pursuance of said provisions of the Constitution and within a period of ninety days, after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of San Luis Obispo, and that in submitting and proposing such charter, the board of freeholders, pursuant to said provision of the Constitution, also presents therewith for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated

Said alternative proposition shall, if approved by the voters, take the place of Section 67 of Article XI of the proposed charter, which reads as follows "A municipal election shall be held in the city on the first Monday in May in the year 1911, and on the first Monday in April in 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections"; and also of Subdivision 21 of Section 68 of Article XI of the proposed charter, which reads as follows "The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed, "Shall the alternative proposition, providing for second elections, take the place of Section 67 of Article XI and Subdivision 21 of Section 68 of Article XI."

Said alternative proposition is as follows:

Sec. 67. A municipal election shall be held in the city on the second Monday in April in the year 1911, and on the first Monday in April in 1913, and on the first Monday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in Subdivisions 21 of Section 68, on the third Monday after said general municipal election, and shall be known as the second general municipal election. All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Sec. 68. (21) In case there is but one person to be elected to any office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of councilman, or school director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at such first election unless the number of votes received by him shall be greater than one half of the number of ballots cast at such election. If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election, *provided*, that if there be any person, who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office. The said second election, if necessary to be held, shall be held three weeks after the first election. All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only, and *provided also* that the same precincts and polling places shall, if possible, be used.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this 8th day of July, one thousand nine hundred and ten.

WARREN M. JOHN, President.
HOWARD M. PAYNE, Secretary.
A. McMASTER
F. L. SMITH.
J. F. HAYES.
W. A. KESLER.
JAMES BLACKBURN.
GEO. H. ANDREWS.
A. L. DUTTON.
FORREST E. BROWN.
W. M. STOVER.
R. M. SMITH.
S. D. BALLOU.

Endorsed Received this 9th day of July, 1910.

F. W. CLARK,
President of the Board of Trustees of the
City of San Luis Obispo, California.

Filed July 11, 1910
W. J. MILES, City Clerk

STATE OF CALIFORNIA,
COUNTY OF SAN LUIS OBISPO, } ss
CITY OF SAN LUIS OBISPO. }

I, E. W. CLARK, president of the board of trustees of the city of San Luis Obispo, State of California, do hereby certify that I now am and at all the times herein mentioned was the duly elected, qualified and acting president of said board of trustees of the city of San Luis Obispo;

That Warren M. John, Howard M. Payne, A. McAlister, F. L. Smith, J. F. Hayes, W. A. Kesler, James Blackburn, Geo. H. Andrews, A. L. Dutton, Forrest E. Brown, W. M. Stover, R. M. Smith, S. D. Ballou, L. F. Sinsheimer and W. H. Metz, a majority of whose names appear signed to the foregoing proposed charter and the alternative proposition were and each of them was on the 11th day of April, 1910, duly elected by the qualified voters of said city as a board of freeholders to prepare and propose a charter for said city; that each of the persons so elected was a freeholder and was at the time of said election, and had been continuously for more than five (5) years immediately prior thereto a qualified elector of said city of San Luis Obispo; that said board of freeholders in accordance with law, prepared and proposed a charter and prepared and proposed the foregoing alternative proposition for said city of San Luis Obispo in duplicate; that the foregoing is a full, true and correct copy of said proposed charter for said city of San Luis Obispo, including the said alternative proposition, which were prepared and proposed by said board of freeholders, one copy of which said proposed charter and of said proposed alternative proposition was duly returned to me, as president of the said board of trustees of the city of San Luis Obispo and the other copy thereof was duly returned to and filed with the recorder of the county of San Luis Obispo, all within ninety (90) days after said election, as required by Section 8 of Article 11 of the Constitution of this State; that such proposed charter and the said alternative proposition were then published in the "Morning Tribune" (the same being a daily newspaper of general circulation in said city) for more than twenty (20) days and the first publication thereof was made within twenty days after completion of said proposed charter and said alternative proposition; that within thirty (30) days after the publication of said proposed charter and the said alternative proposition as aforesaid and as required by said Section 8 of Article 11 of said Constitution, to wit: On the 12th day of September, 1910, said proposed charter and said alternative proposition were submitted at a special election duly held and called therein for the purpose of ratifying or rejecting said proposed charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election, said proposed charter was ratified as a whole and said alternative proposition therein contained being voted upon separately was rejected by a majority of such votes; that the returns of said election were duly canvassed by the board of trustees of said city of San Luis Obispo, on the 19th day of September, 1910, and the result thereof declared as above set forth; that in all matters and things pertaining to said proposed charter and the said alternative proposition the provisions of Section 8 of Article 11 of the Constitution and the laws of the State of California pertaining to the adoption of said proposed charter and of said alternative proposition have in every particular been fully complied with.

IN WITNESS WHEREOF, I hereunto set my hand and cause the corporate seal of said city of San Luis Obispo to be affixed, this 22nd day of December, 1910.

[SEAL] E. W. CLARK,
President of the Board of Trustees of the
City of San Luis Obispo.

Attest: W. J. MILES.

City Clerk and ex officio Clerk of the Board of Trustees of the
City of San Luis Obispo.

AND WHEREAS, said proposed charter has been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article 11 of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein). That said charter of the city of San Luis Obispo as presented to, adopted and ratified by the qualified electors of said city be, and the same is hereby, approved as a whole as and for the charter of the said city of San Luis Obispo.

SPEAKER IN THE CHAIR.

At two o'clock and fifty minutes P. M., Speaker A. H. Hewitt in the chair.

Senate Concurrent Resolution No. 9—Approving eighteen certain amendments to the charter of the city and county of San Francisco.

State of California, voted for and ratified by the electors of said city and county of San Francisco at a special municipal election held therein on the fifteenth day of November, 1910.

The question being on the adoption of the Senate concurrent resolution.

The roll was called, and the Senate concurrent resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Brown, Butler, Callaghan, Coghlan, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimplinger, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—57.

NOES—None.

Senate concurrent resolution ordered transmitted to the Senate

SENATE CONCURRENT RESOLUTION No. 9.

Approving eighteen certain amendments to the charter of the city and county of San Francisco, State of California, voted for and ratified by the electors of said city and county of San Francisco, at a special municipal election held therein on the fifteenth day of November, 1910.

WHEREAS, The city and county of San Francisco, State of California, contains a population of over four hundred and sixteen thousand inhabitants, and has been ever since the eighth day of January, in the year one thousand nine hundred, and is now organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241), and which charter was not amended within an interval of two years immediately prior to the fifteenth day of November, one thousand nine hundred and ten; and

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county of San Francisco, thirty-eight certain amendments to the charter of said city and county of San Francisco by the submission of thirty-eight proposals, entitled, as follows, to wit:

Charter Amendment No. 1, entitled, "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 9 of article XII, section 1 of article XIV, subdivision 6 of section 1 of chapter III of article VII, adding a new section to article XVI to be designated section 29a, and adding a new section to chapter III of article VI, to be designated section 20, of said charter, relating to the issuance of bonds in aid of the Panama-Pacific Exposition, consenting to the use of a portion of Golden Gate Park and certain vacant school lots, and temporarily closing certain streets for exposition purposes."

Charter Amendment No. 2, entitled "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article VII thereof, relating to the board of trustees of the public library and reading rooms."

Charter Amendment No. 3, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending sections 11 and 13 of chapter 1 of article III thereof, relating to the rate of taxation."

Charter Amendment No. 4, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending the preamble, sections 1, 2, 3, 4, 5, 6, 7 and 10, renumbering section 11 as section 8, and adding four new sections, to be numbered sections 11, 17, 18 and 19, to article XII, relating to the acquisition of public utilities and the issuance and sale of bonds therefor."

Charter Amendment No. 5, entitled, "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter III of article II and sections 13 and 19 of chapter I of article II thereof, relating to official advertising."

Charter Amendment No. 6, entitled "Describing and setting forth a proposal to

the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding three new chapters to article XI thereof, and repealing sections 20, 21 and 23 of chapter I of article II, relating to the initiative, referendum and recall."

Charter Amendment No. 7, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California to amend the charter of said city and county by amending section 5 of chapter I of article XI and chapter II of article XI, relating to elections, the direct nomination of candidates and the Australian ballot."

Charter Amendment No. 8, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending paragraph (i) of section 6 of chapter II of article XI thereof, which, if approved, will take the place of said paragraph as set forth in charter amendment No. 7, and provides that no political designation shall be printed in connection with the name of a candidate for office."

Charter Amendment No. 9, entitled: "Describing and setting forth an amendment to the charter of the city and county of San Francisco, State of California, by adding a new section to article XVI thereof, to be numbered section 38a, relating to the terms of officers."

Charter Amendment No. 10, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of article XVI thereof, relating to the absence of officers from the State."

Charter Amendment No. 11, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article VI, to be designated chapter VIII, relating to the construction of tunnels, subways and viaducts under accepted or unaccepted streets."

Charter Amendment No. 12, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new chapter to article VI thereof, to be designated chapter VIII, relating to the construction of tunnels, subways and viaducts."

Charter Amendment No. 13, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 8, 27 and 30 of chapter II of article VI, relating to improvements of streets when of more than local benefit, the change or correction of alignment of streets or substitution of a street, and the construction of sewers in streets."

Charter Amendment No. 14, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of article I and section 16 of chapter II of article VI thereof, relating to the method of repairing unaccepted streets and the liability of the city and county and its officers for damages resulting from defects in public streets."

Charter Amendment No. 15, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter II of article VI to be designated section 33 thereof, relating to the method of improvement of streets, the construction of tunnels, etc., and that assessments may be made payable in installments."

Charter Amendment No. 16, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new paragraph to section 1 of chapter II of article II thereof, relating to the establishment of a free employment bureau."

Charter Amendment No. 17, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section thereto, to be known as section 12 of article XIV, granting permission to the Academy of Sciences to erect and maintain a museum in Golden Gate Park."

Charter Amendment No. 18, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter I of article IX thereof, relating to the age limit of certain employees of the fire department."

Charter Amendment No. 19, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding three new sections to chapter II of article III thereof to be numbered sections 7a, 7b, and 7c, relating to the conditions upon which franchises for street railways may be granted, to wit: The right of the city to purchase same, fixing the hours and wages of employees and providing for the forfeiture of franchise for a violation of conditions."

Charter Amendment No. 20, entitled: "Describing and setting forth a proposal

to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 6 of chapter II of article II thereof, and adding a new section thereto, to be numbered section 6a, relating to the manner of granting franchises."

Charter Amendment No. 21, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2, repealing section 10 of article XIVa, and adding three new sections thereto, to be numbered sections 10, 11, and 12, relating to the maintenance of playgrounds."

Charter Amendment No. 22, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 11 of article XIV thereof, relating to the expenditure of taxes levied for the maintenance of parks."

Charter Amendment No. 23, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 14 of chapter 1 of article VI relating to public work by contract and day labor."

Charter Amendment No. 24, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of article XIII thereof relating to the appointment of civil service commissioners."

Charter Amendment No. 25, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 14 and 33 of article XVI and adding two new sections thereto, to be numbered sections 39 and 40, relating to vacations, holidays and office hours."

Charter Amendment No. 27, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by adding a new section to article XVI to be designated section 41, relating to the time of taking effect of other amendments that may be adopted increasing salaries or creating new positions."

Charter Amendment No. 28, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by adding a new section to chapter VII of article IX, to be designated section 10, relating to the pensions of firemen retired prior to January 1, 1900."

Charter Amendment No. 29, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 2 of chapter I of article II thereof, relating to the salaries of the supervisors."

Charter Amendment No. 30, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending sections 3 and 4 of chapter I of article XI, relating to the grading of positions in the department of elections and fixing the salaries therein."

Charter Amendment No. 31, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter V of article IV, relating to the grading of positions in the tax collector's office and fixing the salaries therein."

Charter Amendment No. 32, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter I of article VI thereof, relating to positions in the department of public works, and fixing salaries therein."

Charter Amendment No. 33, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 5 of article X thereof, relating to positions in the department of public health, and fixing salaries therein."

Charter Amendment No. 34, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 3 of chapter IX of article IX thereof, relating to positions in the department of electricity, and fixing salaries therein."

Charter Amendment No. 35, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of chapter VII of article IV thereof, relating to positions in the recorder's office, and fixing salaries therein."

Charter Amendment No. 36, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending section 1 of chapter IV of article IV, relating to positions and salaries in the assessor's office."

Charter Amendment No. 37, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county, by amending subdivision 9 of section 1 of chapter III, sections 1 and 2 of chapter V, and adding a new section to chapter V, to be numbered section 4 of article VII, relating to the creation of a teachers' salary fund; the levy of a tax for current expenses of the department of education, and for acquiring lands, school buildings and improvements."

Charter Amendment No. 38, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending paragraph 24 of section 1 of chapter II of article II, and section 1 of chapter III of article II, relating to the wages of laborers, and requiring contracts to provide for payment of minimum wages of \$3.00 a day."

Charter Amendment No. 39, entitled: "Describing and setting forth a proposal to the qualified electors of the city and county of San Francisco, State of California, to amend the charter of said city and county by amending section 1 of Chapter VI of article VIII thereof, relating to salaries of the police patrol drivers," and

WHEREAS, Said thirty-eight proposals aforementioned containing said proposed amendments to said charter were, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published for twenty days after their passage, in "The Evening Post," a daily newspaper of general circulation in the city and county of San Francisco, and the official newspaper of said city and county, and

WHEREAS, The said legislative authority of said city and county did by ordinance No. 1301 (new series), of the board of supervisors, approved September 20, 1910, instruct the board of election commissioners of said city and county to place upon the ballot at a special municipal election to be held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, the said thirty-eight several proposals to amend the charter of the city and county of San Francisco; and

WHEREAS, Said special municipal election was held in said city and county of San Francisco on the fifteenth day of November, one thousand nine hundred and ten, which day was more than forty days after said proposed amendments had been published for twenty days in "The Evening Post" newspaper, and

WHEREAS, On the twenty-first day of November, one thousand nine hundred and ten and thereafter, at meetings duly convened in accordance with law, and the charter of the city and county of San Francisco, the board of election commissioners of the said city and county duly and regularly canvassed the returns of said special municipal election, and duly declared the results thereof, said board being by law and the charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said city and county, and

WHEREAS, At said special election so held on the fifteenth day of November, one thousand nine hundred and ten, eighteen of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit: Charter amendments numbered one, six, seven, eight, nine, ten, eleven, twelve, fourteen, fifteen, seventeen, eighteen, nineteen, twenty-seven, twenty-eight, twenty-nine, thirty-five, and thirty-eight, and that all other amendments received less than a majority of the votes of the electors voting thereon and were not ratified.

WHEREAS, Thereafter, to wit, on the seventh day of December, one thousand nine hundred and ten, the said board of election commissioners duly filed with the board of supervisors the "official statement of votes polled at the special municipal election held in the city and county of San Francisco, State of California, on Tuesday, the fifteenth day of November, A. D. 1910, for charter amendments"; and

WHEREAS, The said eighteen amendments so ratified by the electors of the city and county of San Francisco at said special municipal election are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California, and are in words and figures as follows, to wit:

CHARTER AMENDMENT No. 1.

That a new section be added to Article XVI of the charter, to be known as Section 29a, and to read as follows:

Section 29a. 1. The supervisors are hereby empowered and directed, without further authority, to incur a bonded indebtedness of the city and county, in an amount of five million dollars, and to issue municipal bonds therefor, the proceeds of said bonds to be granted and turned over to the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910), to be used and disbursed by said exposition company for the purposes of an international exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama Canal.

2. The bonds issued under the provisions of this section shall be in such form as the supervisors in the ordinance providing for such bonded indebtedness shall determine; provided, that such bonds shall be issued, sold, redeemed, registered and

converted in accordance with the provisions of Sections 10, 11, 12 and 13, of Article XII of the charter, as they now read, so far as said sections are applicable.

3. The proceeds of any sale of such bonds shall be payable immediately by the treasurer of the city and county to the treasurer of said Panama-Pacific International Exposition Company, upon the demand of such treasurer of said exposition company, without the necessity of the approval of such demand by the auditor of the city and county, or other authority, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purpose of such exposition.

That Section 9 of Article XII of the charter be amended to read as follows:

Section 9. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this article, which, together with the existing bonded indebtedness of the city and county, shall exceed at any one time fifteen per centum of the assessed value of all real and personal property in the city and county; *provided*, that any bonded indebtedness which may be incurred under the provisions of section 29a of article XVI of the charter, in aid of an explosion to celebrate the completion of the Panama Canal, shall be exclusive of the bonded indebtedness of the city and county limited by this section.

That Section 1 of Article XIV of the charter be amended to read as follows:

Section 1. The lands designated upon the map of the outside lands of the city and county, made pursuant to order No 800, by the word "park," extending from Stanyan street to the Pacific Ocean, and known as Golden Gate Park; also the land fronting on Haight street, designated on said map by the word "park," and known as Buena Vista Park; also the land designated on said map by the word "avenue," extending from Baker street westward until it crosses Stanyan street; also that certain highway bounded on the west by the Pacific Ocean, and designated upon said map as "great highway;" also Mountain Lake Park; also Seal Rocks, as ceded to the city and county of San Francisco by Act of Congress, and all the other parks and squares in the city and county, and all the grounds surrounding public buildings in the city and county, and all parks and squares and public pleasure grounds hereafter acquired by the city and county, shall be under the exclusive management of a board of commissioners who shall be known and designated as park commissioners, except that children's playgrounds and recreation centers outside of Golden Gate Park, shall, to the extent of their use as such playgrounds and recreation centers, be under the exclusive management and control of the playground commissioners: *provided*, that the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22d, 1910) is authorized to assume and take over the management and control, and to have the exclusive possession and use, of that portion of Golden Gate Park westerly from Twentieth avenue, as extended, for the purposes of an exposition to celebrate the completion of the Panama Canal, such management and control, and possession and use, to terminate not later than one year after the closing of such exposition.

That Subdivision 6 of Section 1, Chapter III of Article VII of the charter, be amended to read as follows:

6. To receive, to take on lease and to hold in trust for the city and county any real estate belonging to or claimed by the school department. To hold in trust all personal property that may have been or may hereafter be acquired by the school department. *Provided, however*, that the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22, 1910) is authorized to assume and take over the management and control, and have the exclusive possession and use, of any lands belonging to or claimed by the school department or by the city and county, which are situate westerly from Twentieth avenue, and not in actual use, for the purposes of an exposition to celebrate the completion of the Panama Canal, such management and control, possession and use, to terminate not later than one year after the closing of such exposition.

That a new section be added to Chapter III, Article VI of the charter, to be known as Section 20 and to read as follows:

SECTION 20. The Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California, March 22d, 1910) is authorized to temporarily close streets in the city and county westerly from Twentieth avenue, for the purposes of an exposition to celebrate the completion of the Panama Canal, and may have exclusive possession and use of said streets so closed for such exposition purposes, such possession and use of said streets to terminate not later than one year after the closing of such exposition; *provided*, that no street shall be closed as in this section provided until after said exposition company shall have acquired, for such exposition purposes, all of the lands held in private ownership fronting on said street, or portion of street, so closed.

CHAPTER AMENDMENT NO. 6.

That Article XI of said charter be amended by the addition of new chapters, to be known as Chapters III, IV, and V thereof, the same to read as follows:

CHAPTER III.

THE INITIATIVE.

Acts of Supervisors and Legislative Acts.

SECTION 1. The registered voters shall have power to propose by petition and to adopt or to reject at the polls, any ordinance, act or other measure which is within the power conferred upon the board of supervisors, or any legislative measure which is within the power conferred upon any other board, commission or officer. Such ordinance, act or other measure may be proposed by filing with the board of election commissioners a petition setting forth said measure in full, signed by registered voters of the city and county as many in number as the percentages hereinafter required of the entire vote for all candidates for the office of mayor cast at the last preceding regular municipal election.

SIGNATURES.

SEC. 2. The words "registered voters," as used in this chapter, shall mean qualified voters whose names appear on the records of registration for the current or next preceding year. The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter or citizen taxpayer of the municipality is competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signer of said petition shall add to his signature his place of residence, giving the street and number. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition filed conforms to all legal requirements and contains the signatures of the requisite number of registered voters, and, after an election based thereon, the sufficiency of said petition shall not be questioned.

Any signer to a petition may withdraw his name from the same by filing with the board of election commissioners a verified revocation of his signature before the filing of the petition with said board. No signature can be revoked after the petition has been filed. The registrar of voters shall endorse on said petition the names of three persons who filed said petition.

VERIFICATION.

SEC. 3. Within ten days after the date of filing such petition, the board of election commissioners must finally determine from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote. If any signature be called in question, said board shall mail notice to such purported signer, stating that his name is attached to such petition, and cite him to appear before them forthwith. Unless and until said purported signer denies under oath the genuineness of such signature, it shall be deemed genuine. If necessary, the board of supervisors shall allow the board of election commissioners extra help for the purpose of examining such petition. The board of election commissioners, upon the conclusion of such examination, shall forthwith attach to said petition their certificate showing the result of said examination, and forthwith mail a copy thereof to the persons filing said petition. If by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten days after the date of said certificate. The board of election commissioners shall, within ten days after such amendment, make like examination and determination of the amended petition and attach and mail a like certificate, and, if their certificate shall show the same to be insufficient, it shall be returned to the persons filing the same, without prejudice, however, to the filing of a new petition to effect the same purpose.

Ten Per Centum for Special Election.

SEC. 4. If the petition accompanying the proposed measure be signed by registered voters as many in number as ten per cent of the said entire vote, and contains a request that said measure be submitted forthwith to a vote of the electorate at a special election, then the board of election commissioners shall forthwith call a special election, which shall be held at a date not more than thirty days from the date of calling the same, at which said measure, without alteration, shall be submitted to a vote of the electorate.

Four Per Centum for General Election.

SEC. 5. If the petition be signed by registered voters as many in number as four per cent but less than ten per cent of the said entire vote, or if for any reason

any measure proposed by a petition signed by registered voters as many in number as ten per cent of said entire vote has not been submitted at a special election as provided in section 4 of this chapter, then, in either event, such measure or measures, without alteration, shall be submitted by the board of election commissioners to a vote of the electorate at the next general state or municipal election that shall occur at any time after thirty days from the date of the board of election commissioners' certificate of sufficiency attached to the petition accompanying such measure.

Form of Ballot. Majority Vote.

SEC. 6. The ballots used when voting upon said proposed measure shall contain a general statement thereof, followed by the words "Yes" and "No," so arranged that the voter may indicate his choice upon the ballot. If a majority of the qualified electors voting on said proposed measure shall vote in favor thereof, it shall go into effect ten days after the declaration of the official count.

Competing and Conflicting Measures. Repeal.

SEC. 7. When there are two or more measures proposed to secure the same general purpose, the board of election commissioners shall so declare, and shall have the ballots printed that the voter (first) can choose between any measure or none, and (secondly) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the measure receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more measures are tie for the highest vote, they shall be resubmitted at the next ensuing general election. If there is a conflict between two or more measures or between two or more charter amendments adopted at the same election, then the measure or charter amendment receiving the highest affirmative vote shall prevail. No ordinance or measure approved by the electorate under the provision of this chapter shall be subject to veto, or be amended or repealed except by vote of the electorate, unless such ordinance or measure shall otherwise provide.

Elections.

SEC. 8. All arrangements for an election under this chapter shall be made and the same shall be conducted, returned, and the results thereof declared, so far as practicable, in all respects as are municipal elections, and state penal laws applicable to general elections shall apply to elections held hereunder; *provided*, if there be any conflict of provisions, this chapter shall control. Any number of proposed measures, ordinances, referendum petitions, or other measures, may be submitted on one petition and may be voted upon at the same election in accordance with the provisions of this chapter: *provided*, that there shall not be held under this chapter more than one special election within a period of six months.

Measure to be Mailed to Voters.

SEC. 9. Whenever any measure is required by this charter to be submitted to the voters of the city and county at any election, the board of election commissioners shall cause the measure to be printed, in substantially the same form as the latest municipal edition of this charter, and they shall enclose a printed copy thereof, in an envelope with a sample ballot, and mail the same to each voter, at least five days prior to the election.

Arguments to be Mailed to Voters.

SEC. 10. If said proposition be submitted upon an initiative petition of the registered voters, the persons filing said petition shall have the right to present to the board of election commissioners, at any time twenty-five days prior to said election, copies of printed arguments favoring said proposition; if said proposition be submitted by the mayor, or by the board of supervisors, or by one third of the board of supervisors, or by persons filing a referendary petition, they shall have a similar right to present copies of printed arguments; said arguments shall be printed in substantially the same form as the latest municipal edition of this charter and shall not exceed eight pages in length upon each proposition. Any person, committee or organization opposing any proposition may each present, in like manner and of the same form and amount and within the same time, printed arguments opposing said proposition. Copies of said arguments, either for or against, shall be presented equal in number to five per cent in excess of the total number of registered voters. The board of election commissioners shall cause one copy of each of said arguments to be bound with their copy of the measure or amendment which is to be mailed to each voter as required by Section 9 of this chapter.

Election is Mandatory.

SEC. 11. If any measure proposed by petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this charter be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such measure shall be submitted to a vote, and no bond issue, or other measure proposed by the board of supervisors shall be submitted to the voters unless at the same election, or prior thereto, there shall be

submitted to the voters the measures upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this charter. This section is prohibitory and mandatory.

Charter Amendments.

SEC. 12. The provisions of this chapter, unless prohibited by the State Constitution, shall apply to the proposal, submission and adoption of charter amendments.

Declarations of Policy.

SEC. 13. Any declaration of policy or principle of legislation may be submitted to the electors in the manner provided for the submission of ordinances; and when approved by a majority of the voters voting at any election, it shall thereupon be the duty of the board of supervisors or other legislative body to enact an ordinance or ordinances to carry such policies or principles into effect, subject to the referendum provisions of Chapter IV of Article XI of this charter.

Special Election Fund.

SEC. 14. In the first annual budget to be hereafter adopted by the board of supervisors, said board shall appropriate not less than fifty thousand dollars to be known as the special election fund, to be used exclusively for defraying the cost of verifying petitions and other expenses of special elections initiated by petition of the electorate, including recall elections. In the event of the expenditure of any of said fund, the board of supervisors in the next succeeding annual budget shall appropriate a sum sufficient to replete said special election fund.

Substantial Compliance.

SEC. 15. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

Repeal of Present Provision.

SEC. 16. Section 20 of Chapter I of Article II of said charter, relating to initiative petitions, is hereby repealed.

CHAPTER IV.

THE REFERENDUM.

Public Utilities

SECTION 1. Every ordinance or other measure involving the lease or sale of any public utility, or the granting of a new franchise for the operation of any public utility whose franchise has expired or is about to expire, must be referred and submitted to the vote of the electors of the city and county at the election next ensuing not less than sixty days after the adoption of such ordinance, and shall not go into effect until ratified by a majority of the voters voting thereon.

Referendum by Supervisors. By Mayor.

SEC. 2. Any ordinance which the supervisors are empowered to pass may be submitted by a majority of the board at a general election or at a special election called for the purpose, said election to be held not less than thirty days from the date of the call. Any such ordinance may be proposed by one third of the supervisors or by the mayor, and when so proposed shall be submitted to the electors at the next succeeding general election.

Referendum by Electors.

SEC. 3. No ordinance passed by the supervisors granting any public utility franchise or privilege, or authorizing the lease or sale of any lands, or authorizing the purchase of lands of more than fifty thousand dollars in value shall go into effect until the expiration of sixty days from the date it becomes final. (a) by approval of the mayor; (b) or without his approval by the expiration of the time prescribed by this charter within which he may disapprove it; or (c) by its passage by the board of supervisors over his objections in the event of such disapproval. At the end of such sixty days such ordinance shall be in force and effect, unless within such period there shall be filed with the election commissioners a petition signed by registered voters equal in number to five per cent of the entire vote cast for mayor at the last preceding regular municipal election, requesting that such ordinance be submitted to the electors. In case such petition is filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at a general or special election.

Regulations Governing Petitions.

SEC. 4. A petition asking that any ordinance be submitted to the electors shall conform to the provisions of Sections 2 and 3 of Chapter III of this article (the initiative), which are hereby made a part hereof.

Time of Elections.

SEC. 5. If a petition be filed more than sixty days and less than ninety days prior to a general election, it shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the supervisors shall decide.

Elections—How Conducted.

SEC. 6. Sections 6, 7, 8, 9, 10, 11 and 15 of Chapter III (the initiative), so far as applicable, shall govern elections held under the authority of this chapter.

Majority Vote.

SEC. 7. If a majority of the votes cast on any ordinance or measure so referred to the electors, as herein provided, shall be in favor thereof, it shall go into effect ten days after the determination of the official count; otherwise it shall be repealed and rejected.

Substantial Compliance.

SEC. 8. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election hereunder, and for the approval or rejection of any measure submitted thereat.

Repeal.

SEC. 9. Section 21 of Chapter I of Article II of this charter is hereby repealed.

CHAPTER V.

THE RECALL.

Elected Officials. Ten Per Centum. Statement of Grounds.

SECTION 1. The holder of any elective office may be removed or recalled by the electors. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed or recalled shall be filed with the board of election commissioners. Such petition shall be signed by registered voters equal in number to at least ten per cent of the entire vote cast for mayor at the last preceding general municipal election; *provided*, that not less than seven thousand nor more than fifteen thousand signatures of such electors shall be required on such petition. Said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in nowise affect the validity of the election and proceedings held hereunder. No recall petition shall be filed against any officer until he has actually held his office for at least four months.

Signatures. Verification.

SEC. 2. Said petition shall be in all respects in accordance with the provisions of Sections 2 and 3 of Chapter III (the initiative) of Article XI of this charter, which sections are made a part hereof, and shall be examined and certified by the board of election commissioners in all respects as in said sections provided.

Special Election.

SEC. 3. Unless the petition shall be found insufficient in the number of signatures of registered voters attached thereto, within ten days from the date of filing the same, the board of election commissioners shall thereupon order and fix a date for holding the said election, said date to be not less than thirty-five days nor more than fifty days after the date of the order fixing the date of said election. If a vacancy occur in said office after a recall petition has been filed, the election shall nevertheless proceed as in this chapter provided.

Several Removals at One Election. Publication.

SEC. 4. One petition is competent to propose the removal and election of one or more elective officials. One special election is competent for the removal and election of one or more elective officials. The board of election commissioners shall make or cause to be made due publication of notice of said election.

Nominations.

SEC. 5. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the board of election commissioners shall place his name on the official ballot without nomination. Any person may be nominated for any office under such recall election in the following manner, and not otherwise, to wit: By filing with the board of election commissioners the petitions of not less than ten or more than twenty registered voters, who shall appear personally before the registrar of voters and make affidavit that in their judgment the candidate is fully qualified, mentally, morally and physically, for said office and should be elected to fill it. Such petitions shall be filed not less than twenty-five days before such recall election.

Sample Ballot. Printed Statements.

SEC. 6. Upon the sample ballot there shall be printed in not more than three hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and upon the same ballot in not more than three hundred words the officer may justify his course in office.

Form of Ballot. Election.

SEC. 7. Until and unless there be some other method provided in this charter for the conduct of a recall election, such election shall be governed, so far as applicable, by the laws governing the holding of other municipal elections, except as hereinafter provided:

(a) The ballot for a recall election shall be printed in the following manner: At the top of the ballot shall appear such part of the instructions to voters as are applicable to such election. Immediately below the instructions to voters shall be printed the title of the office or offices to be filled in the order set forth in this charter. The names of the candidates for any such office shall be arranged in alphabetical order under the title to such office.

(b) In any such removal election the candidate receiving a majority of all the votes cast for such office shall be declared elected. In case two or more persons are to be elected to the same office, then those candidates, equal in number to the number to be elected, who receive the highest number of votes for said office shall be declared elected; *provided, however*, that no person shall be declared elected to any such office at such election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

(c) If no candidate receive a majority of all the votes cast for such office at such election, a second election shall be held fourteen days later. The board of election commissioners shall provide ballots for such election, on which shall be printed the names of the two candidates for each office who received the highest number of votes for such office at the first election, and no other names; *provided*, that if more than one person is to be elected to one office, the candidates not elected at such first election equal in number to twice the number to be elected, or less if there be not so many, who received the highest number of votes for such office at such first election, shall appear in alphabetical order on such ballots and shall be the only candidates for such office at the second recall election; *provided further*, that if there be any person who, under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office.

Removal. Successor. Second Recall.

SEC. 8. If some other person than the incumbent of such office or offices receive a majority of the votes cast at such recall election, or the highest number of votes at such second election, the incumbent shall thereupon be deemed removed from office upon qualification of his successor. The successor of any officer so removed shall hold office during the unexpired term of his predecessor, subject to removal under the provisions of this chapter. In case the person declared elected should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives a majority of the votes cast at such recall election or the highest number of votes at a second election, he shall continue in office. If such incumbent is so reelected, it shall require double the number of signatures to initiate a second election for his recall; and if reelected at such second recall election, it shall require three times the number of signatures to initiate a third recall election against such officer during the term for which he was elected.

Reimbursement for Election Expenses.

SEC. 9. If the incumbent receive a majority of the votes at such recall election, he shall be reimbursed out of the special election fund for his expenses in such recall election; *provided*, that such payment shall not exceed the amount he is permitted to spend under the purity of elections act now in force.

Vacancies. Disqualification.

SEC. 10. In the event of a vacancy occurring in any such office between the date of the filing of such petition with the board of election commissioners and the holding of such election where such petition is found sufficient, such vacancy shall be filled in the same manner as other vacancies occurring in such office, but the person selected to fill such vacancy shall hold such office only until the person elected in accordance with the provisions of this chapter shall qualify. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within two years after such recall or resignation.

Substantial Compliance.

SEC. 11. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election, and for the removal and election of any officer thereunder.

Repeal of Present Provisions.

SEC. 12. Section 23 of Chapter I of Article II of said charter, relating to the recall of elected officials, is hereby repealed.

In Effect January 8, 1912.

SEC. 13. This chapter shall go into effect January 8, 1912.

CHAPTER AMENDMENT NO. 7.

That Section 5, of Chapter I of Article XI of the said charter shall be amended to read as follows:

Section 5. All provisions of the general laws of this state, including penal laws, respecting elections, not inconsistent with the provisions of Chapter II hereof, shall be applicable to all elections held in the city and county of San Francisco. All provisions of the general laws of this state respecting the registration of voters shall be applicable to such registration in the city and county. The board of election commissioners must provide for precinct registration, so far as it can do so under the Constitution and laws of the State.

That Chapter II of Article XI of said charter be amended to read as follows:

CHAPTER II.

MUNICIPAL ELECTIONS.

When Held—Officers to be Elected—Terms.

SECTION 1. There shall be held in the city and county of San Francisco, on the last Tuesday in September of the year 1911, and every second year thereafter, an election to be known as the "primary municipal election." A second election shall be held when necessary under the provisions of this charter on the Tuesday after the first Monday in November, not less than forty days after the said primary election, and shall be known as the "general municipal election."

At said primary and general elections there shall be nominated and elected by the electors of the city and county the following officers: the mayor, four police judges, district attorney, city attorney, assessor, auditor, treasurer, tax collector, recorder, public administrator, county clerk, sheriff, coroner and eighteen supervisors. Each of the above officers shall be elected for two years, except the police judges and the assessor, each of whom shall be elected for four years. The superintendent of public schools shall be elected for four years, and the justices of the peace, at the same time that members of the legislature are elected.

When Office is Taken.

SEC. 2. The officers elected at the primary or general election under this charter shall take office at noon on the eighth day of January following.

Nomination and Election of City and County Officers.

SEC. 3. (1) The mode of nomination and election of all elective officers of the city and county to be voted for at any primary, general or special municipal election, including recall elections, shall be as follows, and not otherwise:

Condition of Candidacy.

(2) The name of a candidate shall be printed upon the ballot when a declaration of candidacy and certificates of not less than ten sponsors shall have been filed on his behalf, in the manner and form and under the conditions hereinafter set forth.

Method of Nomination.

(3) The nomination of candidates shall be made in the following manner:

(a) The candidate, not more than fifty days before the primary election in September, shall file with the registrar of voters a declaration of his candidacy, in the following form.

"DECLARATION OF CANDIDACY.

I, _____, residing at _____, hereby declare myself a candidate for the office of _____, to be voted for at the municipal election to be held in the city and county of San Francisco, on the _____ day of September, A. D. _____.

CITY AND COUNTY OF SAN FRANCISCO, }
STATE OF CALIFORNIA, } ss.

Subscribed before me and filed this _____ day of _____ A. D. _____

Registrar of Voters"

The blanks in said form for the name and residence of the candidate and the office and date of election, shall be filled out and the declaration subscribed by him before the registrar of voters. The registrar shall forthwith certify to the said subscription and its date and retain and file the declaration.

(b) After said declaration shall be signed, certified and filed, and not later than thirty days before said election in September, not less than ten nor more than twenty sponsors for the said candidate, who are electors for the city and county, qualified to vote at the said municipal election, shall appear before the registrar of voters and shall certify, under oath, to the qualifications of the said candidate, in a certificate as follows:

"CITY AND COUNTY OF SAN FRANCISCO, } ss.
STATE OF CALIFORNIA, }

The undersigned sponsor for _____, who has declared his candidacy for the office of _____, to be voted for at the municipal election to be held in the city and county of San Francisco, on the _____ day of September, A. D. _____ being first duly sworn, deposes and says:

That in my opinion my knowledge of the said _____ is sufficient to warrant my urging his election to the office of _____ in the city and county of San Francisco, and that he is fully qualified mentally, morally and physically for the said office and should be elected to fill it; that I am a qualified elector of said city and county and am not at this time a signer of any other certificate nominating any other candidate for the above-named office, or, in case there are several places to be filled in the above-named office, that I have not signed more certificates than there are places to be filled in the above-named office; that my residence is at No. _____ street, San Francisco, and that my occupation is _____

CITY AND COUNTY OF SAN FRANCISCO, } ss.
STATE OF CALIFORNIA, }

The above was subscribed, sworn to before me, read to me by the deponent, the said signature verified by me, and the said certificate filed this _____ day of _____, A. D. _____

Registrar of Voters "

The blanks in the said certificate for the name of the candidate and the office, the date of the election, the address and occupation of the sponsor shall be filled out and the certificate read to the registrar of voters, subscribed and sworn to by the sponsor before him, and his signature forthwith verified by the registrar by comparison with the signature of the sponsor's registration as a voter. The registrar's certificate shall thereupon be filled out and the document retained by him and filed.

(c) It shall be the duty of the board of election commissioners to furnish a sufficient number of forms for such candidates' declarations and such sponsors' certificates. In the event the registrar shall refuse to file such declaration or certificate, he shall forthwith designate in writing on the declaration or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration or certificate presented to the registrar shall prevent the filing of another declaration or certificate within the period allowed for presenting the declaration or certificate.

(d) Each certificate must contain the name of one signer thereto and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office.

(e) The registrar of voters shall preserve in his office for a period of four years all candidates' declarations and all sponsors' certificates filed under this section.

Candidate's Statement.

(4) If the candidate shall so desire, he may file with the election commission, not less than twenty-five days before the said election, a statement, of not more than one hundred words, setting forth any facts he deems pertinent to the question of his qualifications for the office for which he is a candidate and paying the sum of twenty dollars to the registrar of voters. Additional words, not to exceed two hundred, may be added to the statement, for the additional fee of ten dollars for each hundred words or part thereof. All such fees received by the registrar shall be paid over to the treasurer of the city and county of San Francisco and credited to the general fund. Upon the payment of the said fee, the board of election commissioners shall cause said statements, with the candidate's name and number on the ballot appearing above each to be grouped under the office for which he is a candidate, the names and groups to be arranged in the same order as the ballots printed for the assembly district of said city and county designated by the lowest number. The board of election commissioners shall cause the said statements so arranged to

be printed either in single sheet or pamphlet form, the candidate's name and number in fourteen (14) point type and the body of the statement in ten (10) point type and enclosed and circulated with the sample ballot and sent to each registered voter. The board of election commissioners shall furnish, at least five days before the said election, copies of such statements, so arranged and printed, to registered voters on application at his office.

Mayor's Proclamation.

(5) Immediately after such declaration and ten sponsors' certificates shall have been filed, the registrar of voters shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty-five days before the election certify such list as being the list of candidates nominated as required by this charter; and the mayor shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election at least eight successive days, excluding Sundays, before the election, in not more than two daily newspapers of general circulation published in the city and county of San Francisco. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as herein required.

Form of Ballots.

(6) The registrar of voters shall cause the ballots to be printed and bound and numbered as provided for by state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the form herein provided.

Heading and Directions to Voters.

(a) Primary (or general, or recall, or second recall, as the case may be) municipal election, city and county of San Francisco.

Instructions to voters To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Arrangement of Offices on Ballot.

(b) The offices to be filled shall be arranged in the following order:

The mayor, police judges, district attorney, city attorney, assessor, auditor, county clerk, sheriff, treasurer, tax collector, recorder, public administrator, coroner, arranged in one or more columns, and the supervisors in a column or columns separate from the others.

Every Nominee on Ballot.

(c) The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate.

Rotation of Candidates' Names.

(d) The ballots for the assembly district of the city and county designated by the lowest number shall have the names of each group of candidates for an office or offices arranged in alphabetical order, according to the family name of the candidate. In the assembly district designated by the next highest number, the groups of names shall be the same as in the district designated by the next lower number, save that the last candidate in the group in the preceding district shall be placed at the beginning of the group, the succession of names to be otherwise unchanged, and so on, rotating the names in this order throughout all the assembly districts.

In the event that the number of candidates in any group shall exceed the number of assembly districts in the city and county, then the total number of candidates in such group shall be divided by the number of assembly districts and the quotient, if an integral number, or if it be fractional, then the next highest integral number, shall be the number of candidates to be taken from the end and placed at the beginning of such a group in each successive assembly district; the rotation then being in this manner, to wit: if there be fifty-six candidates for supervisors and twenty assembly districts, numbered from twenty-five to forty-five, the fifty-fourth, fifty-fifth and fifty-sixth candidates in the group of the twenty-fifth district will be the first, second and third candidates, respectively, in the group in the twenty-sixth district.

Spaces for Name and for Voting Cross.

(e) The candidate's name shall be printed in brevier type and shall be enclosed by lines above and below, a half inch apart. Half-inch squares shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank Spaces for Additional Candidates

(f) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Other Requirements of Ballot.

(g) All ballots printed shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible, in each assembly district, to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter.

Voting Machines.

(h) In the event of the use of voting machines, the ballot shall be arranged on the machines in the same form in each assembly district as provided for the printed ballot.

Candidate's Political Designation.

(i) If the candidate shall file a statement and shall name therein a political designation of not more than three words, to be printed below his name on the ballot, such designation shall be printed upon the ballot below his name in capitals and lower case nonpareil type. The name and political designation shall be confined to the half-inch space enclosed by the printed lines.

Sample Ballots.

7. The registrar of voters shall cause to be printed ballots identical with the ballot to be used in each assembly district at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail to each voter entitled to vote at such election a copy of the ballot to be used in his district, so that all of said sample ballots shall have been mailed at least five whole days before said election.

Votes Necessary to Elect.

8. In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast at the primary election for all the candidates for that office shall be declared elected; in case there are two or more persons to be elected to an office, as that of supervisors or police judge, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any such office at such primary election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election.

General Election.

9. The vacancy or vacancies in any office to which the required number of persons have not been elected at the primary election shall be filled at the general election. The candidates not elected at such primary election, equal in number to twice the number to be elected to any given office, or less, if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such general election; *provided*, that if there be any person who, under the provisions of this subdivision, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such general election shall be declared elected to such office.

Rules Governing the General Election.

10. All the provisions and conditions above set forth as to the conduct of a primary election, so far as they may be applicable, shall govern the general election, except that notice of election need be published twice only; and *provided*, also that the same precincts and polling places shall, if possible, be used.

Failure of Person Elected to Qualify.

11. If a person elected fails to qualify, the office shall be filled as in this charter provided for a vacancy in such office.

Informalities in Election.

12. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

CHARTER AMENDMENT No. 8.

An alternative proposition for the Australian ballot without the party designation, to be voted for separately.

Said alternative proposition shall, if approved by the voters, take the place of paragraph (i) of Section 6 of Chapter II of Article XI of said charter, reading as follows.

"(i) If the candidate shall file a statement and shall name therein a political designation of not more than three words to be printed below his name on the

ballot, such designation shall be printed upon the ballot below his name in capitals and lower case nonpareil type. The name and political designation shall be confined to the half-inch space enclosed by the printed lines."

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the amendments to Article 11 of the charter are submitted, and upon the ballots shall be printed: "Shall the alternative proposition prohibiting any partisan designation of the candidate on the ballot take the place of Subdivision (1) of Section 6 of Chapter II of Article XI, which allows such designation?" Said alternative proposition is as follows:

"(1) No party name or political designation or descriptive matter concerning the candidate shall appear on the ballot."

CHARTER AMENDMENT No. 9.

That a new section be added to Article XVI thereof, to be numbered section 38a, to read as follows:

Section 38a. The term of office of the mayor, county clerk, auditor, district attorney, sheriff, coroner and nine of the eighteen supervisors shall be four years, commencing January 8, 1912, and the term of office of the tax collector, recorder, city attorney, public administrator, treasurer and nine of the eighteen supervisors shall be two years until the eighth day of January, 1914, and thereafter shall be four years.

Thereafter all the terms of the officers herein named shall be four years. The nine supervisors receiving the highest number of votes at the municipal election held in 1911 shall be the supervisors whose terms shall be four years from January 8, 1912, and the terms of the nine supervisors receiving the next highest number of votes at said municipal election shall be two years from January 8, 1912; *provided*, that if it should be impossible to determine the highest number of votes by reason of others having received the same number of votes, then those so tied shall choose by lot the four-year term. At each general municipal election officers shall only be chosen to succeed those whose terms expire in the month of January next following. The provisions of this section shall be deemed to be amendatory of all other provisions in the charter relating to the terms of the officers herein named, whether heretofore existing or contained in sections amended in other respects concurrently with the adoption of this amendment.

CHARTER AMENDMENT No. 10.

That Section 3 of Article XVI of said charter be amended to read as follows:

Section 3. No officer of the city and county, except members of the police department acting under orders of the chief thereof, shall absent himself from the state, except by permission of the mayor and the board of supervisors. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

CHARTER AMENDMENT No. 11.

That a new chapter be added to Article VI of said charter, to be known and designated as Chapter VIII, to read as follows:

CHAPTER VIII.

TUNNELS, SUBWAYS AND VIADUCTS.

Supervisors May Order Construction.

SECTION 1. The board of supervisors are hereby empowered to order the construction of any tunnel, subway or viaduct, in, on, under, or over, any accepted or unaccepted open public street, avenue, lane, alley, place or court, within the city and county, or any other land of the city and county, or in, on, under, or over, any land in which and where the city and county may then have an easement or right of way therefor, and to levy the cost and expenses thereof upon private property, in the manner and under and subject to the proceedings, powers, restrictions and limitations in Chapter II and Chapter VII of this article provided for street work and street improvement.

Purchase of Land and Right of Way.

SEC. 2. The board of supervisors are hereby empowered to authorize the acquisition, by purchase or condemnation, and to acquire by purchase, or to condemn and acquire, any and all land, or any easement or right of way therein, thereon, thereunder or thereover, and any property necessary and convenient for any purpose mentioned in Section 1 of this chapter, and to levy the damages, costs and expenses thereof upon private property, in the manner and under and subject to the proceedings, powers, restrictions and limitations in Chapter III and Chapter VII of this article, provided for the opening, extending, straightening, or closing up, in whole or in part, of any street, avenue, lane, alley, court or place.

City May Pay Part of Cost.

SEC. 3. The board of supervisors may, in its discretion, order that not more than one half of the whole of the costs and expenses of any of the work or acquisitions in Sections 1 and 2 of this chapter mentioned, or the damages result-

ing therefrom, be paid out of the treasury of the city and county from such fund as the board of supervisors may designate. Whenever a part of such cost or expense is so ordered to be paid before the making of an assessment therefor, the board of public works, in making up the assessment provided for such cost and expense, shall first deduct from the whole cost and expense such part thereof as has been paid out of the municipal treasury and shall assess the remainder of said cost and expense proportionately upon the lots, parts of lots, and lands in the assessment district or liable to be assessed therefor, and in the manner hereinbefore referred to and provided.

Several Companies May Use.

SEC. 4. No railroad other than a street railroad shall ever be operated through, in or along any tunnel, subway or viaduct constructed or acquired under the provisions of this charter, and no person, firm or corporation shall ever be granted the exclusive right to operate a street railroad through, in or along such tunnel, subway or viaduct. Two or more lines of street railways operated under different managements, or the city and county in the operation of a municipal railway, may use the same tunnel, subway or viaduct for the entire length thereof and for five consecutive blocks approaching each end thereof, each management paying an equal portion of the expense for the construction, maintenance and repair of the tracks and appurtenances used by said railways jointly.

CHARTER AMENDMENT No. 12.

That a new chapter be added to Article VI of said charter, to be known and designated as Chapter VIII, to read as follows:

CHAPTER VIII.

TUNNELS, SUBWAYS AND VIADUCTS.

Supervisors May Order Construction.

SECTION 1. The board of supervisors are hereby empowered to order the construction of any tunnel, subway or viaduct, in, on, under or over, any open public street, avenue, lane, alley, place or court within the city and county, or any other land of the city and county, or in, on, under or over any land in which and where the city and county may then have an easement or right of way therefor, and to levy the cost and expenses thereof upon private property, in the manner and under and subject to the proceedings, powers, restrictions and limitations in Chapter II and Chapter VII of this article provided for street work and street improvement.

Purchase of Land and Right of Way.

SEC. 2. The board of supervisors are hereby empowered to authorize the acquisition, by purchase or condemnation, and to acquire by purchase, or to condemn and acquire, any and all land, or any easement or right of way therein, thereon, thereunder or thereover, and any property necessary and convenient for any purpose mentioned in Section 1 of this chapter, and to levy the damages, costs and expenses thereof upon private property, in the manner and under and subject to the proceedings, powers, restrictions and limitations in Chapter III and Chapter VII of this article, provided for the opening, extending, straightening, or closing up, in whole or in part, of any street, avenue, lane, alley, court or place.

City May Pay Part of Cost.

SEC. 3. The board of supervisors may, in its discretion, order that not more than one half of the whole of the costs and expenses of any of the work or acquisitions in Sections 1 and 2 of this chapter mentioned, or the damages resulting therefrom, be paid out of the treasury of the city and county from such fund as the board of supervisors may designate. Whenever a part of such cost or expense is so ordered to be paid before the making of an assessment therefor, the board of public works, in making up the assessment provided for such cost and expense, shall first deduct from the whole cost and expense such part thereof as has been ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expense proportionately upon the lots, parts of lots, and lands in the assessment district or liable to be assessed therefor, and in the manner hereinbefore referred to and provided.

Several Companies May Use.

SEC. 4. No railroad other than a street railroad shall ever be operated through, in or along any tunnel, subway or viaduct constructed or acquired under the provisions of this charter, and no person, firm or corporation shall ever be granted the exclusive right to operate a street railroad through, in or along such tunnel, subway or viaduct. Two or more lines of street railways operating under different managements, or the city and county in the operation of a municipal railway, may use the same tunnel, subway or viaduct for the entire length thereof and for five consecutive blocks approaching each end thereof, each management paying an equal portion of the expense for the construction, maintenance and repair of the tracks and appurtenances used by said railways jointly.

CHARTER AMENDMENT NO. 14.

That Section 5, Article I be amended so as to read as follows:

Section 5. No recourse shall be had against the city and county, or any board of officers thereof, for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, none of which has been finally accepted by the supervisors of the city and county as by law, or as in this charter provided; nor shall there be any recourse against the city and county, or any board or officer thereof, for damage to person or property suffered or sustained by reason of accident on any such sidewalk, street, avenue, lane, alley, court or place; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in any such sidewalk, street or public highway, shall be liable to the party injured for the damage suffered or sustained.

When any portion of the roadway of a public street in the city and county which has been accepted by the supervisors as provided by law, shall be in such defective condition as to endanger persons or property in the use thereof; or when any public sewer is defective or in want of repair, it shall be the duty of the board of public works to cause any such defect in such roadway or in such sewer to be remedied or repaired. And, if through the official negligence of the said board such defect remains unremedied or unprotected, and in consequence thereof damage or loss to person or property is sustained or suffered, the said board shall be liable to the party injured for the damage sustained; *provided*, that a notice in writing directing attention to the existence of such defect, and specifying the particular street and block thereof whereon or wherein such defect exists, shall have been served upon the said board at least five days before such damage shall have been sustained, *and provided further*, that there are at such time funds available to the said board for repairing or remedying such defects.

That Section 16, Chapter II, Article VI, be amended so as to read as follows:

Section 16. When, in the judgment of the board of public works, any portion of the roadway of any improved street, avenue, lane, alley, court or place, or any portion of any sidewalk thereof, in the city and county, none of which has been accepted by the supervisors as by law or as in this charter provided, shall be so out of repair or in such condition as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the board is authorized to notify the owner or owners of any lot fronting on said portion of said street, avenue, lane, alley, court or place, or fronting on such portion of said sidewalk so out of repair or in such condition as aforesaid, by a notice in writing to be delivered to him, or his agent, or to any of the persons referred to in Section 19 of this chapter (and for the purposes of this section any of such persons shall be deemed the "owner"), requiring such owner to repair, or reconstruct, or improve forthwith, in such manner and with such material as the board may determine and direct, said portion of said street, avenue, lane, alley, court or place, to the center line thereof, or said portion of said sidewalk in front of the lot of which he is the owner.

If said repair, reconstruction or improvement be not begun within five (5) days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the board may, if it so determine, enter into a contract with any suitable person at the expense of such owner for the doing of the work of the required repair, or reconstruction, or improvement, after the following proceedings as in this section hereinafter provided shall have been taken by the board:

The board shall cause a notice inviting sealed bids for the doing of said required work to be conspicuously posted in its office for three days (legal holidays excepted), together with the specifications for such required work. The said notice shall specify the day and hour when such sealed bids must be delivered to the board, and shall contain a general description of the work to be done, the time within which the work is to be commenced and when to be completed, and the amount of the certified check hereinafter provided for as a guaranty for the faithful performance of the contract, and shall refer to the specifications posted therewith. On the day and at the hour specified in said notice, the board shall assemble and remain in session for at least one hour, and all such bids shall be delivered to the board while it is so in session and within the hour named in the said notice. At the expiration of the hour stated in the said notice within which the bids will be received, the board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the board by the secretary. The board shall award the contract to the lowest responsible bidder, if in its judgment the bid of such bidder is reasonable and just.

The board may for good cause reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract awarded to him by the board.

No bid shall be considered by the board unless it be accompanied by a check, certified by a responsible bank, payable to the order of the clerk of the supervisors of the city and county, for an amount determined by the board and specified in the said notice inviting bids. Such check shall be held by the board as a guaranty that the bidder to whom the contract has been awarded, as hereinbefore provided, will enter into contract to do said work and faithfully perform such contract.

If said bidder fails or refuses to enter into the contract to do said work as herein-after provided, or if after having entered into the said contract said bidder fails to faithfully perform the contract, then the said certified check accompanying his bid shall be forfeited to the city and county, and shall be collected and paid into the general fund thereof.

The bidder to whom the contract for the said work has been awarded shall enter into a written contract therefor with the board of public works within five (5) days after the date of the award thereof. Upon the completion of the required repair, reconstruction or improvement by the contractor as aforesaid to the satisfaction of the board, it shall make and deliver to the contractor a certificate to the effect that such repair, reconstruction or improvement has been properly made by said contractor, and that the charges for the same are reasonable and just, and that the board of public works has accepted the same. Upon the issuance of the said certificate the board shall surrender to the contractor the certified check hereinbefore provided for.

Until the sidewalk or the roadway of any improved street, avenue, lane, alley, court or place in the city and county is finally accepted as by law or as in this charter provided, the obligation to repair, reconstruct or improve the same is imposed upon the owner or owners of the lots fronting thereon.

CHARTER AMENDMENT No. 15.

That Chapter II of Article VI be amended by adding a new section thereto, to be known and designated as Section 33, and to read as follows:

Section 33. The methods of procedure in this article provided for the improvement of streets, or for the construction of tunnels, subways or viaducts and appurtenances thereto, and for the assessment of the expense thereof or any portion of such expense upon private property shall not be deemed exclusive, but the board of supervisors by an affirmative vote of not less than two thirds of the members thereof, may by ordinance substitute therefor any method of procedure in any general law of the State of California now in force and effect, or as the same may be amended, or that may hereafter be enacted, providing for any such improvements in municipalities, and levying assessments for the expense or portion thereof upon private property; or the said board may by a like affirmative vote of the members thereof adopt an ordinance which may from time to time be revised or amended, providing a method of procedure for such improvement and assessment; and in such ordinance if said board deems it expedient provision may be made for the payment of any assessment levied in pursuance of the provisions thereof in annual installments covering a term not to exceed ten years upon conditions as to said board may seem reasonable and just, the rate of interest to be paid on such payments not to exceed seven per cent per annum.

CHARTER AMENDMENT No. 17.

That a new section be added to said charter to be known as Section 12 of Article XIV, to read as follows:

Section 12. The California Academy of Sciences, an institution for the advancement of science and maintenance of a free museum, duly incorporated under the laws of the State of California, is hereby granted permission to erect and maintain in Golden Gate Park a museum building, consisting of one or more structures as it may find necessary for the purposes contemplated, which said building is to become the property of the city and county of San Francisco, but to be used exclusively thereafter by the said California Academy of Sciences, under such proper rules and regulations as it may prescribe, as a free museum, open to the public, and for admission to which no admission fee shall ever be charged. The plans for the proposed museum building and any addition thereto must be approved by the board of park commissioners, and said board of park commissioners is hereby authorized and directed to set apart such portion of Golden Gate Park, convenient to public access and satisfactory to said California Academy of Sciences, as may be necessary for said building, sufficient ground being allotted to secure the safety of the same from fire.

CHARTER AMENDMENT No. 18.

That Section 6 of Chapter 1 of Article IX of said charter be amended so as to read as follows:

Qualifications of Firemen, Mechanics and Others.

Section 6. All persons appointed to positions in the department must at the time of their appointment be citizens of the United States, not less than twenty-one nor more than thirty-five years of age, of good character for honesty and sobriety, and able to read and write English; they must have been residents of the city and county at least five years next preceding the date of their appointment, they must pass a medical examination under such rules and regulations as may be prescribed by the commissioners, and must, upon such examination, be found in sound bodily health; *provided, however,* that the age limit herein prescribed shall not apply to engineers and pilots of fireboats, to engineers, mechanics and employees of the

auxiliary fire system or of the corporation yard, or to clerks in the office of the commission; but the age of such persons in this proviso named shall, at the time of their appointment, be not less than twenty-one nor more than fifty-five years; and, *provided, further*, that employees and appointees in this proviso named shall not be subject to nor derive any benefit from the provisions of Chapter VII of this article relating to firemen's relief fund.

CHARTER AMENDMENT No. 19.

That Chapter 2 of Article III of said charter be amended by adding three new sections to be known as Sections 7a, 7b and 7c, to read as follows:

City May Purchase.

Section 7a. All franchises for street railways or franchises for railways crossing any street granted under this charter shall be subject to the right of the city and county, upon the payment therefor of a fair valuation plus the bonus hereinafter mentioned, to purchase and take over the tangible property and plant including leases of any real property necessary to such plant owned by the grantee of any franchise granted under this charter, his or its successors or assigns and used in the exercise of such franchise. Such valuation shall not include any value of the franchise or right of way through the streets or any earning power of such property. The valuation shall include as part of the costs of the plant, interest on actual investments during the period of construction prior to the commencement of operation. If the purchase be made within ten years from the time the franchise is granted, the city and county shall pay to the grantee, his or its successors or assigns, in addition to the amount of such valuation, a sum or bonus not less than ten per centum nor more than twenty per centum in the discretion of the arbitrators hereinafter provided for, of the actual cost of construction of the road and of the actual cost of all other tangible property owned by the grantee, his successors or assigns, in use, and usable for the purposes for which the franchise was granted. If the purchase be made more than ten years after the granting of the franchise then the said bonus shall be ten per cent. Such valuation shall be made and the proceedings therefor initiated upon call for the same by ordinance passed by the board of supervisors or the electors. On the passage of such an ordinance the mayor shall within thirty days appoint two arbitrators and forthwith notify the owner of said franchise of their appointment by written notice addressed as follows: "To the owner of the franchise for (inserting the name of the franchise)" and left at the office of the company operating or owning the said franchise; and call upon such owner in such notice to appoint within thirty days two arbitrators and notify the mayor of their appointment. Such arbitrators shall meet and appoint a fifth arbitrator and shall make the valuation provided for herein. In the event that such arbitrators shall be unable to agree on a fifth member within ten days from the date of the appointment of the last arbitrator so appointed, they shall request the justices of the Supreme Court of California to name one of their number to act as such arbitrator. If the said justices refuse, or fail for fifteen days, to appoint one of their number to serve as such fifth arbitrator, then each of the arbitrators theretofore appointed shall propose a person to serve as such fifth arbitrator. The names of the persons so proposed shall be written on slips, and at a time and place designated not less than twenty-four hours in advance by the mayor, one slip shall be drawn by lot by the mayor in open meeting, in the same manner that the names of jurors are drawn from the jury box, and the person whose name is so drawn shall be the fifth member of the board of arbitration. If the arbitrators for the owner of the franchise refuse or neglect for five days to propose such names the mayor shall act as fifth arbitrator. The life of no franchise granted under this charter shall extend beyond thirty days after such notice to the owner of the franchise shall have been served as above, unless he shall have appointed such two arbitrators within such period. If any arbitrator shall die, be declared incompetent, absent himself from the State or otherwise become unable to act on such board, the vacancy shall be filled in the manner in which he was originally appointed. Upon the filing of the decision of said arbitrators, the board of supervisors shall submit to the qualified voters in the manner provided for the acquisition of any public utility, the acquisition of the said franchise, plant and property and the issuance of bonds for payment therefor. If two thirds of the electors voting on the proposition shall approve the same, then and not otherwise, the amount of the valuation so determined and any bonus payable hereunder, shall be paid to the owner of said franchise and railroad as soon as said bonds are sold and the property and plant shall become the property of the city and county. Such bonds may, with the consent of the owner and at the discretion of the board of supervisors, be taken at not less than par by the said owner in payment for said utility. The mayor shall tender such moneys or the said bonds to said owner and unless within ten days thereafter he shall accept the same, and transfer said property to the city and county, the said franchise shall thereupon expire and all liability of said city and county to pay the above money or bonds or any sum whatsoever for such properties shall cease. Upon the acceptance of such money or bonds, the said franchise shall be extinguished.

Wages and Hours of Employees.

SEC. 7b. Every franchise shall provide that employees of the person or company or corporation operating a street railroad shall be paid not less than three dollars a day and that eight hours shall be the maximum hours of labor in any calendar day, the same to be completed within ten hours. *Provided*, that nothing in this section shall be construed to prohibit overtime employment, wages for such employment to be paid at one and one-half times the said rate of wages proportionate to each hour of such extra service.

Penalties.

SEC. 7c. Failure to comply with any of the conditions prescribed by this charter, or any other lawful conditions which may be inserted in the grant of franchise, shall work an immediate forfeiture of the franchise and the road and track constructed thereunder. There shall be no power in the board of supervisors to relieve from such forfeiture or from any such condition.

CHARTER AMENDMENT No. 27.

That a new section be added to Article XVI, to be numbered Section 41, to read as follows:

Section 41. It is hereby expressly provided that all amendments to the charter submitted and adopted concurrently herewith that create new positions or change the designation of any officer or employee, or which increases the compensation of any officer or employee, shall not take effect until July 1, 1911.

CHARTER AMENDMENT No. 28.

That a new section be added to Chapter VII of Article IX, to be numbered Section 10, to read as follows:

Section 10. All firemen who were retired under the provisions of the law prior to January 1, 1900, shall be entitled to receive from the fund in this chapter provided for, the sum of forty-five dollars a month, from and after July 1, 1911.

CHARTER AMENDMENT No. 29

That Section 2 of Chapter I of Article II of said charter be amended to read as follows:

Salaries of Supervisors.

Section 2. The board of supervisors shall consist of eighteen members, all of whom shall hold office for two years and be elected from the city and county at large. Each one must be at the time of his election an elector of the city and county, and must have been such for at least five years next preceding his election. Each supervisor shall receive a salary of two hundred dollars a month.

Every person who has served as mayor of the city and county, so long as he remains a resident thereof, shall be entitled to a seat in the board of supervisors and to participate in its debates, but shall not be entitled to a vote nor to any compensation.

CHARTER AMENDMENT No. 35.

That Section 1 of Chapter VII of Article IV of said charter be amended to read as follows:

THE RECORDER.

Qualifications Term. Salary. Appointees

Section 1. There shall be a recorder of the city and county who shall be an elector of the city and county at the time of his election and who must have been such for at least five years next preceding such election. He shall be elected by the people and shall hold office for two years. He shall receive an annual salary of four thousand dollars. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; five assistant deputies, who shall each receive an annual salary of eighteen hundred dollars; nine clerks, who shall each receive an annual salary of fifteen hundred dollars; one machinist, who shall receive an annual salary of fifteen hundred dollars; one messenger, who shall receive an annual salary of twelve hundred dollars. He may also appoint as many copyists as he may deem necessary, who shall receive not more than six cents for each one hundred words actually written; but no copyist shall be paid a greater compensation at this rate than amounts in the aggregate to one hundred and twenty-five dollars a month.

CHARTER AMENDMENT No. 38.

That Subdivision 24 of Section 1 of Chapter II of Article II be amended to read as follows:

24. To fix hours of labor or service required of all laborers in the service of the city and county, and to fix their compensation; *provided*, that eight hours shall be the maximum hours of labor in any calendar day, and that the minimum wages of laborers shall be three dollars a day.

That Section 1 of Chapter III of Article II be amended to read as follows:

Section 1. All contracts for goods, merchandise, stores, supplies, subsistence or printing for the city and county, as well as for all subsistence, supplies, drugs and other necessary articles for hospitals, prisons, public institutions and other departments not otherwise specifically provided for in this charter, must be made by the supervisors, with the lowest bidder offering adequate security, after publication for not less than ten days in the official newspaper; and no purchase thereof or liability therefor shall be made or created except by contract.

Except as otherwise provided in this charter, the board must determine annually what goods, merchandise, stores, supplies, drugs, subsistence and other necessary articles will be needed by the city and county for the ensuing year, and it shall have no power to purchase or to pay for the same unless the provisions in this charter provided as to competitive bidding for supplies are strictly followed, and no contract shall be made for any of the same unless upon such competitive bidding.

All proposals shall be accompanied with a certificate of deposit or certified check on a solvent bank in the city and county of ten per centum of the amount of the bid, payable at sight to the order of the clerk of the supervisors. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the clerk shall draw the money due on such certificate of deposit or check and pay the same into the treasury; and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to such defaulting bidder.

Notices for proposals for furnishing the aforesaid articles shall mention said articles in general and shall state that the conditions and schedule may be found in the office of the clerk of the board of supervisors; and shall also state that such articles are to be delivered at such times, in such quantities, and in such manner, as the supervisors may designate. Any bidder may bid separately for any article named. The award as to each article shall in all cases be made to the lowest bidder for such article, and where a bid embraces more than one article, the supervisors shall have the right to accept or reject such bid or the bid for any one or more articles embraced therein. In the case of contracts for subsistence of prisoners, the advertisement for proposals shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. No article or articles provided for in this section shall have been made in any prison. The supervisors shall require bonds with sufficient sureties for the faithful performance of every contract. The clerk of the supervisors shall furnish printed blanks for all such proposals, contracts and bonds.

All bids shall be sealed and delivered by the bidder to the clerk of the supervisors, and opened by the board at an hour and place to be stated in the advertisement for proposals, in the presence of all bidders who attend, and the bidders may inspect the bids. All bids with alterations or erasures therein shall be rejected. All articles so supplied shall be subject to inspection and rejection by the supervisors and by the person in charge of the office, institution or department for which the same are supplied. Every contract for work to be performed for the city and county must provide that in the performance of the contract eight hours shall be the maximum hours of labor on any calendar day, and that the minimum wages of laborers employed by the contractor in the execution of his contract shall be three dollars a day. Any contract for work to be performed for the city and county which does not comply with the provisions of this section shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and upon proof of such misfeasance shall be removed from office.

CITY AND COUNTY OF SAN FRANCISCO, }
STATE OF CALIFORNIA. } ss.

This is to certify that we, P. H. McCarthy, mayor of the city and county of San Francisco, and W. R. Hagerty, clerk of the board of supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the charter of the said city and county of San Francisco with the original proposals submitting the same to the electors of said city and county at a special municipal election held on Tuesday, the fifteenth day of November, one thousand nine hundred and ten, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are and each of them is true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the same to be authenticated by the seal of said city and county of San Francisco, this fourth day of January, one thousand nine hundred and eleven.

[SEAL]

P. H. MCCARTHY,
Mayor of the City and County of San Francisco.

W. R. HAGERTY,

Clerk of the Board of Supervisors of the City and County of San Francisco.

Now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring
(a majority of all of the members elected to each house voting for and concurring

therein). that said amendments to the charter of the city and county of San Francisco as proposed to and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the charter of the city and county of San Francisco.

THIRD READING OF SENATE BILL.

Senate Bill No. 352—An Act creating a board of pilot commissioners for the harbor of San Diego, defining their duties, and fixing their compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 352 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Brown, Butler, Callaghan, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinchshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rumlinger, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 467—An Act to validate municipal bonds.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 76—An Act to amend the Code of Civil Procedure of the State of California by amending Section 1639 thereof, concerning accounts to be rendered by representatives of deceased executors, administrators, and guardians.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 473—An Act to repeal Title XV of Part IV of Division Third of the Civil Code of the State of California, and to add a new Title XV of Part IV, Division Third of said Code in place thereof, relating to negotiable instruments, and to make the law of negotiable instruments in the State of California uniform with the law of other states.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 708—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States

land offices of lieu land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 709—An Act to provide for the cancellation of application for lieu lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lieu lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States Land Office and given a register and receiver's number, and forwarded to the General Land Office, at Washington, D. C., and of record therein.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 600—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 601—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 602—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 622—An Act to recognize and declare valid all proceedings in South San Joaquin Irrigation District.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 920—An Act to allow union high school districts to establish, equip, and maintain public libraries; to provide for the formation, government, and operation of such library districts; the acquisition of property thereby; the calling and holding of elections in

such districts; the assessment, collection, custody, and disbursement of taxes therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 920 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Butler, Callaghan, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinchshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rogers of Alameda, Rutherford, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed.

During the third reading of the bill Mr. Polsley moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 1, page 1, of printed bill as amended in Assembly February 10, 1911, after the numeral "1", insert a period and the following: "Section 3550."

Also: In line 2, page 1, of the printed bill, strike out the word "amend", and insert the word "amended".

Motion carried.

The Speaker appointed Mr. Polsley as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 926, with instructions, do now report that the instructions of the Assembly have been carried out.

POLSLEY, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

During the third reading of the bill Mr. Young moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, of the printed bill, after Subdivision 7, add another subdivision as follows

8. The provisions of this section shall not apply to the setting of fire on lands within any municipal corporation of the State.

Motion carried.

The Speaker appointed Mr. Young as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 980, with instructions, do now report that the instructions of the Assembly have been carried out.

YOUNG, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1003—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1003 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Butler, Callaghan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Hamilton, Held, Hinkle, Hinsbaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 553—An Act to divide the State of California into six fish and game districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill 553 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of three o'clock and thirty minutes P. M. having arrived, the special order heretofore continued until this hour was taken up for consideration.

RESOLUTION.

By Mr. Griffiths:

WHEREAS, It has been represented to the Committee on Fish and Game of this Assembly, by reliable persons, that employees of the California Fish and Game Commission have been guilty of extorting money from certain persons in this State under color of official right; and

WHEREAS, Your committee believes that these charges should be thoroughly investigated with a view of bringing these alleged guilty persons to justice; therefore, be it

Resolved, That the Fish and Game Committee of this Assembly be and it is hereby authorized, empowered and instructed to send for papers and persons, to subpoena witnesses, to hear evidence, and to employ competent assistants in making such investigation and to report the result of its labors to the Assembly.

Mr. Griffiths asked for, and was granted, unanimous consent to withdraw the resolution.

Resolution withdrawn.

CONSIDERATION OF RESOLUTION.

By Mr. Walker:

WHEREAS, The twenty-first biennial report of the Board of Fish and Game Commissioners of the State of California, for the years 1909-1910, shows that large sums of money have been received and expended by said commission; and

WHEREAS, Many citizens of this State are complaining that money received by said commission has been extravagantly spent, and that the business of the commission is conducted in an ineffective manner, therefore, be it

Resolved by the Assembly, That the Speaker of the Assembly is hereby authorized and directed to appoint a special committee of five members whose duty it shall be to investigate the books and accounts of the said Board of Fish and Game Commissioners; the manner in which, and the purpose for which, the moneys received by the commission have been expended, and the effect of the work of the commission on the preservation and protection of fish and game in this State; and be it further

Resolved, That said committee, after making such investigations, report to the Assembly the result of its investigation; and be it further

Resolved, That said committee shall have power to summon witnesses and to send for persons and papers, and also to issue subpoenas and compel attendance of witnesses when necessary; and be it further

Resolved, That the Clerk of the Assembly is hereby instructed to assign for duty to such committee a sergeant-at-arms and such stenographers and clerical assistance now in the service of the Assembly as may be necessary in the said investigation.

The question being on the adoption of the resolution.

SUBSTITUTION.

Mr. Walker offered as a substitute the following resolution:

WHEREAS, The twenty-first biennial report of the Board of Fish and Game Commissioners of the State of California, for the years of 1909-1910, shows that large sums of money have been received and expended by said commission; and

WHEREAS, Many citizens of this State are complaining that the money received by said commission has been extravagantly spent, and that the business of the commission is conducted in an ineffective manner; and

WHEREAS, It has been represented to the Committee on Fish and Game of this Assembly, by reliable persons, that employees of said Fish and Game Commission have been guilty of extorting money from certain persons in this State under color of official right;

Resolved, by the Assembly, That the Speaker of the Assembly is hereby authorized and directed to appoint a special committee of five members, whose duty it shall be to investigate the books and accounts of the said Board of Fish and Game Commissioners; the manner of which, and the purpose for which, the moneys received by said commission have been expended, the effect of the work of the commission on the preservation and protection of fish and game in this State; to thoroughly investigate the acts and conduct and the charges of extortion by employees of said commission, and any other matter relative to said Fish and Game Commission, or its employees, which in the judgment of said committee demands investigation; and be it further

Resolved, That said committee, after making such investigation, report to the Assembly the result of its investigation; and be it further

Resolved, That said committee shall have power to summon witnesses, administer oaths, and to send for persons and papers, and also to issue subpoenas and compel attendance of witnesses when necessary; and be it further

Resolved, That the Clerk of the Assembly be, and he is hereby, instructed to assign for duty to such committee a sergeant-at-arms and such stenographers and clerical assistance as may be necessary in the said investigation.

Mr. Walker moved the adoption of the substitute.

A vote was taken and the substitute adopted.

NOTICE OF MOTION TO RECONSIDER.

Mr. Polsley gave notice that on the next legislative day he would move a reconsideration of the vote whereby Committee Substitute for Assembly Bill No. 553 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code relating to leases of city and town lots.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Benedict moved a call of the House.

Motion carried.

Time, four o'clock and five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walker, Williams, Wyllie, Young, and Mr. Speaker—66.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and eight minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Benedict.

The roll of absentees was called, and Assembly Bill No. 996 refused passage by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Butler, Callaghan, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffiths, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mott, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Slater, Smith, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—37.

NOES—Messrs. Bohnett, Brown, Clark, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Hinshaw, Joel, Kennedy, Maher, Malone, March, McDonald, Mendenhall, Mullally, Polsley, Rosendale, Ryan, Sbragia, Stuckenbruck, and Walker—28.

NOTICE OF MOTION TO RECONSIDER.

Mr. Fitzgerald gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 996 was this day refused passage.

Assembly Bill No. 931—An Act to amend the Political Code of California by adding thereto a new section to be numbered 4156b, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of, or act as counsel for, any person or persons, association or corporation accused of a crime in any county or city and county in the State, during their incumbency.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 931 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuck-enbruck, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1031—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims.

On motion of Mr. Rutherford, Assembly Bill No. 1031 was re-referred to Committee on Judiciary, retaining its place on file.

NOTICE OF MOTION TO RECONSIDER WITHDRAWN.

Mr. Polsley asked for and was granted unanimous consent to withdraw his notice of motion to reconsider the vote whereby Committee Substitute for Assembly Bill No. 553 was this day passed.

NOTICE OF MOTION TO RECONSIDER CONTINUED.

Mr. Coghlan moved that his notice of motion to reconsider the vote whereby Assembly Bill No. 793 was passed, be continued until Monday, February 20, 1911.

Motion carried.

Also:

Mr. McDonald moved that his notice of motion to reconsider the vote whereby Assembly Bill No. 718 was passed be continued until Monday, February 20, 1911.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 331 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Callaghan, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—54.

NOES—None.

- Title read and approved.
- Bill ordered transmitted to the Senate.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following, under suspensions of the rules, Senate Joint Resolution No. 20—Relative to the protection of the water supply of the Imperial Valley and the action of the United States Government and the Mexican Government in relation thereto.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

SUSPENSION OF RULES.

Mr. Bohnett moved that the rules be suspended for the purpose of considering joint resolution.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

CONSIDERATION OF SENATE JOINT RESOLUTION.

The question being on the adoption of the resolution.

A vote was taken, and the resolution adopted.

Resolution ordered transmitted to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed the following as a case of urgency. Committee Substitute for Assembly Bill No. 1485—An Act to make an appropriation for the contingent expenses of the Assembly for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

The above bill ordered to enrollment.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 345 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hayes, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—Messrs. Held, Jasper, and Kehoe—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 10—Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910.

The question being on the adoption of the Assembly concurrent resolution.

The roll was called, and the resolution adopted by the following vote.

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56

NOES—None

Resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION NO. 10.

Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910.

WHEREAS, The city of Monterey, a municipal corporation of the county of Monterey, State of California, now is and was at all times herein referred to, a city containing a population of more than three thousand five hundred, but less than ten thousand inhabitants; and

WHEREAS, At a special election duly held in said city on the 25th day of July, 1910, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety days after said election, prepare and propose a charter for the government of said the city of Monterey; and

WHEREAS, Said charter was on the 13th day of October, 1910, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of the city of Monterey, and the other copy with the county recorder of the said county of Monterey and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Monterey Daily Cypress" a daily newspaper of general circulation in said the city of Monterey, for a period of twenty days and more, the first publication thereof having been made within twenty days after the completion of said proposed charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted by the board of trustees of the city of Monterey to the qualified electors of said city at a special election, previously duly called and therein held on the 12th day of December, 1910; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said the city of Monterey, voting at said special election, voted in favor of the ratification and duly ratified said charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing the returns of said last mentioned special election, duly found and declared that the majority of said qualified electors voting at said special election had voted for and ratified said charter as above specified; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF MONTEREY BY THE BOARD OF FREEHOLDERS, ELECTED ON THE 25TH DAY OF JULY, A. D. 1910.

CHARTER OF "THE CITY OF MONTEREY."

ARTICLE I.

NAME AND RIGHT OF THE CITY.

Name of the City.

SECTION 1. The municipal corporation now existing and known as The City of Monterey shall remain and continue a body politic and corporate in name and in fact, by the name of The City of Monterey, and by such name shall have perpetual succession.

Rights and Liabilities

SEC. 2. The city of Monterey shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

Boundaries.

SEC. 3. The boundaries of the city of Monterey shall be as follows.

Beginning at a point near Point Aulones on the S. W. shore line of Monterey Bay where the same is intersected by the S. E. boundary line of the Point Pinos Rancho; thence following said S. E. line of said rancho S. 58° 45' W. 5280 feet; thence leaving said rancho line and running S. 24° 10' E. 12,568 feet; thence N. 73° 15' E. 7445 feet; thence N. 11° 27' W. 2916.5 feet to the S. W. corner of the Del Monte Hotel grounds; thence following the western boundary line of said grounds N. 11° 27' W. 2363.5 feet to the northerly side of the county road; thence along the north side of said road N. 88° 03' W. 1458.85 feet; thence N. 89° 15' W. 1094 feet; thence N. 0° 45' E. 475 feet to the shore line of Monterey Bay; thence north into said Monterey Bay 1 marine league; thence in a western direction to the intersection of a line drawn north from the place of beginning (the said Point Aulones); thence south to said place of beginning.

ARTICLE III.

ELECTIONS.

General and Special Municipal Elections.

SEC. 4. A municipal election shall be held in the city on the second Monday in April, A. D. 1911 and on the second Monday in April every second year thereafter, and shall be known as the general municipal election.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and Election of City Officers.

SEC. 5. The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as follows and not otherwise.

SEC. 6. The name of a candidate shall be printed upon the ballot when a petition and nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Forms of Nomination Petition.

SEC. 7. The petition of nomination shall consist of not less than twenty-five nor more than one hundred individual certificates, which shall read substantially as follows:

Individual Certificate.

SEC. 8.

PETITION OF NOMINATION.

STATE OF CALIFORNIA, }
COUNTY OF MONTEREY, } ss.
CITY OF MONTEREY. }

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of precinct No. _____ of the city of Monterey, and I hereby join in a petition for the nomination of _____ whose residence is at No. _____ street, Monterey, for the office of _____ to be voted for at the municipal election to be held in the city of Monterey on the _____ day of _____; and I further declare that I am not at this time a signer of any other petition for the above named office, or in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office.

Subscribed and sworn to before me, this _____ day of _____

Notary or Verification Deputy.

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Monterey, California.

Forms to be Supplied by City Clerk.

SEC. 9. It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Requirements of Certificate.

SEC. 10. Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the

name of the signer thereto and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this article. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Verification Deputies.

SEC. 11. Verification deputies, under this article, must be qualified electors of the city and shall be appointed by the city clerk upon application in writing signed by not less than five qualified electors of the city. The application shall set forth that the signers thereto desire to procure the necessary signatures of electors for the nomination of candidates for municipal office at an election therein specified and that the applicants desire the person or persons whose names and addresses are given, appointed as verification deputies, who shall upon appointment be authorized and empowered to take the oath of verification of the signers of petitions of nomination. Such verification deputies need not use a seal, and shall not have power to take oaths for any other purpose whatsoever, and their appointments shall continue only until all petitions of nomination, under this article, shall have been filed by the city clerk.

Date of Presenting Petition.

SEC. 12. A petition of nomination, consisting of not less than twenty-five nor more than one hundred individual certificates for any one candidate, may be presented to the city clerk not earlier than forty-five days nor later than thirty days before the election. The clerk shall endorse thereon the date upon which the petition was presented to him.

Examination of Petitions by City Clerk.

SEC. 13. When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this article. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this article. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this article.

Withdrawal of Signature.

SEC. 14. Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of Candidate.

SEC. 15. Any person whose name has been presented under this article as a candidate may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty-five days prior to such election.

Filing of Petitions.

SEC. 16. If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five days before the date of election. When a petition of nomination shall have been filed by the clerk, it shall not be withdrawn, nor added to, and no signature shall be revoked thereafter.

Preservation of Petitions.

SEC. 17. The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this article.

Election Proclamation.

SEC. 18. Immediately after such petitions are filed, the clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty-five days before the election certify such list as being the list of candidates nominated as required by the charter of the city of Monterey, and the council shall cause said certified list of names and the offices to be filled, designating whether for a

full term or unexpired term to be published in the proclamation calling the election at least six successive days before the election in not less than one daily newspaper of general circulation published in the city of Monterey. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Form of Ballots.

SEC. 19. The city clerk shall cause the ballots to be printed and bound and numbered as provided for by the state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form:

SEC. 20.

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, THE CITY OF MONTEREY.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

Requirements of Ballot.

SEC. 21. All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the name of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side, for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

Every Nominee to be on Ballot.

SEC. 22. The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of Offices on Ballot.

SEC. 23. The offices to be filled shall be arranged in separate columns, in the following order:

"For mayor (if any) vote for one"

"For councilman (if any) vote for (giving number)."

Space for Voting Cross.

SEC. 24. Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank Space for Additional Candidates.

SEC. 25. Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample Ballots.

SEC. 26. The clerk shall cause to be printed sample ballots identical with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote Necessary for Election.

SEC. 27. The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such election shall be declared elected to the office for which they are candidates.

Failure of Person Elected to Qualify.

SEC. 28. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as herein provided.

Informalities in Election.

SEC. 29. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General Election Regulations.

SEC 30. The provisions of the state law in force at the time of holding any city election relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, provided that the council shall meet as a canvassing board and duly canvass the election returns within four days after a municipal election.

ARTICLE IV.

INITIATIVE, REFERENDUM AND RECALL.

Initiative. Procedure Relating Thereto.

SEC. 31. (1) Any proposed ordinance may be submitted to the council by a petition signed by registered voters of the city equal in number to the percentages hereinafter required.

(2) The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature, his place of residence, giving street and number.

(3) One of the signers of such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

(4) Within ten days from the date of filing such petition the city clerk shall examine, and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

(5) If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote under the provisions of Section 32 of this charter), but if the ordinance shall fail of passage by the council, then, within five days after the determination that said ordinance shall have so failed of final adoption, the council shall proceed to call a special election, at which said ordinance, without alteration, shall be submitted to a vote of the people; or,

(b) Forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

(6) If the petition be signed by electors equal in number to at least ten per cent but less than fifteen per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, then such ordinance, without alteration, shall be submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

(7) The ballots used when voting upon said proposed ordinance shall contain the words "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a binding and valid ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people can not be repealed or amended except by a vote of the people.

(8) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter, more than one special election within a period of six months.

(9) The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such propositions, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the city clerk shall cause the

ordinance or proposition to be printed, and he shall inclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter, at least ten days prior to the election, but the city council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition, and of the sample ballot as first above provided.

The Referendum.

SEC. 32. No ordinance passed by the city council (except when otherwise required by the general laws of the State or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by two-thirds vote of the council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendary vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least twenty-five per cent of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the council to reconsider such ordinance, and if the same is not entirely repealed, the council shall submit the ordinance as is provided in Section 31 of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinances shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said Section 31, except as to the percentage of signers, and be examined and certified by the clerk in all respects as is therein provided.

The Recall.

SEC. 33. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

(1) A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding the election of a successor of the person sought to be removed, shall be filed with the city clerk, *provided*, that the petition sent to the council shall contain a general statement of the grounds for which the removal is sought.

(2) The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed.

(3) Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination.

(4) If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

(5) The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect.

(6) If the petition shall be found to be sufficient the clerk shall submit the same to the council without delay.

(7) If the petition shall be found to be sufficient the city council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

(8) The city council shall make, or cause to be made, publication of notice and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects as are other city elections.

(9) The successor of any officer so removed shall hold office during the unexpired term of his predecessor.

(10) Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected.

(11) At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor.

(12) In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant.

(13) If the incumbent receives the highest number of votes he shall continue in office.

SEC. 34. If any special election be ordered held and conducted, it shall be ordered, held and conducted (except as to the date thereof) and the result thereof made known and declared, in the same manner as herein provided for other elections.

ARTICLE V.

ELECTIVE OFFICERS.

SEC. 35. The elective officers of the city of Monterey shall be a mayor and four councilmen.

The council shall consist of the mayor and four councilmen, each of whom, including the mayor shall have the right to vote on all questions coming before the council

Elected at Large.

SEC. 36. The mayor and councilmen shall be elected at the general municipal election on a general ticket from the city at large.

Eligibility of Mayor and Councilmen.

SEC. 37. To be eligible for the office of mayor or councilman, a person must be a citizen of the United States and a qualified elector of the State of California, and of the city of Monterey for at least three years next preceding his election.

Vacancy in Council.

SEC. 38. If a vacancy shall occur in the office of mayor or councilman, the council shall forthwith appoint a person to fill such vacancy. Said appointee shall possess such qualifications for eligibility as are set forth in Section 37 of this article and shall hold office until his successor is duly elected and qualified. Such successor shall be chosen at the next general municipal election, or at the first succeeding special municipal election called for any other officer, which election shall not take place less than forty (40) days after such vacancy occurs. The person so elected shall hold office for the unexpired term.

Mayor's Term of Office.

SEC. 39. The mayor shall hold office for a term of two years from and after the first Monday in May after his election, and until his successor is elected and qualified; *provided*, that a mayor shall be elected at the first municipal election held under this charter, and said mayor shall take office on the first day of July succeeding his election and his term of office shall cease and determine upon the election and qualification of the mayor elected at the general municipal election in 1913.

Councilmen's Term of Office.

SEC. 40. The councilmen shall hold office for a term of four years from and after the first Monday in May after their election and until their successors are elected and qualified; *provided*, that four councilmen shall be elected at the first general municipal election held under this charter and shall take office on the first day of July succeeding their election; *and provided, further*, that the councilmen first elected under this charter shall so classify themselves by lot that the terms of two of said councilmen shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1913, and that the term of office of the other two of said councilmen elected at the first general municipal election held under this charter shall cease and determine upon the election and qualification of the two councilmen elected at the general municipal election in 1915.

At each general municipal election after the first held under this charter, there shall be elected two councilmen and a mayor.

Official Bonds

SEC. 41. The council shall fix the amount of the bonds and the methods of their approval to be required of appointive officers

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except the clerk's bond, which shall be filed with the mayor, when approved, shall be filed with the city clerk. All the provisions of any law of this State, relating to officials bonds, not inconsistent with this charter, shall be complied with.

Oath of Office.

SEC. 42. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the city clerk.

Compensation of Mayor and Councilmen.

SEC. 43. The mayor shall receive a compensation of two hundred and fifty (\$250.00) dollars per annum and the councilmen shall receive a compensation of two hundred (200.00) dollars per annum each, unless the electors by ordinance proposed and adopted shall otherwise provide.

Administering Oaths. Subpoenas.

SEC. 44. Every elective officer, every chief official and every member of any board or commission provided for in this charter, or by ordinance, adopted according to the provisions of this charter, shall have the power to administer oaths and affirmations, and every such board or commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such board or commission, or to answer any question which a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such board or commission shall have the power to take the proceedings in that behalf provided by the general laws of this State. The chief of police must, on request of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

THE MAYOR.*The Chief Executive.*

SEC. 45. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

Mayor pro tempore.

SEC. 46. During the temporary absence or disability of the mayor the vice-president of the council shall act as mayor *pro tempore*. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor *pro tempore*. In case of vacancy in the office of the mayor the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's Reports.

SEC. 47. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to Have City's Books Examined.

SEC. 48. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least once each year the books, records and reports of the auditor and of all officers and employees who receive, or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof, and present one each to the mayor and auditor and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant, and fix the time at which such report shall be made and filed.

Supervision of Public Utility Companies.

SEC. 49. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor may on his own motion, and must upon a resolution passed by the council directing him to do so, cause to be instituted on behalf of the city, such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the city which have been forfeited in whole or in part, or which for any reason may be irregular and void and not binding upon the city, and the city attorney, upon demand of the mayor, must institute and prosecute the suits or actions required to enforce the provisions of this section. Each mayor taking office under this charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the city, and of the respective rights and obligations of the parties, and the performance of the same, and shall report the results thereof in his next annual message or report, and he may report thereon at such other and different times as he may deem proper.

Powers and Duties Prescribed by Ordinance.

SEC. 50. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law, or by ordinance, or by resolution of the council.

THE COUNCIL.

The Council, the Governing Body.

SEC. 51. All powers herein granted to and vested in the city of Monterey shall, except as herein otherwise provided, be exercised by a council to be designated the council of the city of Monterey. Said council shall be the governing body of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State.

President and Vice-President.

SEC. 52. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of Council.

SEC. 53. The council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to be Public.

SEC. 54. All legislative sessions of the council, whether regular or special shall be open to the public.

Quorum.

SEC. 55. A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

Rules of Proceeding.

SEC. 56. The council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the council meetings.

Ordinances and Resolutions.

SEC. 57. (1) The council shall act only by ordinance or resolution.

Ayes and Noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present must vote.

Majority Vote of Council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

Title.

(4) Every ordinance shall be preceded by a brief title, which shall indicate the subject and purport thereof.

Enacting Clause of Ordinances.

(5) The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Monterey do ordain as follows", and the ordaining clause of all ordinances adopted in accordance with the provisions of Section 31 of Article IV shall be, "The People of the City of Monterey do ordain as follows:".

Requirements of Ordinances.

(6) No ordinance shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other time when at a regular meeting, nor until its publication at least once in full in the official newspaper of the city of Monterey at least three days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended.

Ordinance Required in Certain Cases.

(7) No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than two hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessments; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty; shall be taken except by ordinance; provided, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the State.

Reconsideration.

(8) When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council, held not less than one week after the meeting at which such motion was made.

Signing and Attesting.

(9) All ordinances shall be signed by the mayor and attested by the city clerk.

Revision and Amendment.

(10) No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal.

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Record of City Ordinances

(12) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of Absent Commissioner.

SEC. 58. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council or such action is taken at a regular meeting of the council.

When Offices Become Vacant.

SEC. 59. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in Section 33 of Article IV, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this charter, or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.*The Four Municipal Departments.*

SEC. 60. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to four departments, as follows:

1. Department of finance and revenue.
2. Department of public health and safety.
3. Department of public works
4. Department of public supplies.

Council to Assign Duties to the Departments.

SEC. 61. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section; shall prescribe the powers and duties of officers and employees; may assign particular officers and employees to one or more of the departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations, not inconsistent with this charter, as may be necessary or proper for the efficient and economical conduct of the business of the city.

The Four Commissioners.

SEC. 62. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of public health and safety, one to be commissioner of public works and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation, whenever it determines that the public service will be benefited thereby.

The Chief Officials.

SEC. 63. The chief officials of the city shall be city clerk, auditor, assessor, treasurer, police judge, collector, attorney, engineer, chief of police, fire chief, street

superintendent, building inspector, sewer inspector, health officer and five library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in the charge of one such officer the functions and duties of two or more such officers. The council shall by ordinance or by resolution prescribe the duties of all the chief officials.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties, as provided in this section.

Subordinate Officers and Employees

SEC. 64. The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships, boards and commissions and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Compensation of Officers and Employees.

SEC. 65. The compensation of all city officers, except library trustees, who shall receive no remuneration, shall be by salary fixed by ordinance. The council shall also fix the compensation of all other officers and employees of the city except as in this charter otherwise provided. No officer or employee shall be allowed any fee, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Reports of Departments

SEC. 66. Each department and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all operations of such department or commission for the year.

Reports to be Published.

SEC. 67. The council shall provide for the publication of the annual reports of the mayor and the several departments and commissions.

Councilman to Hold no Other Office.

SEC. 68. No member of the council shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys, or be elected or appointed to any office created or the compensation of which is increased by the council, while he was a member thereof, until one year after the expiration of the term for which he was elected.

No member of the council during the term for which he shall have been elected shall be eligible to fill a vacancy in the office of mayor.

Officers not to be Interested in Contracts or Franchises

SEC. 69. No officer or employee of the city shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any Act or ordinance, nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer or employee of the city shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section by such officer or employee of the city shall be deemed a misdemeanor.

Political and Religious Tests

SEC. 70. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VI.

POWERS OF THE CITY AND OF THE COUNCIL.

General Powers of the City.

SEC. 71. Without denial or disparagement of other powers held under the Constitution and laws of the State, the city of Monterey shall have the right and power

Public Buildings, Works and Institutions.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, life-saving stations, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, wharves, docks, waterways, canals, and all other public buildings, places, works and institutions, breakwaters and piers.

Water, Light, Heat and Power.

(2) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within or without the city, and to supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

Telephone, Telegraph and Transportation.

(3) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, ferries and transportation service of any kind.

Sale of Products of Public Utilities.

(4) To sell gas, water, electric current and all products of any public utility operated by the city.

Land for Public Purposes.

(5) To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose; and to sell, convey, encumber and dispose of the same for the common benefit.

Lease of Public Utilities.

(6) To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

Bequests and Donations.

(7) To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

Borrowing Money, Bonds.

(8) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Special Tax.

(9) To raise money by special tax, in addition to the tax levies provided for in Sections 81, 82, 83 and 117 of this charter; to authorize such special tax, the provisions of Section 31 of Article IV relating to the initiative, or of Section 32 of Article IV relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

Joint Ownership of Water Supply.

(10) To join with one or more cities incorporated under the Constitution and laws of the State in order to acquire and develop jointly a source or sources of water supply for municipal and domestic purposes and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor.

Sue and Defend

(11) To sue and defend in all courts and places and in all matters and proceedings.

Direct Legislation by People.

SEC. 72. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of this State, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

Powers of the Council Enumerated.

SEC. 73. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

Official Seal.

(1) To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

Violation of Charter and Ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance of the city; but no penalty shall exceed three hundred dollars or ninety days' imprisonment, or both.

Nuisances.

(3) To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

Police and Fire Departments.

(4) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

Police and Fire Alarm Systems.

(5) To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, and to appoint a superintendent thereof

Explosives.

(6) To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks and other explosive materials and substances.

Inflammable Materials.

(7) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

Engines and Boilers.

(8) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Fire Limits.

(9) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building Regulations

(10) To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escapes.

(11) To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Precaution Against Fires

(12) To prevent the construction and to cause the removal of dangerous chimneys, hearthplaces, hearths, stoves, stovepipes, ovens, boilers, apparatus and machinery used in any building or place in the city; to regulate the carrying on of manufacturing processes liable to cause fire, to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

Provisions for Safety in Theatres, Halls, etc.

(13) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein

Provision for Safety in Streets.

(14) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public; to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Improper Use of Streets.

(15) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks, to regulate and prevent the flying of banners, flags or other signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

Weeds and Rubbish on Sidewalks.

(16) To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk immediately in front thereof and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

Billboards and Signs.

(17) To regulate, license or prohibit the construction and use of billboards and signs.

Dogs

(18) To regulate and prevent the running at large of dogs, to prohibit the exhibition of dog fights or any wilful pitting of dogs to fight, to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

Public Pound. Cruelty to Animals.

(19) To prevent or regulate the running at large of any animals and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large; to prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition

Indigent Sick.

(20) To provide for the care of the indigent sick and helpless in said city.

Preservation of Health.

(21) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious, or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Dangerous and Offensive Occupations; Disagreeable Noises.

(22) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises or odors

Inspection of Food Products.

(23) To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated,

or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

(24) To provide for and regulate the inspection of all dairies within or without the city that offer for sale or sell any of their products in the city.

Lodging, Tenement and Apartment Houses.

(25) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition

Sewer Connections.

(26) To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

Garbage.

(27) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

Licensing Businesses.

(28) To license for purposes of regulation or revenue, or both regulation and revenue, all and every kind of business not prohibited by law to be transacted or carried on in the city, to fix rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Regulation of Public Vehicles.

(29) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

Inspection of Meters, Weights and Measures.

(30) To provide for the inspection of all water meters, gas meters, and electric meters and of weights and measures used in the city, and to enforce such regulations as may be necessary to insure their accuracy.

Public Shows, Gambling.

(31) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

Public Order and Decency.

(32) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Taxation.

(33) To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously Collected Taxes.

(34) To order the repaying by the treasurer of any taxes, percentages or costs, erroneously or illegally collected.

Fees

(35) To fix the fees and charges for all official services not otherwise provided for in this charter.

Mayor's Urgency Fund.

(36) To provide an urgent necessity fund not exceeding five hundred dollars a year, to be expended under the direction of the mayor.

Lease of Lands Owned by the City.

(37) To provide for the lease of any lands now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; *provided*, that the council may in its discretion reject any and all bids.

Purchase of Property Under Execution.

(38) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of Useless Personal Property.

(39) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts.

(40) To provide for the execution of all trusts confided to the city.

Street Grades.

(41) To establish or change the grade of any street or public place.

Street Work.

(42) To order the whole or any part of any street, avenue, lane, alley, court or place within the city of Monterey to be graded, or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, sewered or resewered, and to order sidewalks, manholes, culverts, cesspools, gutters, tunnels, curbing and crosswalks to be constructed therein, and to order breakwaters, levees or walls of rock or other material to protect the same and also any other work or improvement therein; to provide for the care of shade trees planted therein and to cause shade trees to be planted, set out and cultivated therein; and also to order drainage or sanitary sewers or storm water sewers to be constructed on or through private property. Whenever, in the judgment of the council, or of the people, the cost and expense of any of the foregoing improvements is to be paid by special assessments on private property, the general laws of the State of California in force at the time of the improvement shall govern and control and all proceedings shall be in conformity thereto.

Street Opening.

(43) To order the opening, extending, widening, straightening, or closing of any street, lane, alley, court or public place within the city or over tide lands and land covered by the waters of Monterey Bay within the city, and to condemn and acquire any and all property necessary or convenient for that purpose. Whenever, in the judgment of the council or of the people the cost and expense of any of the foregoing improvements is to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that all the duties of the commissioners shall be performed by or under the direction of the commissioner of public works of the city, who shall receive no compensation therefor.

Light and Water.

(44) To provide for the lighting of the streets, highways, public places and public buildings and for supplying the city with water for municipal purposes.

Boulevards.

(45) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise, for any railroad and to regulate and prevent heavy teaming thereon, and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in Sections 31 and 32, Article IV.

Closed or Abandoned Streets.

(46) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the party or parties who may be entitled thereto.

Water Front and Wharves

(47) To improve, keep in repair and control the water front of the city: to fix the rates of wharfage, dockage and tolls, and provide for the collection thereof; to license, regulate and control the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats, and all other water craft within the jurisdiction of the city.

Regulation of Public Utility Rates.

(48) To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the quality of the service.

Regulation of Street Railroads.

(49) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street for any distance not exceeding ten blocks, to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Railroads to Keep Streets in Repair.

(50) To require every owner or lessee of railroads in said city to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the owner or lessee.

Spur Tracks.

(51) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroads that may be built along the water front or with any other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of Poles and Wires

(52) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and Location of Pipes.

(53) To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

Elections.

(54) To make all rules and regulations governing elections not inconsistent with this charter or the Constitution of California.

Civil Service Commission.

(55) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council, or by the people, for open competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Civic Art Commission.

(56) To establish a civic art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Park Commission

(57) To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Playground Commission.

(58) To establish a playground commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Commission of Public Charities.

(59) To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Municipal Ownership.

(60) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Museum Commission.

(61) To establish a museum commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Additional Powers.

(62) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all other lawful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

This grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

Publication of Charter and Ordinances.

SEC. 74. The council, during the first year after its organization under this charter, and from time to time thereafter, shall cause all ordinances at such time in force to be classified under appropriate heads, and together with, or separately from, the charter of the city and such provisions of the Constitution and laws of the State as the council may deem expedient, to be published in book form.

ARTICLE VII.**FINANCE AND TAXATION.***The Fiscal Year.*

SEC. 75. The fiscal year of the city shall commence on the first day of July of each year, or at such other time as may be fixed by ordinance.

Tax System.

SEC. 76. The council shall by ordinance provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

The council shall have power to avail itself by ordinance of any law of the State of California, now or hereafter in force, and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Monterey is situated and taxes collected by the tax collector of said county for and on behalf of the city of Monterey.

Other provisions of this charter concerning the assessment levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

Department Estimates of Annual Requirements.

SEC. 77. On such date in each year as shall be fixed by the council, the heads of departments, offices, boards and commissions, shall send to the commissioner of finance and revenue a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Annual Estimate of City's Requirements and Revenue.

SEC. 78. On such date in each year as shall be fixed by the council, the commissioner of finance and revenue, shall submit to the council an estimate of the probable expenditure of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking fund for the outstanding funded indebtedness of the city, and the wants of all the departments, of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property and the probable amount required to be levied and raised by taxation.

Annual Budget.

SEC. 79. The council shall meet annually prior to fixing the tax levy, and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government, for the next ensuing fiscal year. The budget shall be prepared to such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable.

Board of Equalization.

SEC. 80. The council shall meet at their usual place of holding meeting on the second Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session by adjournment from day to day until all the returns of the assessor shall have been rectified and assessments equalized. They shall have power to hear complaints and to correct, modify, strike out, or to raise any assessment, provided that notice shall be given to the party whose assessments is to be raised.

Annual Tax Levy.

SEC. 81. The council must finally adopt, not later than its first regular meeting in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be

required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

Limit of Tax Levy.

SEC. 82. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as in this charter provided, the rate of one dollar on each one hundred dollars of the assessed valuation of all real and personal property within the city. Such levy shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

Bond, Library and Promotion Tax.

SEC. 83. The council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city; to levy not less than ten cents on each one hundred dollars of the assessed value of all real and personal property within the city for the support and maintenance of free public libraries and reading rooms and to levy not more than five cents on each one hundred dollars of the assessed value of all real and personal property within the city for music, entertainment and promotion.

Tax Liens.

SEC. 84. All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed, every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the State when offered for sale for state and county taxes, and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the Auditor.

SEC. 85. Money shall be drawn from the treasury only upon warrants as herein authorized. Every demand against the city, from whatever source including the free public library, when allowed by the council or proper board, shall be signed by the president and clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allow it, he shall endorse upon the warrant the word "allowed" and the date of such allowance, and sign his name thereto.

No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof. It shall be the duty of the auditor to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person, indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received. It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer, all licenses and other receipts, charging them therewith, and taking their receipt therefor. He shall at the first regular meeting of each month, or oftener if required, report in writing to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which he shall set forth in a plain and businesslike manner, every money transaction of the city so that he can at any time tell the exact condition of the city's finance, and draw all warrants on the treasury. He shall perform such other duties as may be required of him by this charter or by ordinance.

Disposition of Money Collected.

SEC. 86. Every officer collecting or receiving any moneys belonging to or for the use of the city shall on the day of the receipt thereof settle for the same with the auditor and immediately pay all the same into the treasury, on the order of the auditor for the benefit of the funds to which such moneys severally belong. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Uniform Accounts and Reports.

SEC. 87. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an Act shall be passed by the State Legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE VIII.

PUBLIC WORK AND SUPPLIES.

Form of Contracts.

SEC. 88. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Monterey by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive Payments on Contracts.

SEC. 89. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public Work to be Done by Contract.

SEC. 90. In the erection, improvement or repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. *Provided, however,* the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for Official Advertising.

SEC. 91. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year, *provided*, that the council may reject any or all bids if found excessive and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "Official newspaper."

Contracts for Lighting

SEC. 92. No contract for lighting streets, public buildings places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Contracts for Water.

SEC. 93. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the minimum rates exceed those charged to other consumers.

Hours of Labor.

SEC. 94. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion with Bidder.

SEC. 95. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a

higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by Bidder.

SEC. 96. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

ARTICLE IX.

FRANCHISES.

Property Rights of the City Inalienable

SEC. 97. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No Use of Streets Without a Franchise.

SEC. 98. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution or the laws of the United States, in, upon, over, under and along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Franchise to the Streets.

SEC. 99. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over or under any street, highway, or any other public place or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Application for Franchise

SEC. 100. (1) An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council shall, if it propose to grant the same, advertise the fact of said application, together with a statement, that it is proposed to grant the same, in the official newspaper of the city. The publication of such advertisement must run for six successive days and must be completed not less than twenty and no more than thirty days before any further action can be taken on such application.

Conditions of Grant

(2) The advertisement must state the character of the franchise or privilege it is proposed to be granted, and if it be a street, suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay the city during the life of the franchise the highest percentage of the gross receipts received from the use, operation or possession of the franchise; *provided*, that such percentage be not less than two per cent of such gross annual receipts, but no percentage shall be required to be paid for the first five years succeeding the date of the franchise.

Bidding for the Franchise.

SEC. 101. (1) At the time of opening the sealed bids, any responsible person, firm or corporation, present in person, or represented may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise; *provided*, that if, in the judgment of the council no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as Guarantee of Good Faith.

(2) Every application and bid for franchise under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Free Competition in Bidding.

(3) No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale which shall in anywise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Bond

(4) The successful bidder for any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond such franchise shall by the council be granted by ordinance to the person, firm or corporation, to whom it shall have been struck off, sold or awarded, and in case such bond shall not be so filed, the award of such franchise shall be set aside and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall, in the discretion of the council, be readvertised for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of Franchise.

SEC 102. The maximum length of time for which a franchise or privilege to use the streets, highways, waters or other public places of the city may be granted to any person, firm or corporation shall be fifty years.

Beginning and Completion of Work.

SEC 103. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the final passage of the ordinance granting such franchise and if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final passage of the ordinance granting said franchise, and if not so completed within said time, said franchise shall be forfeited; *provided*, that if good cause be shown, the council, may, by resolution extend the time for completion thereof not exceeding three months.

Service and Accommodation.

SEC 104. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and assure their comfort and convenience.

Rates and Charges

SEC 105. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all official policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Right of City to Assume Ownership.

SEC. 106. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted or at any time before as stated in the ordinance, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee, shall at the expiration of the period for which the franchise was granted become the property of the city, without any compensation to the grantee.

No Conveyance Necessary for the City's Ownership.

SEC. 107. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee, shall at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of city by virtue of the grant and without the execution of any instrument or conveyance.

Lease or Assignment of Franchise.

SEC. 108. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent, *provided* that nothing herein shall be construed to prevent the grantee of such franchise from including in it a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street Sprinkling, Cleaning and Paving.

SEC. 109. Every grant of any franchise or privilege, in, over, under or along any of the streets, highways, or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the rails of each railway track and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of Company's Books. Audit.

SEC. 110. The city of Monterey, by its auditor, deputy auditor, or accountants authorized by the auditor, or by the council shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city or of such person, firm or corporation arising from this charter or from the ordinance granting the franchise, and may audit the same at the end of each year.

Annual Reports of Company.

SEC. 111. Every person, firm or corporation operating any business under franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council of all gross receipts arising from all the business done by said person, firm or corporation within the city of Monterey for the year immediately preceding such report. Such reports shall contain such further statements as may be required by the council concerning the character and amount of business done and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs, and betterment during such year.

Payment of Gross Receipts.

SEC. 112. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage at the time of filing such annual report shall work a forfeiture of the franchise. The provisions as to payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Forfeiture for Non-compliance.

SEC. 113. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with

any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege, the same as though in each instance such power was expressly reserved.

Reservation for Belt Lines.

SEC. 114. No exclusive right or privilege shall ever be granted by the city or council in, to or upon the bed of the bay of Monterey, beyond the line of mean low tide, nor shall any structure be erected thereon so as to prevent the construction and operation of belt lines of railroads along the water front: and any franchise or permit for a railroad track in, over or upon the bed of the bay of Monterey shall be subject to the right of any other railroad or railroad company to use the same upon payment of a reasonable compensation therefor.

Franchise Not in Use Forfeited.

SEC. 115. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

ARTICLE X.

LIBRARY COMMISSION.

Five Commissioners Appointed by Mayor.

SEC. 116. The public library of the city shall be under the control and management of a board of commissioners, consisting of five members, who shall be appointed by the mayor, subject to the confirmation of a majority of the council. They shall be chosen from the citizens at large without regard to sex or political opinions but with reference to their fitness for said office and no member of the city council shall be a member of said board. The members of this commission shall serve for two years and without compensation and during their term of office must have a continuous residence in said city.

Tax for Maintaining Library

SEC. 117. The city council may, at the request of the board of library commissioners, in making the annual tax levy, and as a part thereof, if the maintenance of the library is not otherwise provided for, levy a sum of not less than ten cents on the one hundred dollars assessed valuation for the purpose of maintaining said library and reading rooms and purchasing books, journals, periodicals and other supplies therefor.

Providing for Donations and Bequests.

SEC. 118. If payment into the city treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of such donation or bequest, the board shall provide for the safety and preservation of the same and the application thereof to the use of such library in accordance with the terms or conditions of such donation or bequests.

Property for Support of Library. Suits.

SEC. 119. The title to all property, real and personal, now owned or hereafter acquired by purchase, donation, bequest or otherwise, for the purpose of said library, when not inconsistent with the terms of its acquisition, shall vest and be and remain in said city, and in the name of said city may be used for or defended by action at law or otherwise.

Meetings. Secretary.

SEC. 120. The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect one of its members secretary and it shall be his duty to keep a full record of all the meetings of the board and of all its business transactions. He shall serve for one year and until his successor has been appointed and has qualified.

Powers of Board.

SEC. 121. The board shall have power:

(1) To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the library, reading room and all the property belonging thereto.

(2) To administer any trust declared or created for such library or reading rooms, and to provide memorial tablets and niches to perpetuate the memory of any persons who make donations or bequests thereto.

(3) To purchase books, journals and publications and other supplies and personal property for the use of the library out of the funds provided for such purposes by the council;

(4) To appoint a librarian and such other employees as may be necessary to properly conduct the said library and the reading rooms connected therewith, to prescribe their duties and the limits of their authority;

(5) To do all that may be necessary to be done to carry out in full all the provisions of this charter relating to said library.

Compensation of Library Employees. Funds.

SEC. 122. The compensation of the librarian and of all the library employees shall be such as may be fixed by the board and shall be paid from the funds provided for the support of the library, subject only to the general provisions of this charter regulating the payment of moneys from the public funds.

Protection of Library. Impose Penalties.

SEC. 123. The council shall pass proper ordinances for the protection of the public library and property belonging thereto, and imposing penalties upon persons injuring the same, or unlawfully obtaining or detaining books or other property from such library.

ARTICLE XI.

POLICE COURT.

Creating Court.

SEC. 124. There is hereby created in and for the city of Monterey a court which shall be known as the police court of Monterey.

Judge Thereof

SEC. 125. Said court shall consist of one judge who shall be appointed by the council, and shall serve during its pleasure and shall receive such compensation as the city council shall determine

Exclusive Jurisdiction.

SEC. 126. Said court shall have exclusive jurisdiction:

First—In all prosecutions for the violation of city ordinances.

Second—In all actions for the recovery of any fine, penalty, or forfeiture and the enforcement of any obligation or liability prescribed or created by the city ordinances and which the sum sued for does not exceed three hundred dollars

Concurrent Jurisdiction.

SEC. 127. Within the city limits said court shall have concurrent and coordinate jurisdiction with township justice courts on all matters and things in which justice courts now or may hereafter have jurisdiction. And the judge of said police court shall have as aforesaid like authority, power, and jurisdiction as the justices of said justice courts.

Appeals.

SEC. 128. Appeals may be taken to the Superior Court of the State of California in and for the county of Monterey from the judgment and order of said police court in all cases in which appeals are now or may hereafter be provided by law to be taken to said Superior Court from said justice court and police court

Pleading and Practice.

SEC. 129. In all pleading in and appeals from said police court, the pleading, practice and procedure and laws now applicable or that may hereafter be made applicable to said justice or police court are hereby adopted and made applicable to said police court.

Fines. Reports.

SEC. 130. All fines and other moneys received or collected by the judge of said police court for or on account of the city of Monterey shall immediately be paid into the city treasury. He shall make monthly reports to the mayor, together with proper vouchers and receipts for all moneys received and paid into the treasury.

Undetermined Proceedings in Recorder's Court.

SEC. 131. All actions and proceedings pending and undetermined in the recorder's court of Monterey shall be proceeded with, heard, tried and determined in said police court hereby provided for before said judge the same as if said action or proceeding had been originally commenced in said police court.

Records of Court.

SEC. 132. The judge of the police court shall keep a record of the proceedings of the police court in all matters and cases before said court. Separate dockets shall be kept for civil and criminal cases.

Courtroom. Business.

SEC. 133. The city shall furnish for said court a suitable courtroom and office and the necessary dockets and all blanks and other books and stationery necessary for the transaction of its business and the said court shall always be open for the transaction of business, except on Sundays and other non-judicial days.

Additional Powers

SEC. 134. The judge of the police court shall have power to administer oaths, take and certify affidavits in the same manner and with like effect as justices of the peace.

Seal

SEC. 135. He shall have and use a seal on which shall be engraved the arms of the State and the words, "Police Court, City of Monterey"

Chief of Police—Powers and Duties

SEC. 136. The chief of police of the city of Monterey shall execute and return all processes issuing from the police court and all orders of the police judge. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city, or for the suppression of any riot, public tumult, disturbance of the peace or resistance against the laws or public authority, or in the lawful exercise of their function. He shall have the powers that are now or may be hereafter conferred upon sheriffs by the laws of this State, and shall in all respects be entitled to the same protection and his lawful orders shall be executed by deputies, policemen and watchmen of the city of Monterey and every citizen shall also lend aid when required for the arrest of offenders in the maintenance of public order. It shall be the duty of the chief of police to prosecute, before the police judge, all breaches or violations or non-compliance with any city ordinance or law within the jurisdiction of the police judge which has come to his knowledge. The chief of police shall have charge of the city prison and prisoners and of any chain gang that may be established by the council. He shall devote his entire time to the duties of his office and subject to such rules and regulations as the council may prescribe. He shall remove any member of the police force for disobedience of any law or order, for violation of any of the rules or regulations of the police department, and for neglect of duty or conduct unbecoming a member of the police force. He shall immediately file with the mayor written charges specifying the grounds upon which such suspension or removal is made.

In addition to the duties in this charter specified the chief of police shall discharge all the duties required of him by ordinance of the city, or resolution of the council, or by law, or any provisions of this charter

ARTICLE XII.

MISCELLANEOUS.

When This Charter Takes Effect

SEC. 137. For the purpose of nominating the candidates and electing the mayor and councilmen in accordance with this charter, this charter shall take effect from the time of the approval of the same by the Legislature; for all other purposes it shall take effect on the 1st day of July, 1911.

First Election Under This Charter.

SEC. 138. The board of trustees of the city of Monterey, in office at the time of the approval of this charter by the Legislature, shall provide for the holding of the first election under this charter, shall canvass the votes and declare the result.

Terms of Incumbent in Office.

SEC. 139. The members of the board of trustees and all other elective officers of the city of Monterey, in office at the time of the approval of this charter by the Legislature, shall continue to hold office and discharge their duties until the election and qualification of the mayor and councilmen, respectively, first elected under this charter.

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing Ordinances to Continue in Office

SEC. 140. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Conduct of Legal Proceedings

SEC. 141. The city attorney shall be the prosecuting attorney in behalf of the people in all criminal cases arising from violations of the provisions of this charter and the ordinances of the city and shall attend to all suits and proceedings in which

the city may be legally interested, *provided*, the council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or to assist the city attorney therein.

Violation of Charter and Ordinances

SEC. 142 The violation of any provision of this charter, or of any ordinance of the city, shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action at the option of said authorities. Any person sentenced to imprisonment for a violation of a provision of this charter, or of any ordinance, may be imprisoned in the city jail or of the county jail in which the city of Monterey is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Monterey.

Meaning of Words.

SEC. 143 The word "city" wherever it occurs in this charter, means the city of Monterey, and every commissioner, commission, department, board, officer or employee wherever mentioned in this charter, means the commissioner, commission, department, board, officer or employee, as the case may be, of the city of Monterey. The word "council" when used in this charter means the council of the city of Monterey.

Certificates of Election Issued by Clerk

SEC. 144 After the result of an election is declared, or when an appointment is made, the city clerk, under his hand and official seal, shall issue a certificate therefor and serve the same by registered mail through the United States post office in the city of Monterey, addressed to the person or persons so elected or appointed.

Provisions for Election

SEC. 145. If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Monterey then in office must provide for the holding of such election as soon as possible thereafter.

Amendments.

SEC. 146 This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in the city and ratified by a majority of the electors voting thereon, and approved by the Legislature as provided in the Constitution of the State of California. Whenever twenty per cent of the qualified electors of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified electors thereof for approval the council must submit the same. In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the electors and may be voted on separately without prejudice to the others.

Form of Petition.

SEC. 147 The petition provided for in Section 146 must be made, presented and certified to in the manner and form required for petitions in Section 31, Article IV of this charter.

Proceedings Relative to Amendments.

SEC. 148 The council must make all necessary provisions for submitting proposed amendments to the electors and shall canvass the votes in the same manner as in other elections.

Ballots.

SEC. 149 The ballots used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

WHEREAS, The city of Monterey, a city containing a population of more than three thousand five hundred, and less than ten thousand, inhabitants, on the 25th day of July, A. D. 1910, at a special election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect W. E. Parker, F. A. Botsch, George D. Clark, C. P. Carmody, C. F. French, Frank Hellam, Paul Hess, F. M. Hilby, E. E. James, F. A. Lang, J. K. Oliver, Shelley Pickles, H. J. Schaefele, B. F. Wright and C. R. Few a board of fifteen freeholders to prepare and propose a charter for said city.

WHEREFORE, Be it known, that pursuant to said provisions of the Constitution of the State of California and within a period of ninety days after said special election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Monterey.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this 13th day of October, A. D. 1910.

W. E. PARKER, President.
C. R. FEW, Secretary
F. A. BOTSCH.
GEO. D. CLARK.
C. P. CARMODY.
C. F. FRENCH.
FRANK HELLAM.
F. M. HILBY.
E. E. JAMES.
F. A. LANG
J. K. OLIVER
SHELLEY PICKLES.
H. J. SCHAUFELLE.
B. F. WRIGHT.

Attest: C. R. FEW, Secretary.
Received this 13th day of October, 1910.

[SEAL]

WILL JACKS,
President of the Board of Trustees
of the City of Monterey.

Filed this 13th day of October, 1910.

GEO. S. GOULD, JR., City Clerk.

STATE OF CALIFORNIA,
COUNTY OF MONTEREY. } ss.
CITY OF MONTEREY.

I, GEO. S. GOULD, JR., city clerk in and for the city of Monterey, hereby certify that the board of trustees of said city, did, by resolution No. 1071, order the foregoing charter published in the manner and form required by law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the city of Monterey, this 14th day of October, 1910.

[SEAL]

GEO. S. GOULD, JR., City Clerk.

MEMORANDUM.

The first official publication of the foregoing proposed charter was made in the Monterey Daily Cypress, a daily newspaper of general circulation, on Saturday, October 22, 1910, pursuant to resolution No. 1071, adopted by the board of trustees of the city of Monterey on the 13th day of October, 1910, and by direction of the president of said board of trustees and the city clerk of said city.

STATE OF CALIFORNIA,
COUNTY OF MONTEREY, } ss.
CITY OF MONTEREY

I, WILL JACKS, president of the board of trustees of the city of Monterey, State of California, and Geo. S. Gould, Jr., clerk of said board, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 25th day of July, 1910, at a special municipal election held in said city of Monterey on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders has been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to the president of said board of trustees within ninety days after said election, as required by section eight of article eleven of the Constitution of the State of California; that said proposed charter was then published in the "Monterey Daily Cypress" which then was a daily newspaper of general circulation in said city, and that publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter, that within thirty days after the publication of said charter, as required in said section eight of said article eleven, to wit, on the 12th day of December, 1910, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said special election said proposed charter was ratified as a whole; that the returns of said election was duly canvassed by the board of trustees of said the city of Monterey on the 19th day of December, 1910, and the result thereof declared as above set forth, and that in all matters and things pertaining to said proposed charter, all provisions of said section of the Constitution and the laws of the State of California, pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of said the city of Monterey to be affixed this 30th day of December, 1910.

[SEAL]

WILL JACKS,
President of the Board of Trustees of the City of Monterey.
GEO. S. GOULD, JR.,
Clerk of said Board of Trustees and said the City of Monterey.

AND, WHEREAS, Said proposed charter, so ratified, has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California;

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) that said charter of the city of Monterey, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the city of Monterey.

Assembly Concurrent Resolution No 14—Relative to a building for the California State Library, and the Supreme Court and the District Court of Appeal, Third District.

The question being on the adoption of the Assembly concurrent resolution.

A vote was taken, and the resolution adopted.

Resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION No. 14.

Relative to a Building for the California State Library, the Supreme Court and the District Court of Appeal, Third District.

WHEREAS The quarters of the State Library are so badly crowded as to hinder the growth of the institution, and so poorly adapted to the business of a library that its operations are carried on with great inconvenience and loss of time both on the part of the library employees and of the users of the library, and

WHEREAS The State Library's large collections of books, manuscripts, documents, maps, etc., of great historical importance and of a monetary value conservatively estimated at five hundred thousand dollars, and not to be replaced at any price, are liable to destruction by fire, and

WHEREAS, A large number of private collections of Californiana, of general private libraries, and of collections of articles of historical significance which should be preserved in a state museum, would be given to the State if the State Library were housed in a fireproof building, and

WHEREAS, The quarters for holding the sessions of the Supreme Court and of the District Court of Appeal, Third District, are so inconvenient and so inadequate as to hinder the expeditious handling of the Court's business, therefore, be it

Resolved, by the Assembly of the State of California, the Senate concurring That the Board of Trustees of the State Library and the Justices of the District Court of Appeal, Third District, be and are hereby appointed a commission to investigate and ascertain the necessity of erecting a building for the proper housing of the State Library, the Supreme Court and the District Court of Appeal, Third District; and be it further

Resolved, That the commission shall report the result of its investigations, together with recommendations, to the Governor, at least ninety days prior to the convening of the fortieth session of the California State Legislature, and be it further

Resolved, That the investigations shall be made without expense to the State

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No 695—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Assembly Bill No 330—An Act making an appropriation to pay the claim of Marin County against the State of California

Assembly Bill No 127—An Act appropriating money for the equipment of the trades buildings at the Preston School of Industry.

Assembly Bill No. 581—An Act to provide for the furnishing of four cottages at the Sonoma State Home, and making an appropriation therefor.

Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Assembly Bill No 570—An Act making an appropriation for the furnishing and

equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Assembly Bill No. 1068—An Act to amend section ten of an Act entitled "An Act to define the boundary and provide for the government of levee district number two of Sutter County," approved March 23, 1876

Assembly Bill No. 81—An Act to provide for the building, equipping and purchasing of machinery for an ice and cold-storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same

Assembly Bill No. 178—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges.

Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings

Assembly Bill No. 836—An Act to amend Chapter 107 of the General Laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets," etc., approved March 6, 1909.

Assembly Bill No. 797—An Act to provide permanent headquarters in the Capitol building for the Grand Army of the Republic, to designate the purposes for which the same shall be used.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases

Assembly Bill No. 366—An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Assembly Bill No. 796—An Act to amend the Civil Code of the State of California, by adding three new sections thereto to be numbered 3474, 3475 and 3476, requiring all assignments of wages to be earned in the future to be recorded in the county in which such wages are to be earned, and prescribing the effect thereof, and the fees therefor, and requiring all assignments of wages to be earned in the future when the assignor thereof is a married man or woman to be signed by the wife or husband of the assignor

Assembly Bill No. 532—An Act to add a new section to the Penal Code, to be known as Section 345, relating to loans upon salaries or wages, and limiting the amount of interest to be charged thereon, and providing a penalty for the violation thereof.

Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "Conservation Commission of the State of California", prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor

Assembly Joint Resolution No. 6—Relating to the establishment and operation of postal savings banks in California by the United States Government.

Assembly Bill No. 997—An Act to amend section one of Chapter XLIV of the statutes passed at the extra session of 1906, requiring the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers and directing the disposition of the same

And report that the same have been correctly engrossed.

RANDALL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled

Assembly Bill No. 68—An Act to add a new section to the Political Code of the State of California to be known as section four thousand one hundred and eighty-nine, relating to the duties of constables.

Assembly Joint Resolution No. 13—Relative to pending legislation in Congress affecting the title to oil lands in the State of California.

And were presented to the Governor February 16th, at three o'clock P M

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 909—An Act to amend Section 3404 of the Political Code, relating to the sale of school lands—with Senate Bill No. 711

Also Assembly Bill No. 569—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital—with Senate Bill No. 431.

And report that the same are identical

RANDALL, Chairman

Senate Bill No. 711 and Senate Bill No. 431 read second time, and ordered on file for third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911

MR. SPEAKER Your Committee on Engrossment and Enrollment compared Assembly Bill No. 566—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor—with Senate Bill No. 436.

And report that the same are not identical.

RANDALL, Chairman

Senate Bill No. 436 referred to Committee on Ways and Means

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911

MR. SPEAKER Your Committee on Ways and Means begs leave to submit its report for the two weeks ending February 17, 1911, as follows

Feb. 3—Assembly Bill No. 36—An Act to provide for the survey, location and construction of a state highway-----	\$30,000 00
Feb. 3—Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture sale or transportation of adulterated, mislabeled or misbranded foods and liquors-----	
Feb. 3—Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture-----	15,000 00
Feb. 3—Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California-----	15,000 00
Feb. 3—Assembly Bill No. 225—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants-----	15,000 00
Feb. 3—Assembly Bill No. 330—An Act making an appropriation to pay the claim of Martin County-----	851 90
Feb. 3—Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham-----	496 46
Feb. 3—Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Deuker-----	150 00
Feb. 3—Assembly Bill No. 359—An Act to amend section five hundred and ninety-one of the Political Code of the State of California-----	30,000 00
Feb. 3—Assembly Bill No. 519—An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County-----	20,000 00
Feb. 3—Assembly Bill No. 544—An Act making an appropriation to pay the claim of George W. Bush-----	453 96
Feb. 3—Assembly Bill No. 770—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a building to be known as the Woman's Building, providing for its equipment-----	30,000 00
Feb. 3—Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns-----	30,000 00
Feb. 3—Assembly Bill No. 772—An Act authorizing and directing the directors of the State Agricultural Society to move the building now on the state fair grounds-----	5,000 00
Feb. 3—Assembly Bill No. 774—An Act authorizing and directing the State Agricultural Society to purchase additional land adjoining the state fair grounds-----	10,000 00
Feb. 3—Assembly Bill No. 847—An Act making an appropriation to redeem the outstanding funded debt bonds of 1873-----	1,138,750 00

Feb.	3—Assembly Bill No. 849—An Act to amend Section 456 of the Political Code, relating to the office of the Treasurer of State	
Feb.	3—Assembly Bill, No. 891—An Act making an appropriation to meet the expense of the collection of state revenues	\$25,000 00
Feb.	3—Assembly Bill No. 892—An Act to amend Sections 439 and 440 of the Political Code, relating to the employees of the Controller's office	
Feb.	3—Assembly Bill No. 893—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund	
Feb.	3—Assembly Bill No. 921—An Act to provide an appropriation for the equipment of an instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics	25,000 00
Feb.	3—Assembly Bill No. 922—An Act to provide an appropriation for grading, terracing, building drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site	5,000 00
Feb.	3—Assembly Bill No. 923—An Act to provide appropriation for the equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics	1,000 00
Feb.	3—Assembly Bill No. 924—An Act to provide an appropriation for the equipment of an assembly hall and administration building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics	2,000 00
Feb.	3—Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics	1,000 00
Feb.	3—Assembly Bill No. 939—An Act making an appropriation for printing for the State Board of Forestry	800 00
Feb.	4—Assembly Bill No. 361—An Act fixing the salaries of the judges of the Superior Court of the State of California in and for the county of Kern	
Feb.	4—Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion at the Veterans' Home of California	10,000 00
Feb.	4—Assembly Bill No. 956—An Act to provide for reinforced concrete floors, building of troughs, and the changing, improving and renovating of the dairy barn at the Veterans' Home of California	2,000 00
Feb.	4—Assembly Bill No. 76—An Act authorizing and directing the board of managers of the Napa State Hospital to construct and restore the principal tower of the buildings of the Napa State Hospital	7,500 00
Feb.	4—Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital	15,000 00
Feb.	4—Assembly Bill No. 80—An Act to provide for the building, equipping, and furnishing of a nurses' home at the Napa State Hospital	20,000 00
Feb.	4—Assembly Bill No. 81—An Act to provide for the building, equipping, and purchasing of machinery for an ice and cold-storage plant on the grounds of the Napa State Hospital	20,000 00
Feb.	4—Assembly Bill No. 82—An Act to provide for the building, equipping, and purchasing of machinery for a laundry building at the Napa State Hospital	10,000 00
Feb.	4—Assembly Bill No. 96—An Act to provide for the building, equipping, and furnishing of a building to be known as an amusement hall, at the Napa State Hospital	60,000 00
Feb.	4—Assembly Bill No. 178—An Act to provide for the reflooring of the male building of the Stockton State Hospital	5,000 00
Feb.	4—Assembly Bill No. 190—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital	5,000 00
Feb.	4—Assembly Bill No. 203—An Act to provide for the erection, equipping, and furnishing of one large cottage for male pay patients at the Southern California State Hospital	26,000 00
Feb.	4—Assembly Bill No. 204—An Act to provide for the erection, equipping, and furnishing of one cottage for male night watches at the Southern California State Hospital	10,000 00

Feb.	4—Assembly Bill No. 205—An Act to provide for the erection, equipping, and furnishing of one cottage for female night watches at the Southern California State Hospital.....	\$10,000 00
Feb.	4—Assembly Bill No. 207—An Act to provide for the erection, equipping, and furnishing of one group of cottages for female patients at the Southern California State Hospital.....	30,000 00
Feb.	4—Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital.....	55,000 00
Feb.	4—Assembly Bill No. 271—An Act to provide for transforming the old power plant into an office for the steward and commissary building at the Southern California State Hospital.....	1,500 00
Feb.	4—Assembly Bill No. 272—An Act to provide for the erection, equipping and furnishing of one group of cottages for male patients at the Southern California State Hospital.....	30,000 00
Feb.	4—Assembly Bill No. 565—An Act making an appropriation for furnishing a one-story cottage for the use of the second assistant physician at the Mendocino State Hospital.....	1,500 00
Feb.	4—Assembly Bill No. 566—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital.....	14,500 00
Feb.	4—Assembly Bill No. 567—An Act making an appropriation for the erection and construction of a one-story cottage for the use of the second assistant physician at the Mendocino State Hospital.....	3,500 00
Feb.	4—Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.....	12,500 00
Feb.	4—Assembly Bill No. 569—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.....	5,000 00
Feb.	4—Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.....	5,500 00
Feb.	4—Assembly Bill No. 586—An Act making an appropriation for the furnishing and equipping of two cottages for night watches at the Southern California State Hospital.....	6,000 00
Feb.	4—Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.....	12,000 00
Feb.	4—Assembly Bill No. 588—An Act making an appropriation for furnishing and equipping one large cottage for male patients at the Southern California State Hospital.....	5,000 00
Feb.	4—Assembly Bill No. 609—An Act to provide for the equipping and furnishing of a building to be known as an amusement hall, at the Napa State Hospital.....	4,000 00
Feb.	4—Assembly Bill No. 610—An Act making an appropriation for the furnishing of a nurses' home at the Napa State Hospital.....	6,000 00
Feb.	4—Assembly Bill No. 689—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital.....	33,115 00
Feb.	4—Assembly Bill No. 691—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital.....	30,000 00
Feb.	4—Assembly Bill No. 692—An Act to provide for the erection of a female convalescent cottage at the Stockton State Hospital farm.....	38,000 00
Feb.	4—Assembly Bill No. 693—An Act to provide for the furnishing of a female convalescent cottage at the Stockton State Hospital farm.....	5,000 00
Feb.	4—Assembly Bill No. 694—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital.....	2,000 00
Feb.	4—Assembly Bill No. 695—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital.....	19,000 00
Feb.	4—Assembly Bill No. 696—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm.....	15,000 00

Feb.	4—Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital-----	\$325,500 00
Feb.	4—Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital-----	24,500 00
Feb.	7—Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs-----	16,000 00
Feb.	8—Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis-----	10,000 00
Feb.	8—Senate Bill No. 696—An Act to amend section one of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885"-----	200,000 00
Feb.	8—Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles-----	2,900 00
Feb.	8—Assembly Bill No. 14—An Act to authorize the Board of Fish Commissioners of this State to build and maintain a steelhead hatchery-----	25,000 00
Feb.	8—Assembly Bill No. 665—An Act to establish a state polytechnic school in the county of San Diego-----	75,000 00
Feb.	8—Assembly Bill No. 1029—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic-----	25,000 00
Feb.	8—Assembly Bill No. 234—An Act authorizing and directing the reflooring of the manse and main building at the Sonoma State Home-----	14,000 00
Feb.	8—Assembly Bill No. 231—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home-----	40,000 00
Feb.	8—Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home-----	10,000 00
Feb.	8—Assembly Bill No. 581—An Act to provide for the furnishing of four cottages at the Sonoma State Home-----	12,000 00
Feb.	9—Assembly Bill No. 2—An Act to appropriate money for the erection of an annual husbandry and other farm buildings at the California Polytechnic School-----	32,000 00
Feb.	9—Assembly Bill No. 154—An Act to appropriate money for the erection of three cottages for officers and employees at the California Polytechnic School-----	10,000 00
Feb.	9—Assembly Bill No. 155—An Act to appropriate money for the construction and equipment of a foundry and pattern shop at the California Polytechnic School-----	20,000 00
Feb.	9—Assembly Bill No. 156—An Act to appropriate money for the construction and furnishing of dormitories for the California Polytechnic School-----	55,000 00
Feb.	9—Assembly Bill No. 157—An Act to appropriate money for the erection and equipment of an additional school building at the California Polytechnic School-----	40,000 00
Feb.	9—Assembly Bill No. 158—An Act appropriating money for the purchase of equipment for shops and laboratories at the California Polytechnic School-----	10,000 00
Feb.	9—Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier-----	1,000 00
Feb.	9—Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory building at Whittier-----	400 00
Feb.	9—Assembly Bill No. 228—An Act making an appropriation for the erection of a building to be used as a dormitory for farm hands at the Sonoma State Home-----	6,500 00
Feb.	9—Assembly Bill No. 232—An Act authorizing and directing the construction and furnishing of two cottages for low grade patients at the Sonoma State Home-----	40,000 00
Feb.	9—Assembly Bill No. 233—An Act authorizing and directing the construction of a septic tank at the Sonoma State Home-----	12,500 00

Feb. 9—Assembly Bill No. 583—An Act making an appropriation to furnish a dormitory for farm hands at the Sonoma State Home-----	\$1,000 00
Feb. 9—Assembly Bill No. 582—An Act making an appropriation to furnish the school and assembly hall at the Sonoma State Home-----	2 500 00
Feb. 9—Assembly Bill No. 756—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies-----	10,000 00
Feb. 9—Assembly Bill No. 767—An Act authorizing and directing the Directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' Building-----	40,000 00
Feb. 9—Assembly Bill No. 831—An Act making an appropriation for the maintenance of the exposition building in Exposition Park-----	60,000 00
Feb. 9—Assembly Bill No. 850—An Act providing for the construction of a manual arts and avocational school building for the use of the State Normal at San Diego-----	25,000 00
Feb. 9—Assembly Bill No. 866—An Act to establish a State Agricultural College and Forestry School at San Diego-----	250,000 00
Feb. 9—Assembly Bill No. 1002—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2187c-----	
Feb. 9—Assembly Bill No. 1007—An Act to appropriate money to pay enlisted men of the National Guard of California for attendance at joint maneuvers-----	72 000 00
Feb. 9—Assembly Bill No. 1058—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund-----	7,500 00
Feb. 9—Assembly Bill No. 1065—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds-----	
Feb. 10—Assembly Bill No. 220—An Act making an appropriation of three hundred thousand dollars for the construction of a building to be erected by the Regents of the University of California in Alameda County-----	300,000 00
Feb. 10—Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley-----	6,000 00
Feb. 10—Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley-----	60 000 00
Feb. 10—Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose-----	40,000 00
Feb. 10—Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis-----	130,000 00
Feb. 10—Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis-----	15,000 00
Feb. 10—Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis-----	13,000 00
Feb. 10—Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis-----	25,000 00
Feb. 10—Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis-----	3,000 00
Feb. 10—Assembly Bill No. 736—An Act to provide for the alterations and repairs in the buildings of the State Normal School at San Francisco-----	13,000 00
Feb. 10—Assembly Bill No. 737—An Act to provide for the purchase of an additional lot for the use of the State Normal School at San Francisco-----	60,000 00

Feb. 10—Assembly Bill No. 738—An Act to provide for the construction of a new building upon the grounds of the State Normal School at San Francisco-----	\$35,000 00
Feb. 10—Assembly Bill No. 982—An Act to make an appropriation for the location, survey and construction of a state highway from the Calaveras Big Tree Grove, located in Calaveras County, to Dorrington, Calaveras County-----	25,000 00
Feb. 11—Assembly Bill No. 1485—An Act to make an appropriation for the contingent expenses of the Assembly-----	5,000 00
Feb. 13—Assembly Bill No. 235—An Act authorizing and directing the construction of a commissary building at the Sonoma State Home-----	11,000 00
Feb. 13—Assembly Bill No. 287—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California-----	3,500 00
Feb. 13—Assembly Bill No. 1147—An Act creating the department of state police-----	200,000 00
Feb. 13—Assembly Bill No. 1151—An Act to provide for the purchase of filing cases in the office of the Department of Engineering-----	1,000 00
Feb. 13—Assembly Bill No. 1164—An Act to create a public buildings committee-----	20,000 00
Feb. 13—Assembly Bill No. 1170—An Act authorizing and requiring the State Harbor Commissioners of the city and county of San Francisco to repair and construct or have repaired and constructed the designated portions of the seawall-----	1,500,000 00
Feb. 13—Assembly Bill No. 1187—An Act directing, authorizing and empowering the trustees of the State Normal School at Los Angeles to exchange certain real property and improvements thereon-----	500,000 00
Feb. 14—Assembly Bill No. 420—An Act appropriating money for the purchase of a stand pipe and water pipe to re-pipe grounds and buildings at the Whittier State School-----	
Feb. 14—Assembly Bill No. 421—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier School-----	2,500 00
Feb. 14—Assembly Bill No. 422—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School-----	4,000 00
Feb. 14—Assembly Bill No. 423—An Act appropriating money to be expended in the erection and equipment of a hospital building on the grounds of the Whittier State School-----	12,500 00
Feb. 14—Assembly Bill No. 428—An Act appropriating money for the purpose of building one cottage for the Whittier State School-----	10,000 00
Feb. 14—Assembly Bill No. 430—An Act to appropriate money for repairs on the main building of the Whittier State School-----	5,000 00
Feb. 14—Assembly Bill No. 768—An Act authorizing and directing the Directors of the State Agricultural Society to tear down the present grandstand on the state fair grounds, at Agricultural Park, near the city of Sacramento-----	100,000 00
Feb. 14—Assembly Bill No. 769—An Act authorizing and directing the Directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds improve the system of fire protection, and construct public conveniences on the state fair grounds-----	25,000 00
Feb. 14—Assembly Bill No. 1082—An Act to appropriate money to erect, construct and equip a training school at the San Jose State Normal School-----	60,000 00
Feb. 14—Assembly Bill No. 1139—An Act to provide for equipping and furnishing the new training school building on the premises of the State Normal School at Chico-----	2,000 00
Feb. 14—Assembly Bill No. 1140—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico-----	500 00
Feb. 14—Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen-----	10,000 00
Feb. 14—Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen-----	1,500 00
Feb. 14—Assembly Bill No. 364—An Act appropriating money for the purchase of a standpipe and water pipes to re-pipe grounds and buildings of the Whittier State School-----	4,500 00

Feb. 15—Assembly Bill No. 1288—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento-----	\$5,000 00
Feb. 15—Assembly Bill No. 1308—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code"-----	
Feb. 15—Assembly Bill No. 1309—An Act to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health"-----	
Feb. 15—Assembly Bill No. 1310—An Act to amend Sections 2521, 2522 and 2552 of the Political Code-----	
Feb. 15—Assembly Bill No. 1311—An Act to amend an Act entitled "An Act to define and regulate the business of banking"-----	
Feb. 16—Assembly Bill No. 687—An Act making an appropriation to pay the claim of the San Diego Union Company-----	136 00
Feb. 16—Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin-----	582,701 00
Feb. 16—Assembly Bill No. 1129—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year-----	1,000 00
Feb. 16—Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School-----	1,000 00
Feb. 16—Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Peixotto, C. C. McDougall, A. J. Hechtman and James Rolph, Jr-----	750 00
Feb. 16—Assembly Bill No. 1292—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons and standards carried by California soldiers in certain wars and active service-----	600 00
Total amount bills submitted-----	\$7,204,604 32
Amount of bills in former report-----	3,824,463 28
Total-----	\$11,029,067 60

BILLS REPORTED FAVORABLY.

Assembly Bill No. 63-----	\$5,000 00
Assembly Bill No. 83-----	2,500 00
Assembly Bill No. 85-----	1,000 00
Assembly Bill No. 86-----	2,500 00
Assembly Bill No. 88-----	1,000 00
Assembly Bill No. 89-----	2,542 00
Assembly Bill No. 90-----	25,000 00
Assembly Bill No. 91-----	3,000 00
Assembly Bill No. 92-----	2,000 00
Assembly Bill No. 93-----	3,500 00
Assembly Bill No. 94-----	5,500 00
Assembly Bill No. 116-----	3,000 00
Assembly Bill No. 121-----	10,000 00
Assembly Bill No. 123-----	2,000 00
Assembly Bill No. 125-----	5,000 00
Assembly Bill No. 126-----	2,000 00
Assembly Bill No. 127-----	5,000 00
Assembly Bill No. 129-----	2,000 00
Assembly Bill No. 130-----	5,000 00
Assembly Bill No. 149-----	3,500 00
Assembly Bill No. 150-----	4,000 00
Assembly Bill No. 151-----	3,500 00
Assembly Bill No. 152-----	6,500 00
Assembly Bill No. 153-----	3,000 00
Assembly Bill No. 159-----	9,000 00
Assembly Bill No. 253-----	4,000 00
Assembly Bill No. 729-----	
Senate Bill No. 361-----	2,500 00
Senate Bill No. 362-----	2,500 00
Senate Bill No. 369-----	2,500 00
Assembly Bill No. 330-----	851 90

Assembly Bill No. 331	\$496 46
Assembly Bill No. 345	150 00
Assembly Bill No. 849	
Assembly Bill No. 955	10,000 00
Assembly Bill No. 76	7,500 00
Assembly Bill No. 79	10,000 00
Assembly Bill No. 81	15,000 00
Assembly Bill No. 82	10,000 00
Assembly Bill No. 178	5,000 00
Assembly Bill No. 190	5,000 00
Assembly Bill No. 207	24,000 00
Assembly Bill No. 270	43,000 00
Assembly Bill No. 272	24,000 00
Assembly Bill No. 566	14,500 00
Assembly Bill No. 568	12,500 00
Assembly Bill No. 569	3,000 00
Assembly Bill No. 570	4,000 00
Assembly Bill No. 587	12,000 00
Assembly Bill No. 689	31,115 00
Assembly Bill No. 691	20,000 00
Assembly Bill No. 696	15,000 00
Assembly Bill No. 975	16,000 00
Assembly Bill No. 821	5,000 00
Assembly Bill No. 234	7,000 00
Assembly Bill No. 231	34,000 00
Assembly Bill No. 227	2,000 00
Assembly Bill No. 581	9,000 00
Assembly Bill No. 156	4,000 00
Assembly Bill No. 756	6,000 00
Assembly Bill No. 549	4,000 00
Assembly Bill No. 550	60,000 00
Assembly Bill No. 694	2,000 00
Assembly Bill No. 695	19,000 00
	<hr/>
Bills formerly reported favorably	\$563,655 33
	250,320 41
	<hr/>
Bills withdrawn	\$813,975 77
Bills re-referred	30,000 00
Reduction in appropriations	926,015 00
	<hr/>
	1,933,190 77
Amount of bills left in hands of committee	<hr/>
	\$9,095,876 83

COGSWELL, Chairman.

Also:

SPECIAL REPORT OF COMMITTEE ON WAYS AND MEANS.

MR. SPEAKER: The general appropriation bill is being compiled as rapidly as the condition of the bills before the House changing salaries of various state officials will permit

COGSWELL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolution No. 18—Relative to adjournment *sine die*—have had the same under consideration, and respectfully report the same back and recommend that it do not be adopted.

COGSWELL, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion duly seconded.

Mr. Coghlan moved that the report of the Committee on Ways and Means relating to Assembly Concurrent Resolution No. 18 be considered at the same time with the report of said committee with regard to the status of the general appropriation bill and tax levy.

POINT OF ORDER.

Mr. Bohnett rose to the following point of order:

That the motion of Mr. Coghlan was out of order for the reason that there was a motion already before the Assembly.

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

The question being on the motion of Mr. Coghlan.

A vote was taken, and motion lost.

The motion of Mr. Cogswell was thereupon put, and carried.

POINT OF ORDER.

Mr. Coghlan rose to the following point of order:

That there could be nothing brought before the Assembly until the Committee on Ways and Means had reported with regard to the status of the general appropriation bill and tax levy.

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER Your Committee on Rules and Regulations, to whom was referred the following resolution, by Mr. Griffiths

WHEREAS, There are before the Committee on Fish and Game certain bills affecting the State Game Reservation in Orange County, including the waters of Newport Bay; and

WHEREAS, It is necessary, in order to enable said committee to intelligently act on said bills, that they visit the said State Game Reservation and the said waters, the said committee, through its chairman, applies to this Assembly for leave of absence for three of the members of said committee hereinafter designated. That the occasion and the necessity for visiting said reservation and waters are as above stated. That the names of the committeemen designated by the chairman for the purpose aforesaid are as follows: John R. Cronin, Henry H. Lyon, Geo. E. Malone.

Application is hereby made to this Assembly for a leave of absence for the above-named members of the said Committee on Fish and Game for a period extending from and including Saturday, February 18th, to and including Tuesday, February 21st, therefore, be it

Resolved That the above-named members of the said Committee on Fish and Game be and they are hereby granted leave of absence from and including Saturday, February 18th to and including Tuesday, February 21st, for the purpose aforesaid.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

PREISKER, Chairman.

Mr. Griffiths moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowan, Mendenhall, Mott, Mutally, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Tibbits, Walker, Williams, Wilson, Wylie, Young, and Mr. Speaker—58.

NOES—Mr Kehoe—1

LEAVES OF ABSENCE.

Messrs. Maher, Young, Gaylord, Beatty, Griffiths, Rutherford, Joel, Lyon of San Francisco, Sbragia, Crosby, and Coghlan asked for, and were granted, leaves of absence until Monday, February 20, 1911.

APPOINTMENT OF COMMITTEE.

In accordance with Assembly Concurrent Resolution No. 13. the Speaker appointed Messrs. Bliss, Rosendale, and Benedict as a committee on Washington's birthday ceremonies.

ADJOURNMENT.

At five o'clock and ten minutes P. M., on motion of Mr. Schmitt, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., {
Saturday, February 18, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Gull, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maloue, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—55.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Schmitt, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion of Mr. Sutherland, leave of absence was granted Mr. Chandler for the day.

PETITIONS.

The following petition was received and filed:
By Mr. Hinshaw:

Petition opposing the passage of Senate Bill No 773 and Assembly Bill No. 964.

By the Speaker:

The following petition was presented by Speaker Hewitt, and on motion ordered printed in the Journal:

February 14, 1911.

To the Honorable, the Senate and Assembly of the State of California, in session:

The Supreme Court of the State of California, and the individual members thereof, to the end that the truth may be known and by you made a matter of public record, respectfully request that, by appropriate committee or committees, you investigate the conduct of this court in the matter of the granting of the petition of Abraham Ruef for rehearing in the case entitled *The People of the State of California*, Plaintiff and Respondent, vs. *Abraham Ruef*, Defendant and Appellant (Crim. No. 1655); and also that you investigate any other, or further matters touching the conduct of the Supreme Court and the transaction of its business which to your honorable bodies shall seem advisable.

Respectfully submitted.

W. H. BEATTY, C. J.
F. W. HENSHAW, J.
F. M. ANGELOTTI, J.
W. G. LORIGAN, J.
M. C. SLOSS, J.
HENRY A. MELVIN, J.

Signed by me February 15, 1911.

LUCIEN SHAW, J.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Feeley, Messrs. Edward Denny, H. Emmons, and M. Conlin were granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Also: Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 659—An Act to provide for the construction of a covered passage way to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 661—An Act to provide the equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills ordered on file for second reading and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 1377—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 1379—An Act to provide for the repairing, altering and

enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 1380—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills ordered on file for second reading and re-referred to Committee on Ways and Means.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 15—Relative to approving the charter of the city of Santa Cruz, etc.—have had the same under consideration, and respectfully report the same back and recommend that it be adopted

COGHLAN, Chairman.

The above Assembly concurrent resolution ordered on file for adoption.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 1022—An Act to provide for relief of soldiers, sailors, and marines, who have served in the late Civil War, and to provide for pensions to such soldiers, sailors, and marines, under certain circumstances—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CROSBY, Chairman.

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-eighth, fifty-ninth, and sixtieth fiscal years—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and that it be re-referred to Committee on Ways and Means.

CROSBY, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1190—An Act to amend section number twelve of an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards and defining the term boulevard," approved March 22, 1905, and amended April 15, 1909, the amendment relating to the definition of the term "boulevard"—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CHANDLER, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1107—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads,

highways, grounds and property; and to create county boards of forestry for such purposes, and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county foresters; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended.

CHANDLER, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors relating to roads—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CHANDLER, Chairman.

The above reported bill ordered on file for second reading.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 627—An Act to provide for the construction of a hospital building or buildings at the Los Angeles Department of the College of Medicine of the University of California, and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles department of the college of medicine of the University of California, and to make appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass and be re-referred to Committee on Ways and Means.

McGOWEN, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make an appropriation for the same.

Also: Senate Bill No. 513—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Also: Senate Bill No. 74—An Act to provide for the re-flooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Also: Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also: Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, towers, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make an appropriation for the same.

Also: Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, includ-

ing boilers and conduits and all necessary equipment, and to make an appropriation for the same.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to Committee on Ways and Means.

McGOWEN, Chairman.

The above reported bills ordered on file for second reading, and re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911

MR. SPEAKER. Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 903—An Act to add a new section to the Political Code of the State of California to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals.

Also Assembly Bill No. 1141—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of state hospitals.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

McGOWEN, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER. Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 1049—An Act to provide for the establishment of a state hospital, and providing for commitment thereto and management thereof, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and be re-referred to Committee on Ways and Means

McGOWEN, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Ways and Means.

ON AGRICULTURE, FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER. Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Assembly Bill No. 1294—An Act defining commission merchants, providing for a license for the conduct of the business of commission merchants and the procedure for obtaining the same, also providing regulations for the conduct of the said business and for penalties for violations of this Act—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

JUDSON, Chairman.

The above reported bill ordered on file for second reading.

ON MANUFACTURES AND INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER. Your Committee on Manufactures and Internal Improvements, to whom was referred Assembly Bill No. 1032—An Act to provide for the washing and cleaning of raw material used in the manufacture of shoddy and for the inspection of machinery used in the manufacture of shoddy and of places where the same is manufactured, stored or sold and of places wherein the raw material used in such manufacture is collected, stored or sold, and for the inspection of shoddy manufactured without this State and offered for sale herein, and to provide penalties for the sale thereof.

Also Senate Bill No. 673—An Act to regulate bakeries or bakeshops; prohibiting the use of cellars or basements for the manufacturing of flour or meal food products in certain cases; providing for clean and sanitary conditions of room or rooms used for said purpose, and of employers and employees working therein; providing for the enforcement of the Act by the Commissioner of the Bureau of Labor Statistics, and providing for penalties for the violation of this Act.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

CUNNINGHAM, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER. Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 189—An Act to amend section fifteen of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics, and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this Act," approved March 18, 1905.

Also: Senate Bill No. 113—An Act to amend an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analyses for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the State Hygienic Laboratory.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

MALONE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 885—An Act to amend Sections 2, 3, 13, and 21, of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended.

MALONE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j and 4225k, and all relating to county boards of health and sanitary inspectors—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended.

MALONE, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read.

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the following Assembly amendments to Senate Constitutional Amendment No. 22:

AMENDMENT No. 1.

On page 2, line 34 of the printed resolution as adopted by the Senate, strike out the word "black" and insert in lieu thereof the word "black-face".

AMENDMENT No. 2.

On page 3, line 62 of the printed resolution as adopted by the Senate, strike out the word "black" and insert in lieu thereof the word "black-face".

AMENDMENT No. 3.

On page 5, line 126 of the printed resolution as adopted by the Senate, strike out after the word "legislature" the balance of lines 126, 127, and 128, and insert in lieu thereof the following: "and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate"

AMENDMENT NO. 4.

On page 7, line 218 of the printed resolution as adopted by the Senate, strike out the following words: "freeholders' charters", and insert in lieu thereof the following "charters adopted under the provisions of section eight of article eleven of this Constitution".

AMENDMENT NO. 5.

On page 7, line 222 of the printed resolution as adopted by the Senate, strike out the word "self-enacting" and insert in lieu thereof the word "self-executing".

AMENDMENT NO. 6

On page 5, line 147, of the printed resolution as adopted by the Senate, insert after the word "signature", the following: "within the county, or city and county of which he is an elector."

AMENDMENT NO. 7.

On page 5, line 152 of the printed resolution as adopted by the Senate, insert after the word "stating", the following: "his own qualifications and".

Senate Constitutional Amendment No. 22—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article 4 thereof, relating to legislative powers, and reserving to the people of the State of California the power to propose laws, statutes, and amendments to the Constitution, and to enact the same at the polls, independent of the Legislature and also reserving to the people of the State of California the power to approve or reject at the polls any Act or section or part of any Act of the Legislature.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed the following

Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish by state or county.

Also: Senate Bill No. 774—An Act providing for the time of payment of wages.

Also: Senate Bill No. 773—An Act relating to public health and safety and providing for the regulation and inspection of hotels and public lodging-houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof.

Also: Senate Bill No. 416—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Also: Senate Bill No. 468—An Act to amend section seven hundred thirty nine of the Political Code of the State of California.

Also: Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; to prevent the sale of goods, wares, and merchandise by false weight or measure; authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures and to define the powers and duties of such sealers; to provide penalties for violation of the provisions of this Act relating to the foregoing and for the admission in evidence of copies of the State's standard of weights and measures furnished under the provisions of this Act.

Also: Senate Bill No. 276—An Act to amend Section 628b of the Political Code of the State of California, relating to the protection and preservation of fish.

Also: Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Also: Senate Bill No. 937—An Act to amend sections four thousand five o, four thousand six, four thousand one hundred forty-nine d, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hun-

dred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two, four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-five *a*, four thousand two hundred sixty-six, four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hundred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight, four thousand two hundred seventy-nine, four thousand two hundred eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six and four thousand two hundred and ninety of the Political Code, and to add a new section to said Code, to be numbered section four thousand two hundred eighty-seven, all relating to the population and classification of the several counties of the State and to the county and township officers therein, to determine the population and fix the classification of said counties, and to provide for the appointment of assistants, deputies, clerks, stenographers, copyists and employees of the county officers of such counties, and for the compensation of such officers, their assistants, deputies, clerks, stenographers, copyists and employees, and to repeal section four thousand two hundred forty-three *a*, four thousand two hundred fifty *a*, four thousand two hundred seventy-one *a* and four thousand two hundred eighty-one *a* of said Political Code

Also Senate Bill No. 619—An Act to add a new section to the Civil Code of California to be known as section twelve hundred eight, relating to certificates of acknowledgment and jurats.

Also Senate Bill No. 385—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Also Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations

Also Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Also Senate Bill No. 390—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Also Senate Bill No. 391—An Act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Also Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered Section 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

Also Senate Bill No. 395—An Act to add a new section to the Penal Code to be numbered Section 1506, relating to appeal from an order or judgment on habeas corpus.

Also Senate Bill No. 398—An Act to amend Section 894 of the Penal Code, relating to grand juries

Also Senate Bill No. 384—An Act to amend Section 895 of the Penal Code and to repeal Sections 164, 896, 897, 898, 899, 900, and 901 of the Penal Code, all relating to grand juries.

Also Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Also Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

Also Senate Bill No. 870—An Act to amend an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903

Also Senate Bill No. 876—An Act to amend Section 1303 of the Code of Civil Procedure, relating to the notice of petition for probate of will.

Also Senate Bill No. 877—An Act to amend Section 1551 of the Code of Civil Procedure, relating to the manner of securing the purchase money upon sales of real property by executors or administrators on credit.

Also Senate Bill No. 878—An Act to amend Section 1667 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the State.

Also Senate Bill No. 879—An Act to add a new section to the Code of Civil Procedure to be numbered 1310, relating to the probate of wills detained beyond the jurisdiction of the State.

Also Senate Bill No. 911—An Act to amend Section 1765 of the Code of Civil Procedure of the State of California, relating to the powers and duties of guardians of insane and other incompetent persons.

Also: Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred ninety-eight a, relating to the creation of a bonded indebtedness upon personal property by corporations organized for purposes other than pecuniary profit.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary

Senate Bill No. 529 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 774 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 773 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 416 read first time, and referred to Committee on Judiciary.

Senate Bill No. 468 read first time, and referred to Committee on Judiciary.

Senate Bill No. 31 read first time, and referred to Committee on Manufactures and Internal Improvements.

Senate Bill No. 276 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 368 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 371 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 937 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 619 read first time, and referred to Committee on Judiciary.

Senate Bill No. 385 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 387 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 388 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 390 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 391 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 394 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 395 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 383 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 384 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 386 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 393 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 870 read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

Senate Bill No. 876 read first time, and referred to Committee on Judiciary.

Senate Bill No. 877 read first time, and referred to Committee on Judiciary.

Senate Bill No. 878 read first time, and referred to Committee on Judiciary.

Senate Bill No. 879 read first time, and referred to Committee on Judiciary.

Senate Bill No. 911 read first time, and referred to Committee on Judiciary.

Senate Bill No. 909 read first time, and referred to Committee on Judiciary.

REQUEST FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:
By Mr. Wyllie:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bills, the titles of which read as follows, viz.: An Act to amend Sections 409, 412, 413, 414, 415 and 416 of the Political Code and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422 and 423 of said code relating to the duties and salaries of the Secretary of State and his appointees and their duties and salaries.

Also: An Act to add a new section to the Political Code to be numbered 1034 and to repeal Section 424 of said code, relating to the accounts of state officers and appointees.

Also: An Act to amend Section 2295 of the Political Code relating to the distribution of the reports and other publications of state officers, boards, commissions and departments.

WYLLIE,

Member Twenty-seventh District.

Referred to Committee on Introduction of Bills.

By Mr. Bishop:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: I request permission to introduce a joint resolution, the title of which is as follows:

Assembly Joint Resolution No. 16—Instructing our Representatives in the Senate of the United States to support a certain measure pending before that body relative to the granting of pensions.

BISHOP,

Member Seventy-seventh District.

Referred to Committee on Introduction of Bills.

RESOLUTION.

The following resolution was offered:

By Mr. March:

WHEREAS, Section 2295a of the Political Code provides that the State Library shall be furnished with fifty copies of all state publications for exchange and reference purposes; and

WHEREAS, There appears to be no provision for furnishing said State Library with copies of the legislative hand-book just issued, therefore, be it

Resolved, That the State Printer be and he is hereby directed to print and deliver to the State Library, fifty copies of said legislative hand-book.

Resolution read, and on motion adopted.

RECONSIDERATION.

In accordance with notice previously given, Mr. Mendenhall moved that the vote whereby Assembly Bill No. 494 was passed, be reconsidered.

The roll was called and the vote reconsidered by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cogswell, Cronin, Farwell, Flint, Freeman, Griffin of Modesto,

Guill. Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rosendale, Schmitt, Smith, Stuckenbruck, Tibbits, Wilson, and Mr. Speaker—41.

NOES—None.

The question being on the passage of the bill.

During the consideration of the bill Mr. Mendenhall moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, line 25, of printed bill, after the word "employees", strike out all of the bill and insert in lieu thereof a period.

Motion carried.

The Speaker appointed Mr. Mendenhall as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 494, with instructions, do now report that the instructions of the Assembly have been carried out.

MENDENHALL, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

RECONSIDERATION.

In accordance with notice previously given, Mr. Bohnett moved that the vote whereby Assembly Bill No. 996 was refused passage, be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Bohnett, the consideration of the motion to reconsider was made a special order for Tuesday, February 21, 1911, immediately after the reading of the Journal.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with a resolution previously adopted, the Speaker appointed Messrs. Walker, Harlan, Stuckenbruck, March, and Hall as a select committee to investigate the Fish and Game Commission.

THIRD READING OF BILLS.

Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 570 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Benmink, Bohnett, Brown, Butler, Callaghan, Clark, Cogswell, Cronin, Farwell, Flint, Freeman, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Pokley, Preisker, Randall, Rogers of Alameda, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Walker, Wilson, Wyllie, and Mr. Speaker—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 587—An Act making an appropriation for fur-

nishing and equipping two groups of cottages at the Southern California State Hospital.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 587 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cogswell, Cronin, Farwell, Flint, Freeman, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walker, Wilson, Wyllie, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231—An Act authorizing and directing the construction of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 231 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cogswell, Farwell, Flint, Freeman, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walker, Wilson, Wyllie, and Mr. Speaker—43

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232—An Act authorizing and directing the construction of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

During the third reading of the bill Mr. Slater moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend the title by striking out the words "two cottages", and insert in lieu thereof the words "one cottage".

Also: In line 1, Section 1, of the printed bill, strike out the words "thirty-four", and insert "seventeen".

Also: Strike out of lines 4 and 5, Section 1, the following: "two cottages, one for male, and one for female, low grade patients.", and insert in lieu thereof "one cottage for low grade patients".

Motion carried.

The Speaker appointed Mr. Slater as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 232, with instructions, do now report that the instructions of the Assembly have been carried out.

SLATER, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill 581—An Act to provide for the furnishing of four cottages at the Sonoma State Home, and making an appropriation therefor

During the third reading of the bill Mr. Slater moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend the title by striking out the word "four", and insert in lieu thereof the word "three".

Also: Amend by striking out of Section 1, page 1, of the printed bill, all of lines 12 and 13.

Also: In line 11, Section 1, page 1, of the printed bill, strike out the word "male" where it occurs after the word "grade".

Motion carried.

The Speaker appointed Mr. Slater as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 581, with instructions, do now report that the instructions of the Assembly have been carried out.

SLATER, Select Committee.

Report of select committee and amendments adopted

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text books in the common schools throughout the State.

During the consideration of the Assembly constitutional amendment, the following amendments were submitted by Mr. Held:

AMENDMENT No. 1.

On page 1, line 8, of the printed resolution, before the word "superintendent" insert the word "the".

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 9, of the printed resolution, strike out the word "and", and insert a comma, and the following: "the president of the University of California, and the professor of pedagogy therein, and".

Amendment adopted.

AMENDMENT No. 3.

On page 2, line 21, of the printed resolution, strike out the word "superintendent", and insert in lieu thereof the word "superintendents".

Amendment adopted.

AMENDMENT No. 4.

On page 2, line 24, of the printed resolution, strike out the word "teacher's", and insert in lieu thereof the word "teachers".

Amendment adopted.

AMENDMENT No. 5.

On page 2, line 18, of the printed resolution, strike out the word "eight", and insert in lieu thereof the word "four".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for adoption.

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Con-

stitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials.

During the consideration of the Assembly constitutional amendment, the following amendments were submitted by Mr. Jones:

AMENDMENT No. 1.

In line 11, of the printed resolution, strike out the word "sheriffs", and insert in lieu thereof the words "to peace officers."

Amendment adopted.

AMENDMENT No. 2.

In line 13, of the printed resolution, strike out the word "sheriff", and insert in lieu thereof the words "peace officers".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for adoption.

CONSIDERATION OF SECOND-READING FILE.

On motion of Mr. Schmitt, the second-reading file was taken up for consideration.

SECOND READING OF BILLS.

Committee Substitute for Assembly Bill No. 660—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, lanes, alleys, courts, places and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 961—An Act to amend "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and

making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, by amending Sections 1, 1½, 2, 3, 6, 7 and 17 thereof, and by adding a new section thereto to be numbered Section 20½, relating to the officers and employees of the Department of Engineering, their powers, duties and salaries.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the words "An Act", and insert in lieu thereof the following: "To amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all Acts or parts of Acts amendatory thereof, by amending Sections 1, 1½, 2, 3, 7, 9, 11, 17, and 19 thereof, and by adding a new section thereto to be numbered Section 6a, relating to the officers and employees of the Department of Engineering, their powers, duties, and salaries.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1 Section 1 of an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of

said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expense of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all Acts or parts of Acts amendatory thereof is hereby amended to read as follows.

Section 1. A department of and for the State of California to be known as the Department of Engineering is hereby created, to consist of an advisory board composed of the Governor as ex officio member and chairman of said board, and a State Engineer who shall be the chief executive officer of the department, the General Superintendent of State Hospitals, the chairman of the State Board of Harbor Commissioners of San Francisco, and three other members to be appointed by the Governor, which said three appointive members shall hereafter in this Act be designated as the appointed members of said advisory board. The said department, its officers and employees, shall have and exercise the powers and duties hereinafter set forth and specified, and such as are or may be hereafter provided by law.

SEC. 2. Section 1 $\frac{1}{2}$ of said Act is hereby amended to read as follows.

Section 1 $\frac{1}{2}$. Upon this Act becoming effective the Governor shall appoint five persons who shall be known as a consulting board to the Department of State Engineering upon all matters that affect irrigation, drainage and river improvement. Such board shall be appointed from citizens of either the Sacramento or San Joaquin valleys. Such board shall meet at such times as the work requires and shall meet at least once in two months. They may report to the advisory board on all matters relating to irrigation, drainage and river improvement together with their conclusions thereon, and may render a report to the advisory board upon all plans for river improvements.

SEC. 3. Section 2 of said Act is hereby amended to read as follows:

Section 2. Upon this Act becoming effective the Governor shall appoint a competent civil engineer as the head of the Department of Engineering, and such person shall be known as the State Engineer. The State Engineer shall devote his entire time to the services of the State and shall not actively engage in any other pursuit while serving as such state official. He shall have charge of all the engineering and structural work of the department and may receive by and through the approval of the advisory board such special assistance of a technical character beyond the employees hereinafter specified as they shall allow for the proper conduct of the business of the department.

SEC. 4. Section 3 of said Act is hereby amended to read as follows:

Section 3. The State Engineer and the appointed members of said advisory board shall hold office at the will and pleasure of the Governor. Immediately after qualifying, the advisory board shall meet and organize and shall adopt a seal for the authentication of its acts and records.

SEC. 5. A new section is hereby added to said Act to be numbered 6a, and to read as follows:

Section 6a. The Department of Engineering by and through the chairman of said advisory board shall have the power to appoint one engineer who shall be particularly skilled and qualified by experience in highway construction and who shall be designated highway engineer and such assistant engineers, designers, draughtsmen, clerks, stenographers, and such other technical assistants and help as the

advisory board may, in its judgment, deem necessary and said advisory board shall fix their salaries and compensation and prescribe their duties.

SEC. 6. Section 7 of said Act is hereby amended to read as follows:

Section 7. The advisory board shall meet at such times as the work of the department may require and shall meet at least once in two months. Said board shall advise with the State Engineer, Highway Engineer or State Architect as necessity requires and may advise with the boards of managers or trustees of the various state institutions requiring engineering or structural work, and with any state commission regarding all works wherein such commission may be interested. The advisory board shall approve all plans and specifications for all public work and shall determine the kind, quality and extent of all public work of the State. All boards of managers, trustees and state commissions of state institutions shall apply to the Department of Engineering for plans and specifications for all public work coming under their charge, and before accepting any such work done under contract shall have a certificate from the State Engineer who shall examine and certify to its completion. All public work coming under the full control of the Department of Engineering may upon the discretion of the advisory board be either contracted for or done by day's labor. The advisory board shall have the power, on the approval of plans and specifications by the State Engineer, to direct whether any building or structure at any state institution shall be let by contract in part or in whole, or whether said building or structure shall be built by day's labor in part or in whole, but after approval of the plans, specifications and estimates by the advisory board of the Department of Engineering, if, in the opinion of such Department of Engineering, the acceptance of any bid or bids shall not be for the best interests of the State, or if in the opinion of such Department of Engineering the acceptance of any further bids after the rejection of all bids submitted shall not be for the best interests of the State, it may be legal for them to direct that the work or improvement of any State building, road or any other improvement be done upon a day's labor basis. Whenever any public work to be done by the State except work on property of the State on the water front of the city and county of San Francisco under the jurisdiction of the Board of State Harbor Commissioners is placed upon a day's labor basis, it is especially exempted from any law on or relating to contracts of the State. The full control of such day's labor work is placed under the Department of Engineering and said department shall do all things necessary to properly carry out the work. When such work is so placed upon a day's labor basis, any appropriation which is now available or which is now or may be appropriated to become available, is by this Act taken out of the control of any board of trustees, directors, commissioners, officers or other body to whom it has been appropriated, and placed exclusively under the control of the Department of Engineering, and the claims for said work shall be approved by the Department of Engineering, and audited by the Board of Examiners, upon whose audit the Controller shall draw his warrant and the Treasurer shall pay the same. The Department of Engineering shall have power to receive informal bids upon any subdivision of the day's labor work and the State Engineer may upon the approval of the advisory board enter into an agreement for any such subdivisional work of the day's labor work.

SEC. 7. Section 9 of said Act is hereby amended to read as follows:

Section 9. The Department of Engineering shall take full possession and control of all roads which have been declared state highways enumerated as follows. The Lake Tahoe wagon road, the Sonora and Mono road, the Mono Lake basin road and all other state highways which may hereafter be constructed and all public work being done or now completed by the Department of Highways. All expenditures by the State for highway purposes except as otherwise hereafter provided by law shall be under the full charge of the Department of Engineering, and all moneys appropriated for such purpose shall be made payable upon the proper order of said department and shall be audited by the State Board of Examiners. The Department of Engineering, in the name of the people of the State of California, shall have the power to obtain or condemn necessary rights of way for any authorized state highway or for the change of any existing state highway or for any road placed under the department's charge by law unless otherwise provided. It shall have power to alter or change the route of a road and shall do all things necessary, and obtain all tools and implements required to properly care for and manage the roads under the charge of the department. The department may, in its discretion, and by and through its chairman, appoint superintendents of the state highways who shall hold office at the pleasure of the appointive power. They shall be specially qualified in road work. All unexpended balances of money now existing by law for improvements or maintenance of whatever kind under the Department of Highways, and the Lake Tahoe Wagon Road Commissioner shall be placed under the control of the Department of Engineering, and the State Controller shall transfer said funds to the credit of the Department of Engineering. Whenever under any statutes of this State the performance of any duty or obligation is imposed upon the Department of Highways, the same shall be assumed by and the performance of the same shall devolve upon the Department of Engineering.

SEC. 8. Section 11 of said Act is hereby amended to read as follows:

Section 11. All architectural work of the department shall be under the charge of the State Architect, and it shall be the duty of said architect to make plans and specifications and estimates for all work for state buildings. He shall, in company with the State Engineer, visit and inspect all completed architectural work, and shall certify to the State Engineer its proper or improper completion. The State Architect shall have general charge under the State Engineer of the erection of all buildings and must have an inspector at each building during the whole time of its construction.

SEC. 9. Section 17 of said Act is hereby amended to read as follows:

Section 17. The highway engineer shall receive not to exceed the sum of ten thousand dollars (\$10,000) per annum, the state engineer shall receive the sum of five thousand dollars (\$5,000) per annum, and the officers and employees enumerated in Section 6 of this Act shall receive the following sums. Each assistant state engineer shall receive the sum of three thousand dollars (\$3,000) per annum; the state architect shall receive forty-eight hundred dollars (\$4,800) per annum, each of the five draughtsmen shall receive two thousand dollars (\$2,000) per annum; the architectural designer shall receive twenty-four hundred dollars (\$2,400) per annum; the mechanical engineer shall receive twenty-seven hundred dollars (\$2,700) per annum; the testing engineer shall receive twenty-one hundred dollars (\$2,100) per annum, each of the two filing clerks shall receive eighteen hundred dollars (\$1,800) per annum; the secretary shall receive twenty-four hundred dollars (\$2,400) per annum, the blue-print press-man shall receive fifteen hundred dollars (\$1,500) per annum; each clerk and stenographer shall receive fifteen hundred dollars (\$1,500) per annum; and the porter and messenger shall receive nine hundred dollars (\$900) per annum. Such salaries shall be paid at the same time and in the same manner as are the salaries of other state officers. The highway engineer shall furnish the State with a bond in the sum of twenty thousand dollars (\$20,000); the two assistant engineers and the State Architect shall each furnish the State with a bond in the sum of ten thousand dollars (\$10,000) for the faithful performance of their duties. Said bonds must be approved by the Governor of the State of California and filed in the office of the Secretary of State. Each of the three appointed members of said advisory board shall receive the sum of five thousand (\$5,000) per annum, payable in equal monthly installments. Each and every one of the above mentioned officers shall take the oath of office as prescribed for other State officers. The members of the advisory board, the State engineer and the officers and employees of the Department of Engineering shall be allowed their necessary traveling expenses while engaged in the discharge of their duties within the State.

SEC. 10. Section 19 of said Act is hereby amended to read as follows:

Section 19. The sum of forty thousand dollars (\$40,000) is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide and maintain a permanent revolving fund for the payment of salaries and wages of employees in the Department of Engineering when employed upon public work at or for any state institution or upon the construction of state highways, other than those employees whose salaries are fixed and determined by Section 17 of this Act. Such payment so made for salaries and wages shall be charged against the institutions for which said act is performed and in favor of the Department of Engineering, and when collected by said department shall be paid into the revolving fund hereby created.

Strike out all of Section 8 on page 8 of printed Act.

Amendment adopted.

Bill read second time, ordered to reprint, with a rush order, and re-referred to Committee on Ways and Means.

Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for the investigation of its prevalence, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

In line 1. Section 3, of the printed bill, amend by striking out the word "ten", and inserting in lieu thereof the word "five".

Amendment adopted

Bill read second time, and ordered to reprint, and on file for third reading.

Assembly Bill No. 829—An Act prohibiting the unnecessary wasting of natural gas into the atmosphere; providing for the capping or other-

wise closing of wells from which natural gas flows; and providing penalties for violating the provisions of this Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 2, line 3, of the printed bill, after the word "shall", insert the following: ", upon the abandonment of such well,".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 2, line 4, of the printed bill, strike out the words "such well", and insert in lieu thereof the following: "the same".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 3, line 4, of the printed bill, strike out the words "five hundred", and in lieu thereof insert the following: "one thousand".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 3, line 6, of the printed bill, strike out the words "six months", and in lieu thereof insert the following: "one year".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 310—An Act to provide for the accomplishment of the work of the construction of a breakwater in Monterey Bay as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives No. 1084, sixty-first Congress, third session, and making an appropriation for such work.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, of the printed bill, in line 1, of the title, strike out the words "the construction of" and insert in lieu thereof the word "constructing".

Amendment adopted.

AMENDMENT No. 2.

In line 2, on page 1, of the printed bill, in the title, after the word "bay" insert the word "California".

Amendment adopted.

AMENDMENT No. 3.

In line 1, page 1, of the printed bill, strike out the word "that".

Amendment adopted.

AMENDMENT No. 4.

In line 4, page 1, of the printed bill, strike out the word "the" before the word "breakwater" and insert in lieu thereof the article "a".

Amendment adopted.

AMENDMENT No. 5.

In line 4, page 1, of the printed bill, after the word "Monterey" insert the word "bay".

Amendment adopted.

AMENDMENT No. 6.

In line 5, page 1, of the printed bill, strike out the word "plans" and insert the word "plan".

Amendment adopted.

AMENDMENT No. 7.

In line 5, of the printed bill, page 1, before the word "report" insert the article "the".

Amendment adopted.

AMENDMENT No. 8.

In line 7, page 1, of the printed bill, strike out the word "providing" and insert the word "provided".

Amendment adopted.

AMENDMENT No. 9.

In line 9, page 1, of the printed bill, strike out the word "formerly" and insert the word "formally".

Amendment adopted.

AMENDMENT No. 10.

In line 10, page 1, of the printed bill, after the word "plan" strike out the word "for" and insert the word "of" in lieu thereof.

Amendment adopted.

AMENDMENT No. 11.

In line 12, page 2, of the printed bill, strike out the word "the" where it occurs before the word amount and insert in lieu thereof the article "an".

Amendment adopted.

AMENDMENT No. 12.

In line 13, page 2, of the printed bill after the word "appropriated" strike out the period and insert in lieu thereof the following: "*; and further provided, that said sum so appropriated shall not be payable as hereinafter provided prior to July 1, 1912.*"

Amendment adopted.

AMENDMENT No. 13.

In line 5, page 2, of the printed bill, after the word "appropriation" strike out the words "to be" and insert in lieu thereof the word "therefor".

Amendment adopted.

AMENDMENT No. 14.

In line 8, page 2, of the printed bill, strike out the word "under".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1023—An Act to repeal Section 79 of the Civil Code of California, relating to marriage without license.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 992—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Sections 1, 2, 3, 4 and 5, and in lieu thereof insert the following:

SECTION 1. Whenever, in the judgment of the board of supervisors of any county, it shall be deemed advisable in the interests of commerce, or for the benefit

of the residents of said county, or for the purpose of expediting travel between points on opposite sides of any navigable stream or body of water, to build and construct tubes, tunnels or subways under such navigable streams or bodies of water for the public use, at such point or place under said navigable stream or body of water as shall be determined upon by the said board of supervisors, the said board of supervisors must call an election and submit to the electors of said county the question whether bonds of said county shall be issued and sold for the purpose of building and constructing said tube, tunnel or subway. The order calling such election shall be valid and effectual when signed by two thirds of said board of supervisors, and said election shall be held and said bonds issued, in accordance with the terms and provisions of Title II, Part 4, of the Political Code of the State of California.

SEC. 2. The board of supervisors of any county in this State may, for the purpose of ascertaining the probable cost of any proposed tube, tunnel or subway, expend out of the general fund of said county not otherwise appropriated, a sum not exceeding thirty-five hundred dollars; *provided*, that when any such proposed tube, tunnel or subway shall reach partly in one county and partly in another, said counties shall equally divide the expenditure necessary to ascertain the probable cost of any such proposed tube, tunnel or subway, not exceeding in the aggregate the sum of thirty-five hundred dollars.

SEC. 3. Whenever any such tube, tunnel or subway is proposed to be built or constructed under navigable streams or waterways forming the dividing line between counties, the boards of supervisors of each of the counties into which any of such tubes, tunnels or subways will reach shall first agree as to what portion of the cost of such tubes, tunnels or subways shall be paid by each of said counties, and thereafter the boards of supervisors of each of such counties shall have power to take such proceedings as they may deem proper under Section 1 of this Act; *provided*, however, that no such tube, tunnel or subway shall be built or constructed under navigable streams or waterways forming the dividing line between counties, unless all the counties into which such tubes, tunnels or subways reach shall first authorize that such work be done and bonds therefor issued in the manner provided in Section 1 of this Act.

SEC. 4. Whenever any such tube, tunnel or subway, or any part thereof, shall reach within the limits of any incorporated town, or city, or city and county, and the governing body of each of such incorporated towns, or cities, or cities and counties, and the board of supervisors of the county in which such incorporated towns, or cities, are situated shall first so agree, the board of supervisors shall have the power to call an election and submit to the electors of said county the question whether bonds of said county shall be issued and sold for the purpose of building and constructing such tube, tunnel or subway in the manner prescribed in Section 1 of this Act; *provided*, however, that in the event of such bonds being authorized and sold, the construction of such tubes, tunnels or subways shall be under the direction and control of a commission which is hereby created, consisting of the chairman of said board of supervisors and the mayor of each of such incorporated towns, cities, or cities and counties, within the limits of which such tube, tunnel or subway, or any part thereof, shall reach.

SEC. 5. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 160—An Act entitled “An Act to amend Sections 1918 and 1920 of the Civil Code and to add new sections thereto to be numbered Sections 1918½, 1921, and 1922, relating to ‘loan of money,’ and providing for rate of interest thereon.”

During second reading of bill, the following amendment was submitted by the committee:

In line 5, page 2, Section 5, of the printed bill, strike out the words “payment or.”

Amendment adopted.

By Mr. March:

On page 1, Section 1, line 4, of printed bill, strike out the word “ten,” and insert in lieu thereof the following: “twelve.”

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 856—An Act to amend section ten hundred and fifty-six of the Code of Civil Procedure of the State of California, relating to corporations which may become sureties on undertakings and bonds.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 3, of the printed bill, strike out "Sec. 1," and insert in lieu thereof "1056."

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 37, of the printed bill, strike out "Sec. 2."

Amendment adopted.

AMENDMENT No. 3.

On page 3, line 60, of the printed bill, strike out "Sec. 3."

Amendment adopted.

AMENDMENT No. 4.

On page 4, line 100, of the printed bill, strike out "Sec. 4."

Amendment adopted.

AMENDMENT No. 5.

On page 4, line 110, of the printed bill, strike out "Sec. 5."

Amendment adopted.

AMENDMENT No. 6.

On page 4, line 117, of the printed bill, strike out "Sec. 6."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public.

During second reading of bill, the following amendment was submitted by the committee:

Strike out of line 3, of the printed bill, the words "notaries public. Number governor may commission"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 919—An Act to amend Section 892 of the Code of Civil Procedure, relative to the entry of judgment by justices of the peace.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the word "Section" in line 3, of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

In line 1, page 1, of the printed bill, insert the words "Section 1," before the words "Section 892."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1081—An Act to amend section five hundred ninety-six of the Penal Code, relating to the poisoning of animals or bees.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 3, of the printed bill, strike out the word "Section."

Amendment adopted.

AMENDMENT No. 2.

In line 4, page 1, of the printed bill, strike out the words "an other." and insert in lieu thereof, the word "another."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 869—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all after the word "hereby" in line 2. of the printed bill, and insert in lieu thereof the word "repealed."

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "amend" in the title, and insert in lieu thereof "repealed."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of page 1, line 3, of the printed bill, the words "final payment after six months".

Amendment adopted.

AMENDMENT No. 2

Strike out of page 1, line 3, of the printed bill, the word "six", where it appears the second time, and insert in lieu thereof "three".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment and third reading.

Assembly Bill No. 135—An Act to amend Section 190 of the Penal Code, relating to the punishment of murder.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 730—An Act to amend Section 485 of the Political Code, relating to appointments of Surveyor General.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 848—An Act to amend sections one, three, and seven of an Act entitled "An Act to authorize the deposit of State moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1152—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319h, 2319j of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers, duties, and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said commissioner, and providing methods, means, and penalties for the enforcement of such powers and duties, and providing for the appointment of additional officers, fixing their compensation, and prescribing their duties.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 1, line 14, strike out the word "profession", and insert in lieu thereof the word "professional".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Committee Substitute for Assembly Bill No. 293—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under a constitutional provision, without the Governor's approval, March 5, 1901.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1088—An Act to amend Section 349 of the Code of Civil Procedure of the State of California, relating to the time for commencing actions under Local Improvement Act of 1901.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,' " which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18, and 19, and by adding a new section thereto to be numbered 26.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1067—An Act to amend section one of an Act entitled "An Act to enable municipal corporations of the sixth class to elect officers." approved March 14, 1885.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 292—An Act to amend Section 103½ of the Code of Civil Procedure of the State of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 1, of the printed bill, before the word "Section", insert the word and figure "Sec. 1."

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 3, of the printed bill, before the word "Every", insert the figures "103½".

Amendment adopted.

AMENDMENT No. 3.

On page 2, line 32, of the printed bill, before the word "This", insert the word and figure "Sec. 2."

Amendment adopted.

By Mr. Young:

On page 2, line 25, of the printed bill, omit the word "five", and place in lieu thereof the word "four".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 380—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices of the peace.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 4, of the printed bill, before the word "There", insert the figures "103".

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 15, of the printed bill, before the word "justices", omit the word "four", and place in lieu thereof the word "five"

Amendment adopted.

AMENDMENT No. 3.

On page 2, line 34, of the printed bill, before the word "third", omit the word "and", and place in lieu thereof the word "or".

Amendment adopted.

AMENDMENT No. 4.

On page 2, line 41, of the printed bill, before the word "dollars," insert the words "three thousand".

Amendment adopted.

AMENDMENT No. 5.

On page 3, line 71, of the printed bill, after the word "justice" omit the rest of the line and omit lines "72, 73, and 74".

Amendment adopted.

AMENDMENT No. 6.

On page 3, line 75, of the printed bill, before the word "This", insert the word and figure "Sec. 2."

Amendment adopted.

By Mr. Young:

On page 2, line 46, of the printed bill, omit the words "three thousand", and place in lieu thereof the words "two thousand six hundred".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 941—An Act to amend sections three thousand one hundred and ninety-seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trademarks.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California to be numbered 590b, relating to riding and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 946—An Act to amend Section 1741 of the Political Code, relating to the powers and duties of high school boards.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 113—An Act to amend Section 1874 of the Political Code of the State of California, by amending Subdivision 10 thereof, providing for a free distribution of text-books in common schools.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2, of the title of the printed bill, strike out the following: "by amending subdivision 10 thereof."

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 1, of the printed bill, strike out the following: "Subdivision 10 of:".

Amendment adopted.

AMENDMENT No. 3.

On page 1, of the printed bill, between lines 3 and 4, insert the following 1874. 1. In compiling or causing to be compiled or adopting a uniform series of text-books for use in the common schools of the State, as required by Section 7 of Article 9 of the State Constitution, the State Board of Education shall, within thirty days after the passage of this Act meet and appoint three members of said board, to wit: the Governor, the Superintendent of Public Instruction and one other member of said State Board of Education, as a standing committee on school text-books. The said committee shall be designated and known as the State Text-book Committee, and shall immediately organize and enter upon the discharge of its duties, and shall have power, subject to the approval of the State Board of Education, to revise in whole or in part and to manufacture such text-books as are now in use; to compile or cause to be compiled under its direction, and to manufacture such other or additional text-books or books as it may be necessary or proper for use in the primary and grammar schools of the State; to purchase or hire plates, maps, and engravings of copyright matter; to contract for, or lease copyrights, for the purpose of being used in compiling, printing and publishing such books; to provide for the payment of royalties or for the leasing of plates for the making of the whole or any part of a book or books, and to do any and all acts that may be necessary for the purpose of procuring a meritorious uniform series of text-books for use in all the primary and grammar schools of the State of California. Said committee shall have power, subject to the approval of the State Board of Education, to prescribe and enforce the use of a uniform series of text-books. As soon as any text-book shall have been compiled, printed, adopted, and is ready for distribution, it shall be the duty of every county and city and county superintendent of schools in the State to order a sufficient number thereof to give at least one copy of every such book to every public school district library in the county or city and county in which he is superintendent, and payment therefor shall be made by him by drawing his order on the unapportioned county school fund.

2. Instruction shall be given in the following subjects in the primary and grammar schools of the State in the several grades in which they may be required, viz: Reading, writing, orthography, language lessons and English grammar, arithmetic, geography, history of the United States, elements of physiology and hygiene, vocal music, elementary bookkeeping, drawing, nature study, and civil government; and it shall be the duty of the said text-book committee to revise such of the books of the present state series or publish such new ones in any of the above mentioned subjects as may be necessary for the proper study and teaching of them, and for the purposes of compilation and publication may make use of any copyright matter deemed suitable, and may purchase or hire plates, maps, or engravings of such copyright matter, may contract and arrange for the payment of royalties, and shall designate such book or books, when published, as belonging to and forming a part of the state series of school text-books, subject to the approval of the State Board of Education.

3. The said text-book committee may secure copyrights in the name of the people of the State of California, to any book that may be compiled under this Act, and whenever any one or more of the state school text-books shall have been compiled, published, and adopted, the Superintendent of Public Instruction shall issue an order to all county and city and county boards of education by sending notice by registered mail to the secretaries of all such boards requiring the uniform use of said book or books in all the primary and grammar schools of this State, and when said order shall have thus been given and published the same shall remain in force and effect for a term of not less than four or more than eight years; *provided*, that said order for the uniform use of said book or books shall not take effect until the expiration of at least one year from the time of the completion, purchase, or the leasing of the electrotype plates of said book or books; but nothing in this Act shall be construed to prevent any county, city, or city and county from adopting any one or more of the state series of school text-books whenever said book or books shall have been published and is ready for distribution; *provided further*, that whenever any plates, maps, or engravings of any publisher or author are adopted for use as herein before provided, the State Text-book Committee shall enter into a contract for not less than four nor more than eight years for the use of the same, and shall require a good and sufficient bond of the owner of such plates, maps or engravings, guaranteeing that the same shall be kept revised and up to date as may be required by the State Board of Education.

4. Any county, city and county, city or school district that refuses or neglects to use the state series of school text-books in the grades and in the subjects for which they are intended and at the time as required in the foregoing subdivisions of this Act must, upon satisfactory proof of such refusal or neglect, have the state money

to which it is otherwise entitled withheld from it by the Superintendent of Public Instruction.

5. The Superintendent of State Printing shall have the supervision of all mechanical work connected with the printing and publishing of such books as may be compiled and adopted by said text-book committee and approved by the State Board of Education, and all such printing and binding shall be done in the State Printing Office. The Superintendent of State Printing shall annually on the first day of July and oftener, if requested, submit to the said Text-book Committee a detailed statement showing the number and name of books of the state series published by him during each year.

6. Whenever any book authorized to be published under this Act is ready for sale or delivery to pupils, the State Printer shall submit to the State Text-book Committee, and it in turn to the State Board of Education, an itemized statement, showing the exact cost of the material, printing, binding, and finishing of such books in addition to the five thousand or more, and the State Board of Education shall thereupon determine and fix the price of such book as required by law, by adding to the cost of manufacturing, the price contracted to be paid as royalty, or for the use of the plates, maps or engravings of the copyright matter therein contained, and said price shall be deemed to be the whole cost of publication of such book at Sacramento. The amount fixed for royalty or cost of plates of copyright matter shall, as the books are sold, be kept separate from other proceeds from the sale of state school text-books, and deposited in the state treasury to the credit of a fund to be designated and known as the "Text-book Royalty Fund", the same to be paid out quarterly or semi-annually, as may be agreed between the owners of copyright matter and said text-book committee, on the order of the said State Text-book Committee, in payment of royalties or hire of plates, maps, or engravings or copyright matter in the same manner as other claims upon the State Treasurer are paid.

7. The appropriation heretofore made known as the "text-book appropriation," shall be subject to the drafts of the said text-book committee for all the expenses incurred by it, except the salary of the secretary, which is otherwise provided for by law; provided, that all claims shall be presented to the State Board of Examiners for their approval; said appropriation shall be subject to the drafts of the said committee for all moneys needed for the payment of royalties, for the purchase or hire of such plates, maps, or engravings that may be necessary but which can not be arranged to be paid for as provided in subdivision seventh hereof, for expert opinions as provided for in subdivision nine of this Act, for printing, stationery, postage and expressage that will be required by said committee, and for manufacturing any addition of any book of the state series now in use or which may hereafter be adopted for use in the primary and grammar schools.

8. It is provided that all moneys that have been received or that may hereafter be received from the sales of state series of school text-books, except that which is received in payment of royalties and provided in this Act to be deposited to the credit of the Text-book Royalty Fund, shall be kept by the State Treasurer as a separate and distinct fund, to be known as the "State School Book Fund," which fund shall be subject to the drafts of the said Text-book Committee for all expenses incurred by the Superintendent of State Printing for all material, labor, and other expenses necessary in the mechanical work of printing and publishing state school text-books; all claims to be drawn after being certified to by the Superintendent of State Printing, as provided in subdivision four of section five hundred and twenty-six of the Political Code; provided, that all demands on the State School Book Fund excepting the salary of the secretary of the State Text-book Committee, shall be presented to the State Board of Examiners in itemized form for their approval; and upon the arrival of the State Board of Examiners, the State Controller is hereby authorized and directed to draw his warrant, and the State Treasurer is hereby authorized and directed to pay the same, in conformity with the provisions of this section.

9. Before selecting any text-book matter to be used in the compilation or revision of the state school text-books, the said committee may, subject to the approval of the State Board of Education, secure one or more additional experts to examine and give their opinions on the merits of any book or books or parts of a book that may be taken under consideration and the claims for payment of such expert service shall be paid in like manner as other claims are paid out of the state text-book appropriation; provided, that the expense of such expert examination and opinion shall not exceed the sum of two hundred dollars for any one book that may be adopted and published as a book of the state series.

Amendment adopted.

AMENDMENT No. 4.

On page 1, line 4, of the printed bill before the word "The", insert the following: "10".

Amendment adopted.

AMENDMENT No. 5.

On page 1, line 5, of the printed bill after the word "year" insert the following: "from time to time."

Amendment adopted.

AMENDMENT No. 6.

On page 1, lines 12 and 13, of the printed bill strike out the words "common school", and insert in lieu thereof the words "general school".

Amendment adopted.

AMENDMENT No. 7.

In Section 1, line 1, page 1, of the printed bill strike out the figures "1847" and insert in lieu thereof the following: "1874".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 240—An Act to amend section one of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and as amended by Act approved March 20, 1905, and relating to age of school children.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 22, on page 2, of the printed bill, after the word "children," insert the following "prohibiting the employment of minors under certain ages,".

Amendment adopted.

AMENDMENT No. 2.

In line 25, on page 2, of the printed bill, after the word "hereof", insert a comma and quotation marks.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1090—An Act to regulate the sale and use of hat pins.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 1, of the printed bill, after the word "shall", strike out all of said section one and insert the following: "while upon any public street or in any public conveyance, street car, train or elevator, or in any other public place wear a hat pin or similar article, the exposed point of which shall protrude more than one half inch beyond the crown or other portion of the hat upon, in or through which such pin or similar article is worn, unless said exposed point of the hat pin or other similar article shall be so guarded by device or otherwise as to render contact with it entirely free from danger, is guilty of a misdemeanor."

Amendment adopted.

AMENDMENT No. 2.

In Section 3, after the word "effect", strike out the words "on and after", and insert the following: "one hundred days after its passage."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 701—An Act to amend sections ten, ten a, ten b,

ten c, ten d, ten e, ten i, ten j, ten k, ten l, ten m, ten n, and ten z of an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent acts, approved March 8, 1909."

During second reading of bill, the following amendments were submitted by Mr. Jones:

AMENDMENT NO. 1.

Strike out in line 4, of Section 8, on page 3, of the printed bill, the period, and then all of the words following in lines 4, 5 and 6 of said section, and insert in lieu thereof the following: "and in counties of the ninth and thirteenth classes there shall be one assistant probation officer. The salaries of said officers shall be as follows, to wit: in counties of the ninth class, the salary of the probation officer shall be \$100 per month and the salary of the assistant probation officer shall be \$75 per month; in counties of the tenth class, the salary of the probation officer shall be \$100 per month; in counties of the sixteenth class, the salary of the probation officers shall be \$75 per month, in counties of the seventeenth class, the salary of the probation officer shall be \$100 per month, in counties of the thirteenth class, the salary of the probation officer shall be \$100 per month, and the salary of the assistant probation officer shall be \$25 per month."

Amendment adopted.

AMENDMENT NO. 2.

Insert after the word "fortieth" in line 4, of Section 10, on page 3, of the printed bill, the words "forty-first" and a comma.

Amendment adopted.

AMENDMENT NO. 3.

Strike out in line 7, of Section 10, on page 3, of the printed bill, all after the word "be", and insert in lieu thereof the following: "as follows: In counties of the twenty-fifth class, \$10 per month; in counties of the thirty-third class, \$10 per month; in counties of the thirty-fifth class, \$10 per month; in counties of the fortieth class, \$35 per month, in counties of the forty-first class, \$35 per month, in counties of the forty-second class, \$10 per month; in counties of the forty-fifth class, \$10 per month, in counties of the forty-sixth class, \$10 per month, in counties of the forty-seventh class, \$10 per month in counties of the fifty-second class, \$10 per month; in counties of the fifty-third class, \$10 per month."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 872—An Act placing dependent children under the protection of public authority, and providing for the regulation of all corporations or societies engaged in caring for dependent children.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1304—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for

the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 15 thereof, relating to the powers of probation officers.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill 1156—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10k, relating to probation officers in counties of the twentieth, twenty-ninth and thirtieth classes.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1353—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

During second reading of bill, the following amendment was submitted by the committee:

After the enacting clause, insert: "SECTION 1. Section 284 of the Code of Civil Procedure is hereby amended to read as follows:".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1078—An Act to amend section ten of the Code of Civil Procedure of the State of California, relating to holidays.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Insert after the word "the" where it appears first in the title of the Act, the words "code of."

Amendment adopted.

AMENDMENT No. 2.

Insert in line 1, of the printed bill, after the word "the," where it appears first, the words "code of."

Amendment adopted.

AMENDMENT No. 3.

Strike out of line 3, of the printed bill, the word "holidays" where it first appears.

Amendment adopted.

AMENDMENT No. 4.

In line 4, of the printed bill, after the word "January," insert "12th day of February, to be known as Lincoln Day,".

Amendment adopted.

AMENDMENT No. 5.

In line 12, of the printed bill, after the word "January," insert "12th day of February."

Amendment adopted.

AMENDMENT No. 6.

In line 21, of the printed bill, after the semicolon, insert "provided,".

Amendment adopted.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1079—An Act to amend Section seven of the Civil Code of the State of California, relating to holidays.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of page 1, Section 1, line 3, of the printed bill, the word "holidays" where that word first appears in said line.

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 4, of the printed bill, after the word "January" insert "the 12th day of February, to be known as Lincoln Day,".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 12, of the printed bill, after the word "January," insert "12th day of February."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 3, of the printed bill, strike out "Holidays", where the same first appears in said line.

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 4, of the printed bill, after the word "January", insert "12th day of February, to be known as Lincoln Day,".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 12, of the printed bill, after the word "January", insert "12th day of February,".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 15—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

During second reading of bill, the following amendment was submitted by the committee:

On page 1 of the printed bill, strike out all of lines 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 inclusive, and in lieu thereof insert the following:

"1861. Hotel, inn, boarding-house and lodging-house keepers shall have a lien

upon the baggage and other property of value of their guests, or boarders, or lodgers, brought into such hotel, inn, or boarding or lodging house, by such guests, or boarders, or lodgers, for the proper charges due from such guests, or boarders, or lodgers, for their accommodation, board and lodging, and room rent, and such extras as are furnished at their own request, and for the cost of enforcing such lien, with the right to the possession of such baggage or other property of value, until all such charges are paid;”

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1193—An Act to add a new section to the Political Code of the State of California, to be designated and numbered three hundred and thirty-one, relating to the appointment to office of relatives by state officers and judges.

During second reading of bill, the following amendment was submitted by the committee:

In line 4, of the printed bill, strike out the word “section”.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 775—An Act authorizing owners of land or their grantees or assigns to sue the State of California for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as “Newtown Jetties,” and repealing an Act entitled “An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California,” approved March 23, 1907.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 674—An Act to amend section one thousand ninety-six of the Penal Code of the State of California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1123—An Act to add a new section to the Political Code to be known as section two thousand ninety-six, relating to public ferries.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2 of the title of the printed bill, strike out the words “two thousand and ninety-six”, and insert in lieu thereof the following: “two thousand, eight hundred ninety-six”.

Amendment adopted.

AMENDMENT No 2.

In line 2, Section 1, of the printed bill, strike out the words “two thousand and ninety-six”, and insert in lieu thereof the words “two thousand, eight hundred and ninety-six”.

Amendment adopted.

AMENDMENT No. 3.

In line 4, Section 1, of the printed bill, strike out the figures “2096”, and insert in lieu thereof the figures “2896”.

Amendment adopted.

AMENDMENT No. 4.

Strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Committee Substitute for Assembly Bill No. 198—An Act to amend Section 2181 of the Civil Code of the State of California, defining what shall be considered baggage or luggage to be carried by common carriers and prescribing the method of preparing such baggage for shipment.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 729—An Act to amend Section 500 of the Political Code, relating to clerks in the register's office and their salaries.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, and ordered to engrossment and third reading.

CONSIDERATION OF CODE BILLS

On motion of Mr. March, Code bills were taken up for consideration.

SECOND READING OF CODE BILLS.

Assembly Bill No. 438—An Act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of the Code of Civil Procedure of California, relating to the time within which certain actions must be commenced.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 440—An Act to amend section eleven hundred and ninety-four of the Code of Civil Procedure of California, relating to the priority of liens of mechanics and others on real property.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 441—An Act to amend section seventeen hundred and seventy-four of the Code of Civil Procedure of California, relating to the settlements of accounts of guardians.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 442—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to the taxation of costs in the appellate courts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 4, Section 1, page 1, of the printed bill, strike out the parentheses and the figures 30.

Amendment adopted.

AMENDMENT No. 2.

In line 13, Section 1, page 1, of the printed bill, strike out the parentheses and figure 5.

Amendment adopted.

AMENDMENT No. 3.

In line 17, Section 1, page 2, of the printed bill, strike out the word "or", where the same appears the second time in said line 17, and insert in lieu thereof the word "of".

Amendment adopted.

AMENDMENT No. 4.

In line 18, Section 1, page 2, of the printed bill, strike out the parentheses and figure 5.

Amendment adopted.

AMENDMENT No. 5

In line 19, Section 1, page 2, of the printed bill, strike out the parentheses and figure 5.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 445—An Act to amend section fourteen hundred and sixty-eight of the Code of Civil Procedure of California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 446—An Act to add a new section to the Code of Civil Procedure of California, to be known as section six hundred and sixty-seven *a*, relating to vesting of title without the necessity of a conveyance upon a judgment in certain actions.

During second reading of bill, the following amendment was submitted by the committee:

In line 5, Section 1, page 1, of the printed bill, after the word "title", where the same first appears in said line 1, insert a comma.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 447—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure of California, relating to foreclosure suits.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 10, Section 1, page 1, of the printed bill, strike out the word "courts", and insert in lieu thereof the word "court".

Amendment adopted.

AMENDMENT No. 2.

In line 70*a*, Section 1, page 3, of the printed bill, strike out the word "continuous", and insert in lieu thereof the word "contiguous".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 448—An Act to amend section five hundred and ninety-nine of the Civil Code of California, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporation, by corporations for purposes other than profit.

During second reading of bill, the following amendment was submitted by the committee:

In line 16, Section 1, page 2, of the printed bill, strike out the word "denominations", and insert in lieu thereof the word "denomination".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 451—An Act to amend section thirteen hundred and eighty-six of the Civil Code of the State of California, relating to the succession to the property of deceased persons.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 453—An Act to amend section eleven hundred and seventy-one of the Penal Code of California, relating to bills of exception in criminal cases.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 462—An Act to amend section four hundred and seventy of the Penal Code of California, relating to forgery.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 454—An Act to amend section three hundred ninety-seven of the Penal Code of California, relating to the sale of intoxicating liquors to minors.

During second reading of bill, the following amendment was submitted by the committee:

In line 8, Section 1, page 1, of the printed bill, strike out the parenthesis after the word "child", and after the word "years".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1208—An Act to repeal an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1209—An Act to repeal an Act entitled "An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act," approved March 20, 1905.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1210—An Act to repeal an Act entitled "An Act to provide for a lunch hour for laborers in sawmills, shake mills, shingle mills, and logging camps," approved February 28, 1901.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1211—An Act to repeal an Act entitled "An Act requiring the marking of packages of butter containing less than six pounds and more than one half pound, so as to advise the purchaser or others as to the weight of butter contained in such package," approved March 20, 1905.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1212—An Act to repeal an Act entitled "An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1213—An Act to repeal an Act entitled "An Act to authorize the managers of orphan asylums to give their consent to the adoption of certain children under their care," approved April 1, 1878.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill 1214—An Act to repeal an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1215—An Act to repeal an Act entitled "An Act to protect the school districts of this State from injury during the year eighteen hundred and eighty, by the operation of section twelve, of article thirteen, of the Constitution," approved April 15, 1880.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1216—An Act to repeal an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor," approved March 27, 1895.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1217—An Act to repeal an Act entitled "An Act providing that all encampments of the National Guard shall be held at the state camp of instruction, unless otherwise ordered," approved March 20, 1899.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1218—An Act to repeal an Act entitled "An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove," approved April 15, 1880.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1219—An Act to repeal an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1220—An Act to repeal an Act entitled "An Act to regulate and govern the state prisons of California."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1221—An Act to repeal an Act entitled "An Act to authorize the Justices of the Supreme Court to appoint a librarian for said court, and fixing a salary."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1222—An Act to repeal an Act entitled "An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1223—An Act to repeal an Act entitled "An Act in relation to the currency of the United States."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1224—An Act to repeal an Act entitled "An Act to create the office of Sheep Inspector for the State of California; to provide for the appointment and to define the powers and duties of said officer and his deputies, and their compensation; and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1226—An Act to repeal an Act entitled "An Act authorizing and directing district attorneys to bring suits to abate public nuisances," approved March 15, 1899.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1227—An Act to repeal an Act entitled “An Act to abolish attorney’s fees, and other charges in foreclosure suits.”

Bill read second time, and ordered to engrossment and third reading.

CONSIDERATION OF SECOND-READING FILE—(RESUMED).

On motion of Mr Bohnett, the consideration of the second-reading file was resumed.

SECOND READING OF BILLS.

Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

In line 1, Section 1, of the printed bill strike out the following “\$6,000 00” and insert in lieu thereof the following “four thousand dollars”.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 156—An Act to appropriate money for the construction and furnishing of dormitories for the California Polytechnic School.

During second reading of bill, the following amendment was submitted by the committee:

In line 3, Section 1, of the printed bill, strike out the words “fifty-five”, and insert in lieu thereof the word “four”.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1091—An Act to provide for the extermination of glanders in horses, mules and asses; to provide for the levy and collection in every county in this State of an annual tax on each horse, mule and ass for the purpose of indemnifying owners of horses, mules and asses destroyed by the State Veterinarian, his assistant or deputy of such horses, mules and asses as may be by such officers determined to be affected with glanders; creating a fund to be known as the “Glanders Indemnity Fund”; authorizing the State Veterinarian to employ deputies and incur expenses to be paid out of such fund; providing a method of indemnification of owners of such destroyed animals; and providing for the duties of the State Veterinarian, his assistant or deputy in relation to glanders.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 965—An Act to amend Sections 2322, 2322b, 2322c, 2322d and 2322e of the Political Code of the State of California, said sections relating to orchards, trees, vines or plants of any variety

infested with diseases or scale insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or noxious weeds and to the eradication of insect pests and diseases, and to the appointment and removal of a county horticultural commissioner in the several counties of the State, prescribing his duties and powers and fixing his compensation and term of office, also providing for a State Board of Horticultural Examiners, prescribing the duties of said board and providing for examinations to be taken by persons desiring to qualify for position as county horticultural commissioners; providing for the dividing of the several counties of the State into districts by the respective county horticultural commissioners and providing for the appointment of deputy commissioners, local inspectors and quarantine guardians, prescribing their duties and powers and fixing their compensation.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

On page 2, Section 1, line 25, after the word "office", insert the following words, "of any and all county commissioners heretofore or hereinafter appointed,".

Amendment adopted.

AMENDMENT NO. 2.

On page 5, Section 2, line 4, after the word "districts" and to but not including the word "and" insert the following, "and to appoint a local inspector to hold office at the pleasure of the commissioner, for each of said districts."

Amendment adopted.

AMENDMENT NO. 3.

On page 5, Section 2, line 11, strike out the words "deputies", and insert in lieu thereof the following: "deputy".

Amendment adopted.

AMENDMENT NO. 4.

On page 7, Section 5, line 7, strike out the word "deputies", and insert in lieu thereof the following: "deputy".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 91—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 150—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 253—An Act making an appropriation for the use of the creamery department of the California Polytechnic School and making provision for the return of said appropriation to the state treasury.

Bill read second time, and ordered to engrossment and third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 550, 83, 89, 91, 150, and 253 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 550, 83, 89, 91, 150 and 253, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Assembly Bill No. 756—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and make an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

In line 2, Section 2, of the printed bill, amend by striking out the word "ten", and insert in lieu thereof the word "six".

Amendment adopted.

AMENDMENT No. 2.

In line 5, Section 2, of the printed bill, strike out the word "six", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No 3.

In line 7, Section 2, of the printed bill, strike out the word "four", and insert in lieu thereof the word "three".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 3, Section 1, of the printed bill, strike out the word "ten", and insert in lieu thereof the word "five".

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 2, of the printed bill, strike out the word "nine", and insert in lieu thereof the word "four".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer system of the California Polytechnic School.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 3, Section 1, of the printed bill, strike out the words "seven thousand", and insert in lieu thereof the words "thirty-five hundred".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Sections 2 and 3, and insert in lieu thereof the following:
"Sec. 2. One thousand dollars of the money appropriated shall be available on and after July 1, 1911, and the remaining twenty-five hundred dollars of the money hereby appropriated shall be available from and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 3, Section 1, of the printed bill, strike out the word "Ten", and insert in lieu thereof the word "six".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Sections 2 and 3, and insert in lieu thereof the following:
"Sec. 2. Five hundred dollars of the money appropriated shall be available on and after July 1, 1911, and the remaining six thousand dollars of the money hereby appropriated shall be available from and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 153—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 3, Section 1, of the printed bill, strike out the word "six" and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Sections 2 and 3; and insert in lieu thereof the following "SEC. 2 This Act shall take effect and be in force from and after its passage and approval."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the words "two thousand five hundred", and insert in lieu thereof the words "one thousand".

Amendment adopted.

AMENDMENT No. 2.

In line 2, Section 3, of the printed bill, strike out the figures "1911", and insert in lieu thereof the figures "1912".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the words "seven thousand and seven", and insert in lieu thereof the words "twenty-five".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Sections 2 and 3, and insert in lieu thereof the following "SEC. 2. Fifteen hundred dollars of the money appropriated shall be available on and after July 1, 1911, and the remaining one thousand dollars of the money hereby appropriated shall be available from and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1. Section 1, of the printed bill, strike out the word "four", and insert in lieu thereof the word "one".

Amendment adopted.

AMENDMENT No. 2.

In line 2. Section 3, of the printed bill, strike out the figures "1911", and insert in lieu thereof the figures "1912".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 92—An Act to provide for the painting inside and outside of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1. Section 1, of the printed bill, strike out the word "five", and insert in lieu thereof the word "two".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Sections 2 and 3, and insert in lieu thereof the following:
"SEC 2. One thousand dollars of the money appropriated shall be available on and after July 1, 1911, and the remaining one thousand dollars of the money hereby appropriated shall be available from and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

In line 1. Section 1, of the printed bill, amend by striking out the words "five thousand", and insert in lieu thereof the words "thirty-five hundred".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 90—An Act to provide for the construction of dams for water supply, at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of Section 2 of printed bill and insert in lieu thereof the following:
"SEC 2. Ten thousand dollars of the money appropriated shall be available from and after July 1, 1911, and the remaining fifteen thousand dollars of the money hereby appropriated shall be available from and after July 1, 1912."

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 3.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company "C" at the Veterans' Home of California, located at Yountville, Napa County, California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"SEC. 2. Three thousand dollars of the money appropriated shall be available from and after July 1, 1911, and the remaining twenty-five hundred dollars of the money hereby appropriated shall be available from and after July 1, 1912."

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 3.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion, at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

In line 2, Section 3, of the printed bill, strike out the figures "1911", and insert in lieu thereof the figures "1912".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 of the printed bill and insert in lieu thereof the following:

"SEC. 2. One thousand dollars of the money appropriated shall be available from and after July 1, 1911, and the remaining twenty-five hundred dollars of the money hereby appropriated shall be available from and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 159—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"SEC. 2 Five thousand dollars of the money appropriated shall be available on

and after the passage of this Act and the remaining four thousand dollars of the money hereby appropriated shall be available from and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bills.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 756, 821, 63, 149, 152, 153, 156, 85, 86, 88, 92, 93, 90, 94, 955, 151, 159, and 975 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bills Nos. 756, 821, 63, 149, 152, 153, 156, 85, 86, 88, 92, 93, 90, 94, 955, 151, 159 and 975, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

CONSIDERATION OF SENATE BILLS.

On motion of Mr. Bohnett, Senate bills were taken up for consideration.

SECOND READING OF SENATE BILLS.

Senate Bill No. 725—An Act regulating the sale of cold storage eggs and butter, represented to be fresh eggs and butter, and fixing a penalty for the violation thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 573—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts

Bill read second time, and ordered on file for third reading.

Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 98—An Act to amend Section 907 of the Political Code of the State of California, relating to the time within which the oath of office must be taken

Bill read second time, and ordered on file for third reading.

Senate Bill No. 132—An Act to increase the number of judges of the Superior Court of the county of Tulare, and to provide for the appointment of an additional judge.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain and operate a municipal street railroad over, upon and along the lands under the control of the State Board of Harbor Commissioners within the said city and county of San Francisco.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the period after the words "San Mateo", in line 11, of Section 1, of the printed bill, and insert in lieu thereof the following " *provided* that the right hereby granted shall never be assigned or transferred by said city and county of San Francisco."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading

THIRD READING OF SENATE BILLS.

Senate Bill No. 622—An Act to recognize and declare valid all proceedings in South San Joaquin Irrigation District.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 622 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Malone, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Walker, Wilson, Wyllie, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 431—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

Mr. Held moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 431 considered.

Mr. Held moved that the committee do now rise and report in favor of the passage of the bill.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 431, and do now report the same back, and recommend that it do pass as amended.

HEWITT, Chairman.

Mr. Held moved the adoption of the report.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled.

Assembly Bill No. 807—An Act entitled an Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations."

Assembly Bill No. 741—An Act establishing, and fixing and defining the exterior boundaries of reclamation district number seven hundred and ninety-nine, in the county of Contra Costa, State of California.

Assembly Bill No. 62—An Act to amend Section 1251 of the Code of Civil Procedure of the State of California, relating to proceedings to exercise the right of eminent domain.

Assembly Bill No. 547—An Act to amend an Act entitled "An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of secondhand or cast-off clothing, rags or cast-off, or secondhand materials of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor," approved March 18, 1909, by adding a new section thereto, to be numbered Section 3, providing for the enforcement of this Act by the Commissioner of the Bureau of Labor Statistics.

Assembly Bill No. 171—An Act to amend Section 1322 of the Code of Civil Procedure of the State of California, relating to wills

And were presented to the Governor February 18th, at eleven o'clock A. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No. 1203—An Act to amend section eleven hundred eighty-eight of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Assembly Bill No. 569—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

Assembly Bill No. 841—An Act to amend sections twelve hundred and forty-five, twelve hundred and forty-six and twelve hundred and forty-eight of the Civil Code of the State of California relating to proceedings on execution against homesteads.

Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11 and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts.

Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing.

Assembly Bill No. 719—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties

of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain Acts a felony and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain Acts a felony, and making an appropriation of money for the purposes of this Act," approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing for the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof approved March 11, 1907.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M., February 20, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL. }
Monday, February 20, 1911. }

At ten o'clock A. M. pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polesley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Teller, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Slater, its further reading was dispensed with.

PETITIONS.

The following petitions were received and filed:

By Mr. Hamilton:

Petition from residents of Petaluma, favoring the passage of the anti-vaccination bill

By Mr. Wilson:

Petition from fifteen owners of automobiles, favoring the passage of Assembly Bill No. 703 and opposing Assembly Bill No. 942, relating to regulation of automobiles

By Mr. Hinshaw:

Petition from Mr. M. G. Hackney, opposing any bill creating a medical trust.

By the Speaker:

Petition from the Merchants' Exchange of San Francisco, relating to the proposed reciprocity treaty with Canada

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Feeley, Max Hornlein and Michael Conlin were granted the privilege of the floor of the Assembly for this day

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY TOWNSHIP AND GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 937—An Act to amend sections four thousand five c, four thousand six, four thousand one hundred forty-nine d, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hundred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two, four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-five a, four thousand two hundred sixty-six, four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hundred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight, four thousand two hundred seventy-nine, four thousand two hundred eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four

thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six and four thousand two hundred ninety of the Political Code, and to add a new section to said Code, to be numbered section four thousand two hundred eighty-seven, all relating to the population and classification of the several counties of the State and to the county and township officers therein, to determine the population and fix the classification of said counties, and to provide for the appointment of assistants, deputies, clerks, stenographers, copyists and employees of the county officers of such counties, and for the compensation of such officers, their assistants, deputies, clerks, stenographers, copyists and employees, and to repeal section four thousand two hundred forty-three *a*, four thousand two hundred fifty *a*, four thousand two hundred seventy-one *a*, and four thousand two hundred eighty-one *a*, of said Political Code.

Also: Assembly Bill No. 1381—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city or town, and granting to said board of supervisors, town council, board of aldermen or other legislative body the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city or town.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 7—Relative to the pending treaty with Japan—have had the same under consideration, and recommend that the following resolution be substituted for said Assembly Joint Resolution No. 7, introduced by Mr. Polesley, to wit:

WHEREAS, The President of the United States and his Majesty, the Emperor of Japan, did on March 21, 1895, enter into a treaty of commerce and navigation which was proclaimed the 21st day of March, 1895, and is now the existing convention between the United States and the Japanese Empire; and

WHEREAS, The Japanese Government has, upon representations made by the President of the United States subsequent to the ratification of said treaty, acknowledged the necessity and adopted the policy of restricting an immigration to this country of its subjects of the laboring class, and is now enforcing regulations of its own for that purpose; and

WHEREAS, The people of California are greatly desirous of securing recognition by treaty of the restriction of immigration to our shores of such Japanese subjects in order that the principle thus established may receive the formal sanction of both high contracting parties and the relations of peace and amity now existing between said governments may be strengthened; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the Legislature of the State of California hereby expresses its entire confidence in our Federal Government, and earnestly urges the treaty making power of the United States to obtain by treaty, in permanent and definite form, an assurance to the people of this country that such immigration will continue to be effectively restricted and controlled.

And respectfully report the same back, and recommend that the substitute be adopted.

FREEMAN, Chairman.

Committee substitute ordered on file for consideration.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people—have had the same under consideration, and respectfully report the same back with one amendment and recommend that it be adopted as amended.

FREEMAN, Chairman

Senate joint resolution ordered on file for adoption.

SENATE MESSAGES.

The following messages from the Senate were taken up and read :

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Also: Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653e, relating to black-listing.

Also: Assembly Bill No. 832—An Act authorizing levee districts of the State to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district; or for excavating and constructing ditches or canals of such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals; or for any and all of said purposes.

Also: Assembly Bill No. 747—An Act to amend Section 2714 of the Political Code, relating to the construction, repair and maintenance of bridges.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 682—An Act to amend Section 4412 of the Political Code, relating to contracts for gas and water.

Also: Senate Bill No. 456—An Act to amend Section 632½ of the Penal Code, relating to steelhead trout.

Also: Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property.

Also: Committee Substitute for Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on February 14, 1911, adopted the following

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 682 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 456 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 736 read first time, and referred to Committee on Revenue and Taxation.

Committee Substitute for Senate Bill No. 260 read first time, and referred to Committee on Commerce and Navigation.

Committee Substitute for Senate Constitutional Amendment No. 5 read, and referred to Committee on Constitutional Amendments.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

By Mr. Rutherford:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, in Nevada County, State of California, and providing for the payment thereof.

RUTHERFORD,
Member Ninth District.

Referred to Committee on Introduction of Bills.

By Mr. Crosby:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to repeal an Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies, approved March 8, 1901.

CROSBY,
Member Forty-seventh District.

Referred to Committee on Introduction of Bills.

MOTION.

Mr. Rogers of Alameda moved that Senate Bill No. 937 be read the second time.

Motion carried.

SECOND READING OF SENATE BILL.

Senate Bill No. 937—An Act to amend sections four thousand five *c*, four thousand six, four thousand one hundred forty-nine *d*, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hundred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two, four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-five *a*, four thousand two hundred sixty-six, four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hun-

dred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight, four thousand two hundred seventy-nine, four thousand two hundred eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six, and four thousand two hundred ninety of the Political Code, and to add a new section to said Code, to be numbered section four thousand two hundred eighty-seven, all relating to the population and classification of the several counties of the State and to the county and township officers therein, to determine the population and fix the classification of said counties, and to provide for the appointment of assistants, deputies, clerks, stenographers, copyists and employees of the county officers of such counties, and for the compensation of such officers, their assistants, deputies, clerks, stenographers, copyists and employees, and to repeal section four thousand two hundred forty-three *a*, four thousand two hundred fifty *a*, four thousand two hundred seventy-one *a*, and four thousand two hundred eighty-one *a*, of said Political Code.

Bill read second time, and ordered on file for third reading.

POINT OF ORDER.

Mr. Held rose to the following point of order "That Senate Bill No. 937 had been referred to a committee."

POINT OF ORDER NOT WELL TAKEN.

The Speaker moved the point of order not well taken, as the bill had been reported out of committee.

RESOLUTION.

The following resolution was offered:

By Mr. Joel:

WHEREAS, Charges have been publicly made that various forms of gambling forbidden by the laws of this State, are being openly conducted and carried on in the city and county of San Francisco; and

WHEREAS, It has been charged and admitted by the chief of police of said city and county that many of the officers and members of said department were either incompetent, negligent or corrupt in the performance of their duties, and that in either event they were unfit to be in the public service; and

WHEREAS, It is also charged that said officers and members of the police department have agreed with the persons conducting said gambling games to allow said games to run openly and without interference and in violation of the laws of this State; and

WHEREAS, It is also charged that corruption in many forms exists in the ranks of the officers and members of said department in dealing with people who are violating the laws of this State; and

WHEREAS, Such charges have been given wide publicity in the press of this State and of other states, and should, therefore, be investigated in order that legislation may be enacted that will enable the police department of said city and county of San Francisco to suppress such gambling games and to root out such corruption in the ranks of the officers and members of said police department, and to secure the conviction and punishment of the guilty parties, and to recommend such legislative action as will allow the said police department and the officials immediately in control thereof, and other officials of said city and county to suppress such gambling games and such corruption and to prevent a repetition of the same and to punish the offenders; therefore, be it

Resolved, That a select committee of five members of the Assembly be appointed by the Speaker to thoroughly investigate said charges, at once, and to report its findings to this House, and that said committee have full power to subpoena witnesses, administer oaths, take testimony, send for persons, books, telegrams and papers and any other evidence that it may in its judgment require, and to employ such assistance as may be necessary, and that it have leave to sit at the city and county of San Francisco during the session of the Assembly, together with such other powers as shall be necessary for a full performance of its duties, and to report fully and as speedily as possible with such recommendations as to necessary legislation in the premises as it may deem proper.

Resolution read, and referred to Committee on Rules and Regulations.

NOTICE OF MOTION TO AMEND RULES WITHDRAWN.

Mr. Telfer asked for, and was granted, unanimous consent to withdraw his notice of motion to amend Rule 23.

THIRD READING OF BILLS.

Assembly Bill No. 1203—An Act to amend Section 1188 of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Bill read third time.

On motion of Mr. Young, the further consideration of bill was continued until Tuesday, February 21, 1911.

Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 108 passed by the following vote.

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Wilson, Young, and Mr. Speaker—55.

NOES—Messrs. Held, Maher, and Rosendale—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 of said Act, relative to the levy of assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 780 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Brown, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher,

McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Wilson, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Assembly Bill No. 368—An Act to repeal Article VIII, of Title III, Part III, of the Political Code.

SPECIAL ORDER SET.

On motion of Mr. Benedict, the consideration of Assembly Bills Nos. 367 and 368 were made special orders for Wednesday, February 22, 1911, at eleven o'clock A. M.

Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 175 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Guill, Hall, Hamilton, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 841—An Act to amend sections twelve hundred and forty-five, twelve hundred and forty-six and twelve hundred and forty-eight of the Civil Code of the State of California, relating to proceedings on execution against homesteads.

During the third reading of the bill, Mr. Sutherland moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 3, line 6, of the printed bill, strike out the word "service", and insert in lieu thereof the word "notice".

Motion carried.

The Speaker appointed Mr. Sutherland as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 841, with instructions, do now report that the instructions of the Assembly have been carried out.

SUTHERLAND, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1068—An Act to amend section ten of an Act entitled "An Act to define the boundary and provide for the government of levee district number two of Sutter County," approved March 23, 1876.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1068 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Roseudale, Rutherford, Ryan, Schmitt, Slater, Smith Stuck-enbruck, Sutherland, Telfer, Walker, Walsh, Wilson, Young, and Mr. Speaker—57.

NOES—Mr. Bishop—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 719—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation, approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and

compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof.' approved March eleventh, nineteen hundred and seven.

During the consideration of the bill, Mr. Polsley offered the following amendments, which, on motion of Mr. Bohnett, were ordered printed in the Journal and the whole matter continued until the next legislative day.

On page 4, of the amended printed bill, in line 4, of Section 4, strike out the figures "20,000", and insert in lieu thereof the figures "50,000".

Also: On page 5, of the amended printed bill, in Section 5, strike out lines 9 and 10 thereof.

Also: On page 5, of the amended printed bill, strike out all of Sections 5a and 5b, and substitute in lieu thereof the following:

"Sec. 5a. Upon this Act becoming effective the Superintendent of the Department of Engineering shall appoint a competent engineer to be superintendent of rivers, who shall receive the sum of three thousand six hundred dollars (\$3,600) per annum. The superintendent of rivers shall have control of all river and dredger operations and other river, harbor, drainage, reclamation and irrigation work under control of the Department of Engineering."

Also: On page 5, of the amended printed bill, in line 5, of Section 6, strike out the words "such office", and insert in lieu thereof the words "state capitol".

Also: On page 10, of the amended printed bill, strike out lines 47, 48, 49 and 50 of Section 11.

Also: On pages 10 and 11, of the amended printed bill, strike out all of Sections 12 and 13, and insert in lieu thereof the following:

"Sec. 12. The Department of Engineering shall determine what roads shall be connecting county roads or highways which shall connect the different road systems of two or more counties with the State highway system. Such roads may be constructed entirely by the State, or any county or counties may construct such roads under the supervision of the Department of Engineering and be compensated in the amount of two thirds of the cost of such construction less the cost of survey and the acquiring of rights of way. The Department of Engineering may contract with any county or counties for the construction of such connecting highways or roads, to be paid for as follows, to wit: Two thirds of the cost thereof by the state and one third by the county, the cost of survey and rights of way to be paid by the county. Nothing herein shall exempt any county from the payment of its share of the interest as provided in Section 8 of the Act known as the 'State Highways Act,' approved March 22, 1909

Section 13. Counties which have public highways lying within the right of way of the State highways as determined by the State Department of Engineers and adopted by the Department of Engineering, and which have been permanently improved under permanent road division bond issues within three years prior to the adoption of the Act known as "The State Highways Act", approved March 22, 1909, may receive two thirds of the estimated present cost of constructing said public highways so lying within the said right of way, and the Department of Engineers shall estimate such cost and certify the same to the boards of supervisors of such county, who may thereupon present a claim in the name of such county against the State Highway Fund.

Also: On page 11 of the amended printed bill, in line 7 of Section 14, strike out the word "required", and insert in lieu thereof the word "acquired".

Also: On page 11 of the amended printed bill, in line 7 of Section 15, after the word "approved", insert the words "March 22, 1909, and adopted."

Also: On page 11 of the amended printed bill, strike out all of Section 16, and insert in lieu thereof the following:

"Sec. 16. Counties may, along the routes laid out or accepted by the Department of Engineering, within their borders, construct or complete highways under contract with the Department of Engineering, and be reimbursed in such amount as the Department of Engineering may deem equitable, but not to exceed two thirds of the cost of such highway."

Also: On page 12 of the amended printed bill, strike out all of Section 17, and insert in lieu thereof the following:

"Sec. 17. District superintendents and the superintendent of rivers shall, before entering upon the discharge of their duties, execute an official bond for the sum of ten thousand dollars, and shall hold office at the pleasure of the appointing power."

Also: On page 12 of the amended printed bill, in line 3 of Section 18, strike out the word "their", and insert in lieu thereof the word "its".

Also: On page 12 of the amended printed bill, in line 6 of Section 19, after the word "shall", insert the words "be placed".

Also: On page 12 of the amended printed bill, strike out all of Section 20.

Also: On page 17 of the amended printed bill, in lines 6 and 8 of Section 29, strike out the word "department", where it occurs in each of said lines, and substitute in lieu thereof the word "district".

Also: Strike out all of Section 30.

Also: Change the numbering of Sections 21 to 31, inclusive, so that they shall appear in the bill as Sections 20 to 30, inclusive.

Assembly Bill No. 797—An Act to provide permanent headquarters in the Capitol building for the Grand Army of the Republic, to designate the purposes for which the same shall be used.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 797 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowan, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read third time, and on motion of Mr. Held re-referred to Committee on Judiciary.

Assembly Joint Resolution No. 6—Relating to the establishment and operation of postal savings banks in California by the United States Government.

The question being on the adoption of the Assembly joint resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Farwell, Feeley, Flint, Freeman, Gaylord, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Maher, March, McDonald, McGowan, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Slater, Stuckenbruck, Telfer, Tibbits, Wilson, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Assembly joint resolution ordered transmitted to the Senate.

ASSEMBLY JOINT RESOLUTION No. 6.

Relating to the establishment and operation of postal savings banks in California by the United States Government.

WHEREAS, The Congress of the United States has enacted into the statutes of the nation a law authorizing and establishing the system of postal savings banks conducted by the national government through its postmasters;

WHEREAS, Many of the isolated communities of California are now without convenient and safe places of deposit for the savings of the people residing therein;

WHEREAS, The general establishment of postal savings banks throughout the rural and isolated communities of California and the towns of the State would encourage thrift, provide a safe place of deposit for savings, and encourage the investment of the depositors' money in the bonds of the national government; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we

respectfully urge the Congress of the United States to make all necessary appropriations and place all necessary means at the command of the President of the United States to carry into effect the provisions of the postal savings bank law in our State and provide for the establishment of such banks where needed; be it further

Resolved, That our senators in Congress be instructed and our representatives requested to use all honorable means to carry out the foregoing recommendation and request; and be it further

Resolved, That the Governor of California be, and he is hereby directed to transmit a certified copy of these resolutions to the President and Speakers respectively of the Senate and House of Representatives and to each of our Senators and Representatives in Congress.

Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

Bill read third time. .

SPECIAL ORDER SET.

On motion of Mr. Bohnett, the consideration of Assembly Bill No 1106 was made a special order for Tuesday, February 21, 1911, at ten o'clock and thirty minutes A. M.

SECOND READING OF BILLS.

Committee Substitute for Assembly Bill No. 998—An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1022—An Act to provide for relief of soldiers, sailors and marines, who have served in the late Civil War, and to provide for pensions to such soldiers, sailors and marines, under certain circumstances.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 5, Section 1, of the printed bill, strike out after the word "of", the following: "or admissible to,".

Amendment adopted.

AMENDMENT No 2.

In line 6, Section 1, of the printed bill, commencing with the word "State", strike out the remainder of the bill, and insert in lieu thereof the following: "Board of Managers of the Veterans' Home of California twelve (12) dollars per month for support and maintenance when absent with leave.

SEC. 2. Said moneys shall be paid to the person hereinbefore mentioned, upon presentation of proper certificates of identification, quarterly, after the first of July, 1911, and the beginning of each quarter thereafter

SEC. 3. Said relief shall be paid out of any funds appropriated by the State of California for the support and maintenance of the inmates of the Veterans' Home of California."

Amendment adopted.

Bill read second time, ordered to reprint, and re-referred to Committee on Ways and Means.

Assembly Bill No. 1190—An Act to amend section number twelve of an Act entitled "An Act to provide for the formation of boulevard districts and the construction, maintenance, and use of boulevards and

defining the term boulevard," approved March 22, 1905, and amended April 15, 1909, the amendment relating to the definition of the term "boulevard."

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code relating to the powers of boards of supervisors relating to roads.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the enacting clause insert the following:

"SECTION 1. Section 2643 of the Political Code is hereby amended to read as follows:"

Amendment adopted.

AMENDMENT No. 2.

In line 1, on page 1, of the printed bill, after the number "2643", strike out the words "powers of supervisors respecting roads."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1107—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county foresters; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, of the printed bill, between the enacting clause and line 1, insert the following:

SECTION 1. An Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county foresters; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909, is hereby amended so as to read as follows.

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 5, line 2, of the printed bill, strike out the word "forester", and insert in lieu thereof the following: "tree warden".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 6, line 1, of the printed bill, strike out the word "forester", and insert in lieu thereof the following: "tree warden".

Amendment adopted.

AMENDMENT No. 4.

On page 3, Section 6, line 5, of the printed bill, strike out the word "forester", and insert in lieu thereof the following: "tree warden".

Amendment adopted.

AMENDMENT No. 5.

On page 4, Section 11, line 1, of the printed bill, strike out the word "board", and insert in lieu thereof the following: "boards".

Amendment adopted.

AMENDMENT No. 6.

On page 4, Section 11, line 4, of the printed bill, strike out the word "forester", and insert in lieu thereof the following: "tree warden".

Amendment adopted.

AMENDMENT No. 7.

On page 2, Section 2, line 10, of the printed bill, strike out the figures "\$130.00", and insert in lieu thereof the following: "one hundred dollars".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 903—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185*b*, relating to the admission of voluntary patients to state hospitals.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1141—An Act to amend the Political Code of the State of California, by amending Section 2154 relating to officers and employees of state hospitals.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1294—An Act defining commission merchants, providing for a license for the conduct of the business of commission merchants and the procedure for obtaining the same, also providing regulations for the conduct of the said business and for penalties for violations of this Act.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1032—An Act to provide for the washing and cleaning of raw material used in the manufacture of shoddy and for the inspection of machinery used in the manufacture of shoddy and of places where the same is manufactured, stored or sold and of places wherein the raw material used in such manufacture is collected, stored or sold and for the inspection of shoddy manufactured without this State and offered for sale herein and to provide penalties for the violation thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 885—An Act to amend Sections 2, 3, 13 and 21, of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of

Health to enforce its provisions, and providing penalties for the violation thereof", approved March 23, 1907.

During second reading of bill, the following amendments were submitted by the committee:

On page 3, Section 2, line 28, strike out the words "temporary house, camp, or tent, so near to such springs, streams," and insert in lieu thereof the following: "documentary, may be received, a record of which shall be".

Amendment adopted.

Also:

On page 5, Section 3, line 73, insert the following: "or subject to suspension".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

RECESS.

At eleven o'clock and forty-five minutes A. M., on motion of Mr. Bohnett, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 163—An Act prohibiting the issuance as payment for wages of any evidence of indebtedness unless the same is negotiable and payable without discount, and providing that the same must be payable upon demand.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 163 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Joel, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Sutherland, Telfer, Tibbits, Walker, Walsh, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 76—An Act to amend the Code of Civil Procedure of the State of California by amending Section 1639 thereof, concerning accounts to be rendered by representatives of deceased executors, administrators, and guardians.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 76 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rimlinger, Rodgers of

San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 105—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 105 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Slater, Smith, Telfer, Tibbits, Walker, Walsh, Wilson, and Mr. Speaker—51.

NOES—Mr. Harlan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367e, concerning the operation or driving of an automobile, motor cycle or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle or other motor vehicle and who while so operating said automobile, motor cycle or other motor vehicle, causes the death of, or bodily injury to, any person, and prescribing a penalty for the violation of said section.

On motion of Mr. Rosendale, Senate Bill No. 376 was re-referred to Committee on Judiciary.

Senate Bill No. 600—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 600 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 601—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 601 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint,

Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 602—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 602 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 431—An Act making an appropriation for repairs and improvements to the plumbing system of the Mendocino State Hospital.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 431 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Held asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 569.

Bill withdrawn and ordered stricken from the file.

Senate Bill No. 725—An Act regulating the sale of cold storage eggs and butter, represented to be fresh eggs and butter, and fixing a penalty for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 725 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hall, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott,

Nolan, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 573—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 573 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Coghlan, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Heid, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 159—An Act to amend Section 2 of an Act entitled "An Act regulating the employment of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 159 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of San Francisco, McDonald, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 98—An Act to amend Section 907 of the Political Code of the State of California, relating to the time within which the oath of office must be taken.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 98 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Heid, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 132—An Act to increase the number of judges of the Superior Court of the county of Tulare, and to provide for the appointment of an additional judge.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 132 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohuett, Brown, Butler, Callaghan, Chandler, Clark, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polesley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Stuckenbruck, Telfer, Walsh, Williams, Wilson, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain and operate a municipal street railroad over, upon and along the lands under the control of the State Board of Harbor Commissioners within the said city and county of San Francisco.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 421 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Chandler, Coghlan, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polesley, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Stuckenbruck, Telfer, Walsh, Williams, Wilson, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 473—An Act to repeal Title XV of Part IV of division third of the Civil Code of the State of California, and to add a new Title XV of Part IV, division third of said code in place thereof, relating to negotiable instruments, and to make the law of negotiable instruments in the State of California uniform with the law of other states.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 473 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lyon of San Francisco, McGowen, Mendenhall, Nolan, Polesley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Stuckenbruck, Sutherland, Telfer, Williams, Young, and Mr. Speaker—46.

NOES—None.

TITLE AMENDED.

Mr. Benedict offered the following amendment to title:

Amend the title by striking out all of that part which follows the word "instruments", where it first appears.

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Benedict asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 61.

Bill withdrawn and ordered stricken from the file.

SECOND READING OF SENATE BILLS.

Senate Bill No. 673—An Act to regulate bakeries or bakeshops; prohibiting the use of cellars or basements for the manufacturing of flour or meal food products in certain cases; providing for clean and sanitary conditions of room or rooms used for said purpose, and of employers and employees working therein; providing for the enforcement of the Act by the Commissioner of the Bureau of Labor Statistics, and providing for penalties for the violation of this Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 189—An Act to amend section fifteen of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under the superintendence of the State Bureau of Vital Statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 113—An Act to amend an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the State Hygienic Laboratory.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j and 4225k, and all relating to county boards of health and sanitary inspectors.

During second reading of bill, the following amendment was submitted by the committee:

On page 6, Section 11, line 5, strike out the period, and insert in lieu thereof the following: "unless otherwise specified as provided under Section 4 of this Act".

Amendment adopted

Bill read second time, and ordered to reprint, and on file for third reading.

WITHDRAWAL OF BILL.

Mr Stuckenbruck asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 131.

Bill withdrawn and ordered stricken from the file.

LEAVE OF ABSENCE.

Mr. Bliss asked for, and was granted, leave of absence until Thursday, February 23, 1911.

NOTICE OF MOTION TO RECONSIDER CONTINUED.

Mr. Coghlan moved that his notice of motion to reconsider the vote whereby Assembly Bill No. 793 was passed, be continued until Tuesday, February 21, 1911.

Motion carried.

RESOLUTION.

The following resolution was offered :

By Mr March :

Resolved. That the members of the special committee appointed to investigate the Fish and Game Commission be granted leave of absence for the time hereinafter specified: Walker, beginning February 20th to and including February 28, 1911; Hall, Harlan, Stuckenbruck, and March from February 21st to and including February 28th.

Resolution read, and on motion of Mr. March adopted.

MOTION.

By Mr. Coghlan :

Mr. Coghlan moved that the action of the Assembly whereby, on the 18th of February, 1911, Assembly Bill No. 869 was amended on second reading thereof, as appears from page 23 of the Journal of said date, be rescinded.

SPECIAL ORDER SET.

On motion of Mr. Coghlan, the consideration of the above motion was made a special order for Tuesday, February 21, 1911, at eleven o'clock A. M.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1911.

MR SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 253—An Act making an appropriation for the use of the creamery department of the California Polytechnic School and making provision for the return of said appropriation to the state treasury.

Assembly Bill No. 150—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Assembly Bill No. 91—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the controller and treasurer in relation thereto.

Assembly Bill No. 438—An Act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of the Code of Civil Procedure of California, relating to the time within which certain actions must be commenced.

Assembly Bill No. 729—An Act to amend Section 500 of the Political Code, relating to clerks in the register's office and their salaries.

Assembly Bill No. 775—An Act authorizing owners of land or their grantees or assigns to sue the State of California for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties," and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Assembly Bill No. 674—An Act to amend section one thousand ninety-six of the Penal Code of the State of California.

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10k, relating to probation officers in counties of the twentieth, twenty-ninth and thirtieth classes.

Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

Assembly Bill No. 872—An Act placing dependent children under the protection of public authority, and providing for the regulation of all corporations or societies engaged in caring for dependent children.

Assembly Bill No. 1304—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 15 thereof, relating to the powers of probation officers.

Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California, to be numbered 590b, relating to riding and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California.

Assembly Bill No. 946—An Act to amend Section 1741 of the Political Code, relating to the powers and duties of high school boards.

Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, man-holes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district and for the establishment of such districts," approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

Assembly Bill No. 1067—An Act to amend section one of an Act entitled "An Act to enable municipal corporations of the sixth class to elect officers"; approved March 14, 1885.

Assembly Bill No. 1088—An Act to amend Section 349 of the Code of Civil Procedure of the State of California, relating to the time for commencing actions under local improvement Act of 1901.

Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law under constitutional provision, without the governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18 and 19, and by adding a new section thereto, to be numbered 26.

Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code relating to the duties of the State Treasurer.

Assembly Bill No. 293—An Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without the Governor's approval, March 5, 1901.

Assembly Bill No. 848—An Act to amend section one, three, and seven of an Act entitled "An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907.

Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code relating to the duties of the Controller.

Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains

Assembly Bill No. 730—An Act to amend Section 485 of the Political Code relating to appointments of Surveyor General.

Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Assembly Bill No. 1023—An Act to repeal Section 79 of the Civil Code of California, relating to marriage without license.

Assembly Bill No. 135—An Act to amend Section 190 of the Penal Code, relating to the punishment of murder.

Assembly Bill No. 1091—An Act to provide for the extermination of glanders in horses, mules and asses; to provide for the levy and collection in every county in this State of an annual tax on each horse, mule and ass for the purpose of indemnifying owners of horses, mules and asses destroyed by the State Veterinarian, his assistant or deputy of such horses, mules and asses as may be by such officers determined to be affected with glanders; creating a fund to be known as the "Glanders Indemnity Fund"; authorizing the State Veterinarian to employ deputies and incur expenses to be paid out of such fund; providing a method of indemnification of owners of such destroyed animals; and providing for the duties of the State Veterinarian, his assistant or deputy in relation to glanders.

Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and Blind, at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Assembly Bill No. 1227—An Act to repeal an Act entitled "An Act to abolish attorney's fees and other charges, in foreclosure suits," approved March 27, 1874.

Assembly Bill No. 1223—An Act to repeal an Act entitled "An Act in relation to the currency of the United States," approved March 12, 1880.

Assembly Bill No. 1222—An Act to repeal an Act entitled "An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor," approved April 23, 1880.

Assembly Bill No. 1226—An Act to repeal an Act entitled "An Act authorizing and directing district attorneys to bring suits to abate public nuisances.

Assembly Bill No. 1221—An Act to repeal an Act entitled "An Act to authorize the Justices of the Supreme Court to appoint a librarian for said court, and fixing a salary," approved March 11, 1893

Assembly Bill No. 1224—An Act to repeal an Act entitled "An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Assembly Bill No. 1220—An Act to repeal an Act entitled "An Act to regulate and govern the State prisons of California," approved March 19, 1889.

Assembly Bill No. 1219—An Act to repeal an Act entitled "An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities," approved April 3, 1876.

Assembly Bill No. 1218—An Act to repeal an Act entitled "An Act to provide for the management of the Yosemite Valley, and the Mariposa Big Tree Grove," approved April 15, 1880.

Assembly Bill No. 1217—An Act to repeal an Act entitled "An Act providing that all encampments of the National Guard shall be held at the state camp of instruction, unless otherwise ordered," approved March 20, 1899.

Assembly Bill No. 1216—An Act to repeal an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor," approved March 27, 1895.

Assembly Bill No. 1215—An Act to repeal an Act entitled "An Act to protect the school districts of the State from injury during the year eighteen hundred and eighty, by the operation of section twelve, of article thirteen, of the Constitution," approved April 15, 1880.

Assembly Bill No. 1214—An Act to repeal an Act entitled "An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State," approved March 10, 1887.

Assembly Bill No. 1213—An Act to repeal an Act entitled "An Act to authorize the managers of orphan asylums to give their consent to the adoption of certain children under their care," approved April 1, 1878.

Assembly Bill No. 1211—An Act to repeal an Act entitled "An Act requiring the marking of packages of butter containing less than six pounds and more than one half pound so as to advise the purchaser or others as to the weight of butter contained in such package," approved March 20, 1905.

Assembly Bill No. 1212—An Act to repeal an Act entitled "An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions," approved March 20, 1903.

Assembly Bill No. 1210—An Act to repeal an Act entitled "An Act to provide for a lunch hour for laborers in sawmills, shake mills, shingle mills, and logging camps," approved February 23th, 1901.

Assembly Bill No. 1209—An Act to repeal an Act entitled "An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act," approved March 20, 1905.

Assembly Bill No. 445—An Act to amend section fourteen hundred and sixty-eight of the Code of Civil Procedure of California.

Assembly Bill No. 440—An Act to amend section eleven hundred and ninety-four of the Code of Civil Procedure of California, relating to the priority of liens of mechanics and others on real property.

Assembly Concurrent Resolution No. 14—Relative to a building for the California State Library, the Supreme Court and the District Court of Appeal, Third District.

Assembly Bill No. 462—An Act to amend section four hundred and seventy of the Penal Code of California, relating to forgery.

And report that the same have been correctly engrossed.

RANDALL, Chairman

ADJOURNMENT.

At three o'clock and fifteen minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M., February 21, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Tuesday, February 21, 1911.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghtan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco,

Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—76.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rogers of Alameda, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of said State, relating to the election and salary of Superintendent of Public Instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction.

Also: Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

Have had the same under consideration, and respectfully report the same back with amendments and recommend that they be adopted as amended.

SUTHERLAND, Chairman.

The above Assembly constitutional amendments ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 46—A resolution to propose to the people of the State of California an amendment to section eighteen of article four of the Constitution of the State of California, in relation to the impeachment of state officers and judges.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

SUTHERLAND, Chairman.

The above Assembly constitutional amendment ordered on file for adoption.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Also: Assembly Bill No. 1011—An Act to add a new section to the Political Code

to be numbered 4264a, relating to and fixing the compensation of grand and trial jurors in the counties of the thirty-fifth class.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of board of supervisors respecting roads—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on County and Township Government, to whom was referred Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

Also: Assembly Bill No. 1314—An Act to amend Section 4240 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the eleventh class.

Also: Assembly Bill No. 507—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

Also: Assembly Bill No. 1302—An Act to amend section four thousand two hundred and sixty-three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fourth class.

Also: Assembly Bill No. 102—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 682—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Also: Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

CALLAGHAN, Chairman.

The above reported bills ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1086—An Act to amend subdivision 4 of Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts—have had the same under consideration and respectfully report the same back and recommend that it do pass and be re-referred to Committee on Education.

KEHOE, Chairman.

The above reported bill re-referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 11—An Act to amend section three hundred and thirty of the Penal Code of the State of California, relating to gambling—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended; with minority report that it do not pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 990—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office and fixing their salaries.

Also: Senate Bill No. 586—An Act to amend the Penal Code by adding a new section thereto to be numbered five hundred and seventy-three, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations and prescribing a penalty therefor.

Also: Senate Bill No. 723—An Act amending section one hundred seventy-one *a* of the Penal Code of California.

Also: Assembly Bill No. 1486—An Act to amend Section 2468 of the Civil Code of the State of California, relating to fictitious partnerships.

Also: Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines in the Mokelumne River.

Also: Assembly Bill No. 1402—An Act entitled "An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime."

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 468—An Act to amend Section 513 of the Code of Civil Procedure of the State of California, relating to exception to sureties and proceedings thereon, or on failure to except.

Also: Senate Bill No. 80—An Act to amend Section 3793 of the Political Code of the State of California.

Also: Assembly Bill No. 1366—An Act to amend section one thousand four hundred and ninety-four of the Code of Civil Procedure of the State of California, relating to claims against the estates of decedents, and interest thereon.

Also: Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367e, concerning the operation or driving of an automobile, motor cycle, or other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle, or other motor vehicle, and who while so operating said automobile, motor cycle, or other motor vehicle, causes the death of, or bodily injury to, any person, and prescribing a penalty for the violation of said section.

Also: Assembly Bill No. 476—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections five, six, nine, twelve, and thirteen of said Act.

Also: Assembly Bill No. 477—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto, to be numbered 114a, 114b, and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Also: Assembly Bill No. 1031—An Act to add a new section to the Penal Code relating to recording of notices of location of mining claims.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1438—An Act authorizing and instructing the Board of Trustees of the California State Library to purchase a set of records of the Supreme Court of the United States and making an appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass and be re-referred to Committee on Ways and Means.

KEHOE, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ON SWAMP AND OVERFLOWED LANDS, LEVEES, AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees, and River Improvements, to whom was referred Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

LYNCH, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees, and River Improvements, to whom was referred Assembly Bill No. 1384—An Act to recognize and declare valid all proceedings in consolidated Reclamation District No. 812.

Also: Assembly Bill No. 1503—An Act to amend Section 3466 of the Political Code, relating to reclamation districts and to the collection of unpaid assessments in reclamation districts.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

LYNCH, Chairman.

The above reported bills ordered on file for second reading

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of such hotel—have had the same under consideration and respectfully report the same back and recommend that it do pass.

MALONE, Chairman.

The above reported bill ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 1511—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office, and duties—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

SCHMITT, Chairman.

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 9—An Act to provide a state highway from Meyer's Station, in El Dorado County, California, to McKinney's, in Placer County, California, and making an appropriation therefor.

Also: Assembly Bill No. 41—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Also: Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

Also: Assembly Bill No. 166—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the state normal school building at Los Angeles.

Also: Assembly Bill No. 361—An Act fixing the salaries of the judges of the Superior Court of the State of California, in and for the county of Kern, and providing for the payment thereof.

Also: Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings, destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Also: Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Also: Assembly Bill No. 891—An Act making an appropriation to meet the expense of the collection of State revenues.

Also: Assembly Bill No. 1092—An Act to appropriate money to erect, construct and equip a training school at the San Jose State Normal School.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGSWELL, Chairman

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Also: Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Assembly Bill No. 224—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

Also: Assembly Bill No. 225—An Act providing for investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Also: Assembly Bill No. 285—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Peixotto, C. C. McDougall, A. J. Hechtman, and James Rolph, Jr., against the State of California and making an appropriation therefor.

Also: Assembly Bill No. 27—An Act making an appropriation for the care and custody of the Custom House at Monterey, California.

Also: Assembly Bill No. 736—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Also: Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Also: Assembly Bill No. 616—An Act making an appropriation for repairing and building of the State Normal School at San Diego, California.

Also: Assembly Bill No. 892—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees of the Controller's office and the salaries paid to such employees.

Also: Assembly Bill No. 1065—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California.

Also: Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

Also: Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Also: Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and appropriate money therefor.

Also: Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 1377—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 1379—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also: Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital, with maple flooring, and to make appropriation for the same.

Also: Senate Bill No. 141—An Act providing for an appropriation of \$750, for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Also: Senate Bill No. 364—An Act appropriating money for the purchase of a stand pipe and water pipes to re-pipe grounds and buildings of the Whittier State School.

Also: Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco and to make appropriation for same.

Also: Senate Bill No. 436—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 513—An Act to provide for the construction of a sewing room and dormitory over the dining room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Also: Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make appropriation for the same.

Also: Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, well, and necessary piping to connect wells with building and to conduct water about the grounds, and to make appropriation for the same.

Also: Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 659—An Act to provide for the construction of a covered passage way to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 661—An Act to provide for equipping and furnishing the new Training School building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

STATE OF CALIFORNIA, EXECUTIVE OFFICE, SACRAMENTO.

To the Assembly of the State of California.

I have not approved Assembly Bill No. 29, providing for the appointment of four additional judges for the Superior Court in and for the city and county of San Francisco, and in accordance with Section 16 of Article IV of the Constitution. I return that bill to the Assembly of the State of California with my objections.

It was with reluctance that I finally reached the conclusion to veto the proposed measure. The records of the various courts of the State show a greater volume of business in the courts of the city and county of San Francisco, than in those of any other county. In 1910 there were instituted in San Francisco eight hundred and twenty-two proceedings to each judge and there are now pending there, exclusive of McEnerney suits, some seventeen thousand matters. Those courts in San Francisco that are devoted to the trial of jury cases seem inextricably involved and the number of jury cases that are upon their calendars, ready for trial, are far in excess of the number of pending cases in any other county of the State. It seems to have been quite well demonstrated that with the utmost expedition, a jury case can hardly be brought to trial in San Francisco within a period of two years. This condition, from the representations that have been made to me, is quite hopeless, and instead of improving is growing worse. In the hope of presenting a remedy, and that litigants should be afforded speedy hearings and justice, Assembly Bill No. 29 was introduced. Since its introduction, however, I have received from the citizens of San Francisco many protests against the bill. Some few residents of that locality have requested that I sign the measure, but the overwhelming proportion of those who have appealed to me has been against the Act. The Bar Association of San Francisco first resolved against the proposed measure, and formally transmitted to me that resolution. Subsequently, last Friday night, another and better attended meeting of the Bar Association was held and the measure was overwhelmingly approved. The superior judges of San Francisco are divided in reference to the proposition, and perhaps the attitude of the various public bodies in San Francisco is best exemplified by the telegram received by me from the San Francisco Labor Council. That telegram is as follows:

"SAN FRANCISCO, February 7, 1911.

"Hiram W. Johnson, Sacramento, Cal.:

"On behalf of the San Francisco Labor Council, I desire to protest against approval of the bill providing for additional judges for San Francisco. Council at its last meeting declined to approve this proposition by a vote of 151 in favor to 3 against. We have reason to believe that some judges in San Francisco are not performing their full duty, and we object to putting a premium on laziness. It is up to those who know to acquaint the people with the names of the judges who are defrauding us by collecting salary for work not performed, but we do not think that an additional tax of fifty thousand dollars a year should be put upon the people because of this condition.

"ANDREW J. GALLAGHER,

"Secretary San Francisco Labor Council."

From many other sources have come protests of like character, and I am constrained to believe that the citizens of San Francisco do not wish additional judges. Notwithstanding any personal views I might have upon the subject, therefore, I do not think I am justified in creating additional offices in opposition to the wishes of a particular community. From the records of my office, I find that apparently lawyers and laymen alike in San Diego County wish another judge in that county and believe another judge there to be absolutely necessary. While San Francisco had in 1910 eight hundred and twenty-two matters to the judge, San Diego had during the same period less than five hundred to the judge; yet, inasmuch as the one community desires the increase and believes it to be essential, I shall endeavor to accord it, and inasmuch as the other does not, I hesitate to substitute my views for those of the community. In Tulare County, I am informed from communications in my office, another judge is desired, yet the records show that Tulare County had three hundred and sixty-one matters to the judge in 1910, while, as before stated, San Francisco had eight hundred and twenty-two to the judge. If the people of Tulare County are practically agreed upon their desire for another judge, and believe it necessary for the transaction, with facility, of the business of that county, I should not hesitate to approve the pending measure. In San Francisco, though, the very people whose rights are most affected, whose litigation is most delayed, are the people who are protesting so strenuously and so earnestly to me against the appointment of new judges; and, inasmuch as they are most directly concerned, I believe they should be permitted to determine the question for themselves.

It is for these reasons, eliminating entirely my personal views in the matter, that, with reluctance, I veto the bill.

Respectfully yours,

HIRAM W. JOHNSON,
Governor of California.

The question being put, "Shall the bill become a law notwithstanding the veto of the Governor?"

The roll was called, and the veto of the Governor sustained by the following vote:

AYES—None.

NOES—Messrs. Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Williams, Wilson, Young, and Mr. Speaker—58

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on January 30, 1911, adopted Senate Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to Section 14, Article XI, of the Constitution of the State of California.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 558—An Act to provide for the purchase of an automobile for the Governor of the State of California, and to make an appropriation for the same.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 20, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on February 16, 1911, adopted Senate Joint Resolution No. 16—Relative to the cession by the United States to the State of California of certain lands adjacent to Deadman's Island, in the county of Los Angeles, State of California.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Constitutional Amendment No. 2 read, and referred to Committee on Constitutional Amendments.

Senate Bill No. 558 read first time, and referred to Committee on Commissions and Public Expenditures.

Senate Joint Resolution No. 16 read, and referred to Committee on Federal Relations.

REQUEST FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:
By Mr. Kehoe:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Sections 3858 and 3860 of the Political Code, relating to the collection of poll taxes.

KEHOE,
Member of Second District.

Referred to Committee on Introduction of Bills.

By Mr. Sutherland:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying constitutional amendment, the title of which reads as follows, viz: A resolution to propose to the people of the State of California an amendment to Sections 20 and 21 of Article XII of the Constitution of the State of California, relating to railroads and other transportation companies.

SUTHERLAND,

Member of Sixty-first District.

Referred to Committee on Introduction of Bills.

RESOLUTION.

The following resolution was offered.

By Mr. March:

WHEREAS, There is a large demand for the Legislative Hand Book, especially among the state departments; and

WHEREAS, There appears to be no provision to supply said demand;

Resolved, That the Chief Clerk be and he is hereby instructed to have printed for distribution among said state departments five hundred (500) additional copies of the said Legislative Hand-Book.

Resolution read and, on motion, adopted.

LEAVE OF ABSENCE.

On motion of Mr. Freeman, leave of absence was granted Mr. Bishop for the day.

RECONSIDERATION.

Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

In accordance with notice previously given, Mr. Fitzgerald moved that the vote whereby Assembly Bill No. 996 was refused passage be reconsidered.

The roll was called, and the vote reconsidered by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Clark, Cogswell, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, McDonald, McGowen, Mott, Preisker, Randall, Rogers of Alameda, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Wilson, Young, and Mr. Speaker—43.

NOES—Messrs. Brown, Cunningham, Denegri, Guill, Kennedy, Maher, Mullally, Polsley, Rosendale, Sbragia, Schmitt, and Williams—12.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 996 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gordes, Griffin of Modesto, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Mott, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Williams, Wilson, Wyllie, and Young—42.

NOES—Messrs. Beckett, Brown, Clark, Cunningham, Denegri, Feeley, Griffiths, Guill, Held, Jasper, Kennedy, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mullally, Polsley, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Sutherland, Telfer, Tibbits, and Mr. Speaker—29.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE MESSAGE.

On motion of Mr. Cogswell, the following Senate message was taken up and read.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: I am directed to request your honorable body to return to the Senate the following: Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

WALTER N. PARRISH, Secretary of the Senate.
By W. H. WRIGHT, Assistant Secretary.

Mr. Sutherland moved that Committee Substitute for Senate Constitutional Amendment No. 5 be withdrawn from the Committee on Constitutional Amendments.

Motion carried.

On motion of Mr. Bohnett, Committee Substitute for Senate Constitutional Amendment No. 5, ordered returned to the Senate.

SPECIAL ORDERS.

The hour of eleven o'clock A. M. having arrived, the special orders heretofore set for this hour were taken up for consideration.

Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office, and qualifications of the Superintendent of State Printing.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1106 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Held, Hinkle, Hushaw, Jones, Joel, Judson, Lamb, Maher, McDonald, McGowan, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr Speaker—46

NOES—Messrs. Beatty, Brown, Coghlan, Cunningham, Denegri, Feeley, Gerdes, Hall, Hayes, Jasper, Kehoe, Kennedy, Lynch, Lyon of San Francisco, March, Mullally, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, and Stuckenbruck—21.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 869—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California.

On motion of Mr. Coghlan, the consideration of the above special order, was continued until the afternoon of this day, immediately after the completion of the Senate file.

THIRD READING OF BILLS.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 1, 5, 11, and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and the Assembly constitutional amendment adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Harlan, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58

NOES—Messrs. Brown, Cunningham, Feeley, Griffiths, and Mullally—5.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 26.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11 and 15 of Article VI thereof, relating to the Judiciary and giving the Legislature power to establish inferior courts

The Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and eleven, two thirds of all the members elected to each of the houses of said Legislature, voting in favor thereof, hereby proposes that sections one, five, eleven and fifteen of article six of the Constitution of said State be amended so as to read as follows:

ARTICLE VI.

Section 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts and such inferior courts as the Legislature may establish in any incorporated city or town, township, county, or city and county.

Sec. 5. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for, of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for, and said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State. *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days

Sec. 11. The Legislature shall determine the number of inferior courts in incorporated cities or towns, townships, counties, or cities and counties, and the number of judges or justices thereof, and shall fix by law the powers, duties and responsibilities of such courts and of the judges or justices thereof; *provided*, such powers shall not in any case, trench upon the jurisdiction of the several courts of record, except that the Legislature shall provide that said courts shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.

Sec. 15. No judicial officer, except court commissioners, shall receive to his own use any fees or perquisites of office provided that justices of the peace now holding office shall receive to their own use such fees as are now allowed by law during the terms for which they have been elected.

Assembly Bill No. 81—An Act to provide for the building, equipping, and purchasing of machinery for an ice and cold storage plant on

the grounds of the Napa State Hospital, and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 81 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-four, ten hundred ninety-five and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

During the third reading of the bill Mr. Young moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 1 of the title, strike out the word "ten hundred ninety-four."

Also: Omit Section 1, all of lines 1 to 35 inclusive.

Also: On page 2 of the printed bill, middle of page, omit the words "Sec. 2.", and place in lieu thereof "Section 1".

Also: On page 2, of the printed bill, bottom of page, omit the words "Sec. 3.", and place in lieu thereof "Sec. 2".

Motion carried.

The Speaker appointed Mr. Young as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1108, with instructions, do now report that the instructions of the Assembly have been carried out.

YOUNG, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1109—An Act to amend sections eleven hundred five, eleven hundred eight and eleven hundred nine of the Political Code of the State of California, relating to registration of voters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1109 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hall, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 127—An Act appropriating money for the equipment of the trades buildings at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 127 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1203—An Act to amend Section 1188 of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

During the third reading of the bill Mr. Clark moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, line 20, of the printed bill, strike out the words, "at which a candidate was nominated", and insert in lieu thereof the following: "for any candidate."

Motion carried.

The Speaker appointed Mr. Clark as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1203, with instructions, do now report that the instructions of the Assembly have been carried out.

CLARK, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1182—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California and adding a new section to the Political Code of the State of California to be numbered Section 461, relating to the public schools and creating a fund for their support.

During the third reading of the bill Mr. Wyllie moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 2, page 2, Section 2, strike out the figures "461", and insert in lieu thereof the figures "462".

Also: In line 4, page 2, Section 2, strike out the figures "461", and insert in lieu thereof the figures "462".

Motion carried.

The Speaker appointed Mr. Wyllie as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1182, with instructions, do now report that the instructions of the Assembly have been carried out.

WYLLIE, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to section nineteen, of article eleven of the Constitution, relating to grants of corporate franchises by municipal corporations.

On motion of Mr. Sutherland, Assembly Constitutional Amendment No. 21, re-referred to Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Article X thereof, relating to state institutions and public buildings.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and the Assembly constitutional amendment adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Polesley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 36.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Article X thereof, relating to state institutions and public buildings.

The Legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes that Article X of the Constitution of the State of California be amended so as to read as follows:

ARTICLE X.

STATE BOARD OF PRISON DIRECTORS.

Section 1. There shall be a State Board of Prison Directors to consist of three persons to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office at the pleasure of the Governor, and who shall have charge and superintendence of the state prisons and all other penal or reformatory institutions of the State, including those for juvenile offenders. The members of the board shall receive such compensation as may be provided by law.

Sec. 2. The labor of convicts shall not be let out by contract to any person, co-partnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

Sec. 3. The Legislature shall pass such laws as may be necessary to fully carry out the purposes of this article.

Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and

Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 550 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bohnett, Butler, Callaghan, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Fitzgerald, Flint, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1091—An Act to provide for the extermination of glanders in horses, mules and asses; to provide for the levy and collection in every county in this State of an annual tax on each horse, mule and ass for the purpose of indemnifying owners of horses, mules and asses destroyed by the State Veterinarian, his assistant or deputy of such horses, mules and asses as may be by such officers determined to be affected with glanders; creating a fund to be known as the "Glanders Indemnity Fund"; authorizing the State Veterinarian to employ deputies and incur expenses to be paid out of such fund; providing a method of indemnification of owners of such destroyed animals; and providing for the duties of the State Veterinarian, his assistant or deputy in relation to glanders.

SPECIAL ORDER SET.

On motion of Mr. March, the consideration of Assembly Bill No. 1091 was made a special order for Thursday, February 23, 1911, at eleven o'clock A. M.

MOTION.

Mr. Kehoe moved that Assembly Bill No. 1091 be re-referred to Committee on Judiciary.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 83 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Butler, Callaghan, Coghlan, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 89 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Butler, Callaghan, Chandler, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Wilson, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 91—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 91 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Maher, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 150—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 150 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Maher, March, McDonald, McGowen, Mott, Nolan, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Smith, Sutherland, Telfer, Walsh, Wilson, Wyllie, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 253—An Act making an appropriation for the use of the creamery department of the California Polytechnic School, and making provision for the return of said appropriation to the state treasury.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 253 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Maher, March, McDonald, McGowen, Mendenhall, Nolan, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Wilson, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 717—An Act authorizing and empowering unincorporated, benevolent, or fraternal societies to purchase, receive, manage, and sell real estate without incorporating.

During consideration of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the comma after the word "incorporated", in line 1, of the printed bill.

Amendment adopted.

AMENDMENT No. 2.

Strike out of line 12, of the printed bill, the period, and insert in lieu thereof "; *provided*, that all conveyances transferring or in any manner affecting the title to real estate owned or held by said society or association shall be executed by its presiding officer and recording secretary under its seal after resolution duly adopted by said society or association authorizing such conveyance."

Amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 196—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits, and prescribing a punishment for a violation of this Act.

On motion of Mr. March, Assembly Bill No. 196 re-referred to Committee on Public Morals.

Assembly Bill No. 782—An Act to recognize and declare valid all proceedings in Oakdale Irrigation District.

Assembly Bill No. 783—An Act to recognize and declare valid all proceedings in Modesto Irrigation District.

Assembly Bill No. 784—An Act to recognize and declare valid all proceedings in Turlock Irrigation District.

On motion of Mr. Griffin, Assembly Bills Nos. 782, 783, and 784 were withdrawn, and ordered stricken from the file.

Assembly Bill No. 719—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Com-

missioner of Public Works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof." approved March eleventh, nineteen hundred and seven.

During the third reading of the bill Mr. Polsley moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 4, of the amended printed bill, in line 4, of Section 4, strike out the figures "20,000", and insert in lieu thereof the figures "50,000".

Also: On page 5, of the amended printed bill, in Section 5, strike out lines 9 and 10 thereof.

Also: On page 5, of the amended printed bill, strike out all of Sections 5a and 5b, and substitute in lieu thereof the following:

"SEC. 5a. Upon this Act becoming effective the Superintendent of the Department of Engineering shall appoint a competent engineer to be superintendent of rivers, who shall receive the sum of three thousand six hundred dollars (\$3,600) per annum. The superintendent of rivers shall have control of all river and dredger operations and other river, harbor, drainage, reclamation and irrigation work under control of the Department of Engineering."

Also: On page 5, of the amended printed bill, in line 5, of Section 6, strike out the words "such office", and insert in lieu thereof the words "state capitol".

Also: On page 10, of the amended printed bill, strike out lines 47, 48, 49, and 50 of Section 11.

Also: On pages 10 and 11, of the amended printed bill, strike out all of Sections 12 and 13, and insert in lieu thereof the following:

"SEC. 12. The Department of Engineering shall determine what roads shall be connecting county roads or highways which shall connect the different road systems of two or more counties with the state highway system. Such roads may be constructed entirely by the State, or any county or counties may construct such roads under the supervision of the Department of Engineering and be compensated in the amount of two thirds of the cost of such construction less the cost of survey and the acquiring of rights of way. The Department of Engineering may contract with any county or counties for the construction of such connecting highways or roads, to be paid for as follows, to wit: Two thirds of the cost thereof by the State and

one third by the county, the cost of survey and rights of way to be paid by the county. Nothing herein shall exempt any county from the payment of its share of interest as provided in Section 8 of the Act known as the 'State Highways Act,' approved March 22, 1909.

Section 13. Counties which have public highways lying within the right of way of the state highways as determined by the State Department of Engineers and adopted by the Department of Engineering, and which have been permanently improved under permanent road division bond issues within three years prior to the adoption of the Act known as "The State Highways Act," approved March 22, 1909, may receive two thirds of the estimated present cost of constructing said public highways so lying within the said right of way; and the Department of Engineering shall estimate such cost and certify the same to the boards of supervisors of such county, who may thereupon present a claim in the name of such county against the State Highway Fund.

Also: On page 11 of the amended printed bill, in line 7 of Section 14, strike out the word "required", and insert in lieu thereof the word "acquired".

Also. On page 11 of the amended printed bill, in line 7 of Section 15, after the word "approved", insert the words "March 22, 1909, and adopted."

Also: On page 11 of the amended printed bill, strike out all of Section 16, and insert in lieu thereof the following.

"SEC. 16. Counties may, along the routes laid out or accepted by the Department of Engineering, within their borders, construct or complete highways under contract with the Department of Engineering, and be reimbursed in such amount as the Department of Engineering may deem equitable, but not to exceed two thirds of the cost of such highway."

Also. On page 12 of the amended printed bill, strike out all of Section 17, and insert in lieu thereof the following:

"SEC. 17. District superintendents and the superintendents of rivers shall, before entering upon the discharge of their duties, execute an official bond for the sum of ten thousand dollars, and shall hold office at the pleasure of the appointing power."

Also: On page 12 of the amended printed bill, in line 3 of Section 18, strike out the word "their", and insert in lieu thereof the word "its".

Also: On page 12 of the amended printed bill, in line 6 of Section 19, after the word "shall", insert the words "be placed".

Also: On page 12 of the amended printed bill, strike out all of Section 20.

Also. On page 17 of the amended printed bill, in lines 6 and 5 of Section 29, strike out the word "department", where it occurs in each of said lines, and substitute in lieu thereof the word "district".

Also: Strike out all of Section 30.

Also: Change the numbering of Sections 21 to 31, inclusive, so that they shall appear in the bill as Sections 20 to 30, inclusive.

Motion carried.

The Speaker appointed Mr. Polsley as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 719, with instructions, do now report that the instructions of the Assembly have been carried out

POLSLEY, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, with a rush order, re-reëngrossment, and on file for passage.

Assembly Bill No. 997—An Act to amend section one of Chapter XLIV of the Statutes passed at the extra session of 1906, requiring the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers and directing the disposition of the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 997 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Benniuk, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Farwell, Feeley, Flint, Freeman,

Gaylord, Gerdes, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 836—An Act to amend Chapter 107 of the general laws of the State of California entitled "An Act to provide for temporary floors in buildings more than three stories high in the course of construction, and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets," etc., approved March 6, 1909.

During the third reading of the bill Mr. Coghlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out in line 4, of the title of the printed bill, the word "three", and insert in lieu thereof the word "two".

Also: Strike out of line 1, of the printed bill, the word "three", and insert in lieu thereof the word "two".

Motion carried.

The Speaker appointed Mr. Coghlan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 836, with instructions, do now report that the instructions of the Assembly have been carried out.

COGLAN, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1208—An Act to repeal an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Assembly Bill No. 451—An Act to amend section thirteen hundred and eighty-six of the Civil Code of the State of California, relating to the succession to the property of deceased persons.

Assembly Bill No. 441—An Act to amend section seventeen hundred and seventy-four of the Code of Civil Procedure of California, relating to the settlement of accounts of guardians.

Assembly Bill No. 453—An Act to amend section eleven hundred and seventy-one of the Penal Code of California, relating to bills of exception in criminal cases.

Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Assembly Bill No. 823—An Act providing for the employment of convicts con-

fin^d in the State prisons on the public highways belonging to and under the control of the State of California, and providing for the care and control of such convicts during such employment.

Assembly Bill No. 666—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653^g and providing a penalty in case any person, company or corporation operating a railroad permits an intoxicated person or person in habit of becoming intoxicated to operate a railroad.

Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard—and report that the same has been correctly reengrossed.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California relating to the work required to be done in the appropriation of waters of the State—and report that the same has been correctly reengrossed.

Assembly Bill No. 1294—An Act defining commission merchants, providing for a license for the conduct of the business of commission merchants and the procedure for obtaining the same, also providing regulations for the conduct of the said business and for penalties for violations of this Act.

Assembly Bill No. 1141—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of state hospitals.

Assembly Bill No. 903—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185^b, relating to the admission of voluntary patients to state hospitals.

Assembly Bill No. 1190—An Act to amend section number twelve of an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards and defining the term boulevard," approved March 22, 1905, and amended April 15, 1909, the amendment relating to the definition of the term "boulevard."

Assembly Bill No. 998—An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

Assembly Bill No. 919—An Act to amend Section 892 of the Code of Civil procedure relative to the entry of judgment by justices of the peace.

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials.

Assembly Bill No. 585—An Act to amend Sections 276, 277, and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counsellors at law, and to add three sections to said Code, to be known as Sections 276^a, 276^b, and 276^c, relating to the same subject—and report that the same has been correctly reengrossed.

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires—and report that the same has been correctly reengrossed.

Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed—and report that the same has been correctly reengrossed.

Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters—and report that the same has been correctly reengrossed.

Assembly Bill No. 1032—An Act to provide for the washing and cleaning of raw material used in the manufacture of shoddy and for the inspection of machinery used in the manufacture of shoddy and of places where the same is manufactured, stored or sold and of places wherein the raw material used in such manufacture is collected, stored or sold and for the inspection of shoddy manufactured without this State and offered for sale herein, and to provide penalties for the violation thereof.

Assembly Bill No. 941—An Act to amend sections three thousand one hundred and ninety-seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trade-marks.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock p. m. the Assembly reconvened.
Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 467—An Act to validate municipal bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 467 passed by the following vote:

AYES—Messrs. Beatty, Bohnett, Butler, Callaghan, Cattell, Coghlan, Crosby, Denegri, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, McGowen, Mott, Nolan, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 708—An Act to amend Section 3398 of the Political Code of the State of California, relating to the Surveyor General being the general agent of the State for the location in the United States land offices of lieu land; relating also to locations in the United States land offices of lands desired to be selected in lieu of grants made to the State, and said section as hereby amended also providing that the Surveyor General shall not perfect certain selections made on or before March 24, 1909, and providing also that no further action thereon shall be taken.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 708 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bohnett, Butler, Cattell, Chandler, Coghlan, Crosby, Denegri, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, McGowen, Mott, Nolan, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, and Mr. Speaker—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 709—An Act to provide for the cancellation of application for lieu lands made prior to March 24, 1909, wherein selections were not made and forwarded to the United States Land Office by the Surveyor General on or before March 24, 1909, and for the cancellation of all applications for such lieu lands made prior to March 24, 1909, where the selections of the lands described therein were not duly forwarded to and received by the register and receiver of the local United States Land Office and given a register and receiver's number, and forwarded to the General Land Office, at Washington, D. C., and of record therein.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 709 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Butler, Cattell, Chandler, Clark, Coghlan, Crosby, Cunningham, Feeley, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, McGowen, Mott, Mullally, Nolan, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Tibbits, Walsh, Williams, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 711—An Act to amend Section 3494 of the Political Code, relating to the sale of school lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 711 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, McDonald, McGowen, Nolan, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Benedict asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 909, it being identical with Senate Bill No. 711.

Bill withdrawn, and ordered stricken from the file.

Senate Bill No. 937—An Act to amend sections four thousand five *c*, four thousand six, four thousand one hundred forty-nine *d*, four thousand two hundred thirty, four thousand two hundred thirty-one, four thousand two hundred thirty-two, four thousand two hundred thirty-three, four thousand two hundred thirty-four, four thousand two hundred thirty-five, four thousand two hundred thirty-six, four thousand two hundred thirty-seven, four thousand two hundred thirty-eight, four thousand two hundred thirty-nine, four thousand two hundred forty, four thousand two hundred forty-one, four thousand two hundred forty-two, four thousand two hundred forty-three, four thousand two hundred forty-four, four thousand two hundred forty-five, four thousand two hundred forty-six, four thousand two hundred forty-seven, four thousand two hundred forty-eight, four thousand two hundred forty-nine, four thousand two hundred fifty, four thousand two hundred fifty-one, four thousand two hundred fifty-two, four thousand two hundred fifty-three, four thousand two hundred fifty-four, four thousand two hundred fifty-five, four thousand two hundred fifty-six, four thousand two hundred fifty-seven, four thousand two hundred fifty-eight, four thousand two hundred fifty-nine, four thousand two hundred sixty, four thousand two hundred sixty-one, four thousand two hundred sixty-two, four thousand two hundred sixty-three, four thousand two hundred sixty-four, four thousand two hundred sixty-five, four thousand two hundred sixty-five *a*, four thousand two hundred sixty-six,

four thousand two hundred sixty-seven, four thousand two hundred sixty-eight, four thousand two hundred sixty-nine, four thousand two hundred seventy, four thousand two hundred seventy-one, four thousand two hundred seventy-two, four thousand two hundred seventy-three, four thousand two hundred seventy-four, four thousand two hundred seventy-five, four thousand two hundred seventy-six, four thousand two hundred seventy-seven, four thousand two hundred seventy-eight, four thousand two hundred seventy-nine, four thousand two hundred eighty, four thousand two hundred eighty-one, four thousand two hundred eighty-two, four thousand two hundred eighty-three, four thousand two hundred eighty-four, four thousand two hundred eighty-five, four thousand two hundred eighty-six, and four thousand two hundred ninety of the Political Code, and to add a new section to said Code to be numbered section four thousand two hundred eighty-seven, all relating to the population and classification of the several counties of the State and to the county and township officers therein, to determine the population and fix the classification of said counties, and to provide for the appointment of assistants, deputies, clerks, stenographers, copyists, and employees of the county officers of such counties, and for the compensation of such officers, their assistants, deputies, clerks, stenographers, copyists and employees, and to repeal sections four thousand two hundred forty-three *a*, four thousand two hundred fifty *a*, four thousand two hundred seventy-one *a* and four thousand two hundred eighty-one *a* of said Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 937 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bohnett, Butler, Cattell, Chandler, Clark, Crosby, Cunningham, Farwell, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, McDonald, Mendenhall, Mott, Nolan, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Coghlan gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 937 was this day passed.

Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

The question being on the adoption of the Senate joint resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Maher, McDonald, McGowen,

Mendenhall, Mott, Mullally, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—55.

NOES—None.

Senate joint resolution ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 1.

Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

WHEREAS, The legislatures of twenty-seven states have recently at various times adopted memorials and resolutions favoring the election of United States Senators by popular vote; and

WHEREAS, The National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of the proposed change in the method of electing United States Senators, which were rejected by the Senate; and

WHEREAS, Article five of the Constitution of the United States provides that Congress, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of California that the United States Senators should be elected by a direct vote of the people; therefore, be it

Resolved, That the Legislature of the State of California favors the adoption of an amendment to the Constitution of the United States which shall provide for the election of United States Senators by popular vote, and joins with the other states of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in article five of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each state by a direct vote of the people, and the request of and consent to the calling and holding of such convention, as hereby made and given, is limited to the consideration and adoption of such amendment to said Constitution as herein mentioned and no other.

Resolved, That a copy of this joint resolution and application to Congress for the calling of a convention be sent to the Secretary of State of each state of the United States, and that a similar copy be sent to the President of the United States Senate and the Speaker of the House of Representatives.

SPECIAL ORDER RESET.

On motion of Mr. Coghlan, the special order heretofore set for two o'clock and thirty minutes P. M. of this day was reset for two o'clock P. M. of Thursday, February 23, 1911.

MOTION.

Mr. Rosendale moved that the Assembly proceed to the consideration of the Assembly Second-Reading File.

Motion carried.

SECOND READING OF BILLS.

Assembly Bill No. 1173—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

During second reading of bill, the following amendment was submitted by the committee:

Strike out of page 1, lines 11 and 12, of the printed bill, the words "lineal descendants, husband, wife, father or mother, or adopted child or children", and insert in lieu thereof the words "legal heirs".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1381—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city

and county, city or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city, or town, and granting to said board of supervisors, town council, board of aldermen, or other legislative body, the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city or town.

Bill read second time, and ordered to engrossment and third reading.

ACTION RESCINDED.

Mr. Preisker moved that the second reading of the above bill be rescinded.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 1023—An Act to repeal Section 79 of the Civil Code of California, relating to marriage without license.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1023 passed by the following vote:

AYES—Messrs. Benedict, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Gerdes, Griffin of Modesto, Hamilton, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Stuckenbruck, Telfer, Tibbits, Williams, and Young—42.

NOES—Messrs. Beatty, Beckett, Brown, Crosby, Flint, Freeman, Gaylord, Griffiths, Harlan, Hinkle, Maher, McDonald, Rodgers of San Francisco, Rosendale, Schmitt, Slater, Smith, Stevenot, Sutherland, Walsh, Wilson, and Mr. Speaker—22.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Gerdes gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1023 was this day passed.

Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 766 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cronin, Crosby, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Maher, Malone, March, McDonald, McGowen, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 848—An Act to amend sections one, three, and seven of an Act entitled “An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act,” approved February 28, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 848 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Maher, March, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1096 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Denegri, Farwell, Freeman, Gaylord, Gerdes, Guill, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1097 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Callaghan, Cattell, Chandler, Coghlan, Cronin, Crosby, Denegri, Farwell, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 293—An Act to amend an Act entitled “An Act to provide for the classification of municipal corporations,” approved March 2, 1883, as amended by an Act which became a law under a constitutional provision, without Governor’s approval, March 5, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 293 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1088—An Act to amend Section 349 of the Code of Civil Procedure of the State of California, relating to the time for commencing actions under Local Improvement Act of 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1088 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,' " which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18, and 19, and by adding a new section thereto to be numbered 26.

During the third reading of the bill Mr. Hinshaw moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend Section 1, page 2, line 13, of printed bill, by striking out the words "city council", and inserting in lieu thereof the words "legislative body".

Also: Amend Section 2, on page 3, line 38, of printed bill, by striking out the words "city council", and inserting in lieu thereof the words "legislative body".

Motion carried.

The Speaker appointed Mr. Hinshaw as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1089, with instructions, do now report that the instructions of the Assembly have been carried out.

HINSHAW, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1067—An Act to amend section one of an Act entitled "An Act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1067 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Hamilton, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 941—An Act to amend sections three thousand one hundred and ninety-seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trademarks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 941 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1191 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall,

Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof; for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts." approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1192 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Joel, Kehoe, Kennedy, Lamb, Lynch, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California to be numbered 590b, relating to riding and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 971 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rosendale, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 946—An Act to amend Section 1741 of the Political Code, relating to the powers and duties of high school boards.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 946 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffith, Guill, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Maher, March, McDonald, McGowen, Menden-

hall, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1304—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts." approved March 8, 1909, by amending Section 15 thereof, relating to the powers of probation officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1304 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1160 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Maloue, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Raudall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 729—An Act to amend Section 500 of the Political Code, relating to clerks in the register's office and their salaries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 729 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gay-

lord, Gerdes, Griffiths, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rogers of Alameda, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 975 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 15—Approving charter of the city of Santa Cruz, county of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 31st day of January, 1911.

The question being on the adoption of the Assembly concurrent resolution.

The roll was called, and the Assembly concurrent resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hamilton, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Assembly concurrent resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION No. 15.

Approving charter of the city of Santa Cruz, county of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 31st day of January, 1911.

WHEREAS, The city of Santa Cruz, a municipal corporation of the county of Santa Cruz, State of California, now is, and was at all times herein mentioned a city containing a population of more than three thousand five hundred (3,500) inhabitants; and

WHEREAS, At a special municipal election duly held in said city on the 3d day of November 1910, under and in accordance with law and provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders duly qualified was elected by the qualified electors of said city at the special municipal election duly called for that purpose, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, in accordance with law and within ninety days after their said election, prepare and propose a charter for the government of said city of Santa Cruz, which charter was signed in duplicate by a majority of the members of said board of freeholders on the 17th day of December, 1910, and thereupon duly returned and filed, one copy thereof with the mayor of the city of Santa Cruz, and another copy thereof with the county recorder of said Santa Cruz County in the office of said county recorder; and

WHEREAS, Said proposed charter was thereafter duly published in the Santa Cruz Surf and in the Santa Cruz Morning Sentinel, each being a daily newspaper of general circulation printed and published in said city of Santa Cruz, and said publication as aforesaid continued for a period of more than twenty days, the first publication thereof being made within twenty days after the completion of said proposed charter; and

WHEREAS, Said proposed charter was within thirty days after the completion of said publication submitted to the qualified electors of said city of Santa Cruz at a special municipal election previously duly called and held therein on the 31st day of January, 1911; and

WHEREAS, At said last mentioned special municipal election a majority of said qualified electors of said city of Santa Cruz voting at said special municipal election voted in favor of the ratification of said charter as proposed as a whole, ratifying the same, and a majority of such qualified electors voting at said special election voted against the ratification of the alternative proposition which was likewise submitted at said special election; and

WHEREAS, The council of the city of Santa Cruz duly canvassed the returns of said special election and found and declared that the majority of said qualified electors voting at said special election had voted in favor of ratifying said charter, and ratified the same, and that the majority of said qualified electors had voted against the ratification of said proposed alternative proposition; and

WHEREAS, Said charter is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power to alter or amend, in accordance with Section 8 of Article XI of the Constitution of the State of California, and

WHEREAS, Said charter as so ratified was and is in words and figures as follows, to wit:

CHARTER OF CITY OF SANTA CRUZ.

PREPARED AND PROPOSED BY BOARD OF FREEHOLDERS ELECTED NOVEMBER 3, 1910,
PURSUANT TO PROVISIONS OF ARTICLE XI, SECTION 8, OF THE CONSTITUTION
OF THE STATE OF CALIFORNIA

CONTENTS.

ARTICLE	I.	Name and boundaries
ARTICLE	II.	Powers of city and council
ARTICLE	III.	Elections.
ARTICLE	IV.	Elective officers.
ARTICLE	V.	Qualifications of officers. Vacancies.
ARTICLE	VI.	The recall.
ARTICLE	VII.	The legislative department
ARTICLE	VIII.	The executive department.
ARTICLE	IX.	Judicial department.
ARTICLE	X.	Police department
ARTICLE	XI.	Fire department.
ARTICLE	XII.	Health department.
ARTICLE	XIII.	School department
ARTICLE	XIV.	Public library.
ARTICLE	XV.	Revenue and taxation.
ARTICLE	XVI.	Claims and demands.
ARTICLE	XVII.	Public work and contracts.
ARTICLE	XVIII.	Corporations and franchises
ARTICLE	XIX.	City water works.
ARTICLE	XX.	Light, heat, and power
ARTICLE	XXI.	Parks and public grounds
ARTICLE	XXII.	The initiative.
ARTICLE	XXIII.	The referendum.
ARTICLE	XXIV.	Miscellaneous provisions.
ARTICLE	XXV.	Amendments.
		Certificate.

ARTICLE I.

NAME AND BOUNDARIES.

SECTION 1. *Name* The municipal corporation now existing, known as the City of Santa Cruz, shall continue in name and in fact to be a body politic and corporate, with exterior boundaries fixed as follows:

SEC. 2. *Boundaries.* Beginning on the bay of Monterey at a point on said bay

410 feet west of the section line between sections nineteen and twenty, township eleven south, range one west, M. D. M.; thence northerly along the middle of Woods Lagoon and the creek in Arana Gulch to the boundary of de Laveaga Park; thence north 88 degrees east, 140 feet to a station; thence south 50½ degrees east, 79.20 feet to a station on the west side of the county road; thence north 17½ degrees east, 14.50 feet to a station; thence north 2 degrees west, 91 feet along the west side of said county road to a station; thence south 89½ degrees west, 396 feet to a station; thence north 32 degrees west, 130 feet to a station; thence north 34 degrees west, 150 feet to a station; thence north 36 degrees 45 minutes west, 50 feet to a station; thence north 52 degrees west, 150 feet to a station; thence north 62 degrees west, 120 feet to a station; thence north 60 degrees 30 minutes west, 260 feet to a station; thence north 1 degree 15 minutes east, 185 feet to a station; thence north 30 degrees 15 minutes east, 60 feet to a station; thence north 4 degrees east, 50 feet to a station; thence north 36 degrees 30 minutes west, 130 feet to a station; thence north 16 degrees 15 minutes west, 280 feet to a station; thence north 2 degrees 45 minutes west, 164 feet to a station; thence north 20 degrees 15 minutes west, 283 feet to a station; thence north 9 degrees west, 163 feet to a station, thence north 6 degrees 45 minutes west, 180 feet to a station; thence north 4 degrees 45 minutes west, 160 feet to a station; thence north 22 degrees east, 130 feet to a station; thence north 7 degrees 38 minutes west, 286 feet to a station; thence north 37 degrees west, 113 feet to a station; thence north 130 feet to a station; thence north 46 degrees east, 80 feet to a station; thence north 6 degrees 30 minutes west, 159 feet to a station; thence north 2 degrees 30 minutes east, 70 feet to a station; thence north 33 degrees 15 minutes west, 86 feet to a station; thence north 30 minutes west, 881 feet to the northeast corner of de Laveaga Park; thence along the northerly boundary of said de Laveaga Park, south 89 degrees 33 minutes west, 1112 feet to a station; thence north 5 degrees 35 minutes east, 170 feet to a station; thence north 29 degrees east, 145 feet to a station; thence north 29 degrees 45 minutes east, 759 feet to a station; thence north 25 degrees 45 minutes east, 217.80 feet to a station on the westerly side of a right of way; thence along the westerly side of the said right of way, north 1 degree east, 105 feet to a station; thence north 57 degrees 30 minutes west, 142 feet to a station; thence south 89 degrees 20 minutes west, 690.40 feet to a station; thence south 623 feet to a station; thence north 57 degrees 30 minutes west, 278.50 feet to a station; thence south 562.30 feet to a station; thence west 1026.80 feet to a station; thence north 47 degrees 15 minutes west, 130 feet to a station; thence along the easterly, northerly, and westerly boundaries of de Laveaga Park, 804 feet to the northwesterly corner of the said de Laveaga Park on the easterly side of the Blackburn Gulch road, thence southwesterly along the easterly side of said road, to a point on the produced southerly boundary line of the Rancho Carbonero; thence west along the said produced southerly boundary line of the Rancho Carbonero to the southeasterly corner of the said Rancho Carbonero; thence westerly along the boundary of the Rancho Carbonero and the Rancho Cañada del Rincon to the east boundary of the Rancho Refugio; thence along the boundary of the Rancho Refugio south to the Pacific Ocean; thence due south into the said Pacific Ocean a distance of three marine miles; thence easterly and following the courses of the indentations of the said Pacific Ocean and of the bay of Monterey, to a point due south of and three marine miles from a point on the said bay of Monterey 410 feet west of the section line between sections nineteen and twenty, township eleven south, range one west, M. D. M.; thence due north to the point of beginning.

ARTICLE II.

POWERS OF THE CITY AND COUNCIL.

SEC. 3. *Rights and succession.* The city of Santa Cruz shall have perpetual succession and shall continue vested with and in control of all property of every kind now belonging to it, with power.

SEC. 4. *Corporate seal.* To have and use a corporate seal; and, when expedient, to alter the device thereon.

SEC. 5. *Actions and proceedings.* To commence, conduct, prosecute, and defend all actions or proceedings for the protection of municipal rights and property.

SEC. 6. *Acquirement and disposal of property.* To acquire, receive, take, have, hold, lease, use, improve, control, and dispose of property of every kind, whether situate within or without the corporate boundaries, for the common benefit of the inhabitants.

SEC. 7. *Gifts and donations.* To receive bequests, gifts, and donations of lands, in fee simple, in trust, or otherwise, and of all other kinds of property, for charitable or other use, and to manage, sell, lease, or otherwise dispose of the same, absolutely or in accordance with the terms of such bequest, gift, donation, or trust, and to do whatever may be necessary to fulfill the purpose thereof.

SEC. 8. *Buildings.* To acquire, erect, improve, equip, furnish, and maintain, with necessary adjuncts and appendages, all buildings, structures, and places required for public business, education, and recreation, and to regulate the use of the same.

SEC. 9. *Parks and water works.* To acquire, improve, and maintain parks and public playgrounds, and to acquire, construct, maintain, and operate water works, with requisite reservoirs, pipe lines, flumes, aqueducts, hydrants, meters, and contrivances for supplying the city and its inhabitants with water, and to extend the service to rate payers outside of the corporate limits.

SEC. 10. *Public utility systems.* To acquire, lease, construct, operate, and maintain all manner of works and systems for the purpose of supplying the city and its inhabitants with light, gas, heat, transportation, wire, or other service, and to lease to persons, firms, or corporations, for the purpose of maintenance, operation, or use, any public utility owned or controlled by the city, provided that such lease shall be made only by ordinance to the highest bidder therefor and for a period not to exceed five years.

SEC. 11. *Wire and wireless service.* To acquire, have, hold, construct, and maintain, and to grant the right to construct and maintain, and to regulate the construction and maintenance of all pipes, tubes, conduits, wires, and electric, telephone, telegraph, wireless, and aerial apparatus or stations; to require all telegraph, telephone, and electric wires to be placed underground, and to regulate the mode of wiring houses, buildings, and structures for telegraph, telephone, electric light, electric power, and all other electric service.

SEC. 12. *Eminent domain.* To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind, including water, water-rights, and water works, within or without the corporate limits, gas, electric light, power, and telephone plants, and all other property necessary or desirable for the use of the city or its inhabitants, or which may now or hereafter be subject to condemnation by the laws of this State; and to control, protect, improve, use, and regulate the use of the water front and waterways of and within the city, in any way deemed practicable, for the benefit of the inhabitants and for the accommodation of commerce.

SEC. 13. *Sewers and garbage.* To construct and maintain sewers, drains, and all other works necessary to carry away sewage and storm water, and to construct and maintain incinerators and other works for the disposition or destruction of garbage.

SEC. 14. *Work on streets.* To establish and change the grade and to lay out, open, extend, widen, narrow, change, vacate, pave, repave, gravel, surface, resurface, improve, and keep in order streets, alleys, highways, sidewalks, and crossings and public squares, parks, and places.

SEC. 15. *Obstructions and weeds.* To require the curbs and sidewalks of all streets to be kept clean, clear of weeds, projections, and obstructions, and upon the failure, neglect, or refusal of the owner or occupant of any premises so to do, to have the same done and the expense thereof charged against and become a lien upon the property fronting upon such curb or sidewalk.

SEC. 16. *Levy and collect taxes.* To levy and collect taxes upon all property subject to taxation, for municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes other than for the payment of the principal and interest on any bonds of the city or for school and library purposes, shall not exceed one dollar on each one hundred dollars of the assessed valuation of taxable property in the city, except as hereinafter provided. And to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, narrowing, extending, and improving streets, alleys, sidewalks, crossings, and other highways, public squares, parks, and places, the construction of sewers, the laying of water, gas, and other pipes and conduits.

SEC. 17. *Creation of indebtedness.* To create, subject to the restrictions and limitations of the Constitution and general laws of the State of California and of this charter, indebtedness not to exceed in all fifteen per cent of the assessed valuation of all the real and personal property in the city, to pay the costs of municipal improvements, the acquisition of public utilities, or for any lawful purpose whatever, requiring an expenditure greater than the amount which can be appropriated for such purpose out of the annual tax levy; *provided, however*, that no indebtedness shall be incurred by contract, bonds, or otherwise, that shall require a tax levy in any one year (in excess of the limit fixed by this charter for general municipal purposes) of more than fifty cents on each one hundred dollars of the assessed valuation of the taxable property of the city at the time said indebtedness is incurred, to meet the payments of the principal of such indebtedness.

SEC. 18. *Tax levy exceeding limit.* To levy taxes exceeding the limit fixed by this charter, provided the proposition to make such levy shall have been authorized by two thirds of the qualified electors voting thereon at a general or special election.

SEC. 19. *Licensing business.* To impose licenses, as a police regulation or for revenue, on any and every kind of business conducted or to be carried on in the city; to fix the sum to be collected for any license so imposed, and to provide the manner to enforce payment thereof, to regulate, restrain, suppress, abate or prohibit hawking and peddling and the carrying on or maintenance of any laundry, livery or sale stable cattle or horse corral, or place where cattle, horses, swine, bees, poultry, geese, or pigeons are kept, planing mill, rolling mill, oil well, tank,

refinery, foundry, soap works, glue factory, tannery, distillery, brewery, brick yard, slaughterhouse, butcher shop, cement works, quarry, lime kiln, bawdy house, billiard hall, pool room, billboard, penny arcade, moving picture show, nickelodeon, wireless telegraph station, prize fight, rat pit, and all public exhibitions, shows, games, or amusements, within the limits of the city or any designated portion thereof; to prohibit and prevent gambling of every form, name, and description, games of chance, fraudulent devices and practices, all playing of cards, dice, mechanical devices, slot machines, raffles, lotteries, or any other games, devices, or contrivances for the purpose of gambling, obtaining, or distributing goods, wares, merchandise, property, or money by chance or lot, and to authorize the confiscation and destruction of all instruments, machines, implements, and things used in connection with gambling or games of chance; to regulate or prohibit all saloons, bars, bar rooms, or other places where spirituous, malt, vinous, or other alcoholic or intoxicating liquors are sold, dispensed, or given away; to restrain or prohibit all noises from blasting, explosion of powder or fireworks, ringing of bells, beating of drums, blowing of whistles, or operation of machinery; to suppress, abate, and prohibit every act, occupation, business, place, or thing, obnoxious, offensive, immoral, or disreputable, or that is dangerous to life, injurious to health, or subversive of the peace and good order of the city.

SEC. 20. Police and fire departments. To organize and maintain police and fire departments.

SEC. 21. Police and sanitary regulations. To make, adopt, and enforce all necessary rules and regulations for the prevention of fires, floods, and riots; to provide for and regulate the inspection of food products, and all things intended for human consumption; to provide for the taking and summary destruction of any food or products that are unsound, spoiled, adulterated, or unwholesome, and to prevent the same being brought into, made, kept, or sold in the city; to provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city; and to provide for the inspection and sealing of weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures, duly tested and sealed.

SEC. 22. Fire limits. To establish fire limits, determine the character and height of structures therein, and the nature of the materials and appliances to be used in the construction, alteration, or repair thereof, or in the alteration or repair of existing structures.

SEC. 23. Fire escapes. To require the owners of structures to provide fire escapes and appliances for prevention and extinguishment of fires.

SEC. 24. Entrances and exits of structures. To regulate the size and arrangement of entrances to, and exits from all structures wherein persons assemble for amusement, entertainment, or instruction, and to prohibit obstruction of the aisles thereof.

SEC. 25. Construction and safety of buildings. To regulate the construction and ventilation of, and the materials used in all buildings, chimneys, stacks, and other structures; to prevent the erection or maintenance of insecure and unsafe buildings, walls, chimneys, stacks, or other structures, and to provide for their summary abatement or destruction, to prescribe the depth of cellars and basements, the materials used in, and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the construction of bathrooms and toilet conveniences, the manner of construction and the materials used in wiring structures for the use of electricity for lighting, heat, power, or other purposes, and to prohibit the erection of all structures that do not conform to such regulations.

SEC. 26. Management of municipal property. To exercise, within constitutional and statutory limitations, all municipal and police powers necessary to the complete and efficient management and control of all municipal property, and for the efficient administration of the municipal government, although such powers may not be herein expressly enumerated.

SEC. 27. Explosives. To regulate or prohibit the manufacture, keeping, storage, and use of powder, dynamite, gun cotton, nitroglycerine, fireworks, and all other explosive substances.

SEC. 28. Inflammable substances. To regulate the keeping and storage of oil, hay, straw, and all other inflammable substances within the city.

SEC. 29. Engines and boilers. To regulate the use of all engines and steam boilers within the city.

SEC. 30. Public vehicles. To establish stands for and regulate the charges of hacks, public carriages, automobiles, express wagons, and other public vehicles, kept or operated for hire, to require the rate regulations to be plainly displayed on such vehicles, and to provide penalties for collecting charges in excess thereon.

SEC. 31. Nuisances. To define, prevent, remove, and abate nuisances, and to provide that any expense incurred therein be charged against the party or parties creating, causing, committing, suffering, or maintaining the same.

SEC. 32. Public nuisance. To declare any business a public nuisance that is conducted contrary to an ordinance of the city or of the general laws of the State; to

provide for the abatement or removal thereof, and for this purpose to summarily take and hold any personal property used or involved therein.

SEC 33. *Violation of ordinances.* To make the violation of ordinances of the city a misdemeanor and to prescribe the punishment therefor, which shall be by fine or imprisonment, or both, *provided, however,* that no fine shall exceed the sum of five hundred dollars nor imprisonment be imposed to exceed six months. Such misdemeanors may be prosecuted by the authorities of the city in the name of the people of the State of California by criminal complaint, or redressed by civil action.

SEC 34. *Animals running at large.* To establish pounds and pound districts, and to provide for the supervision and control thereof, and to prohibit the running at large of all animals in violation of the regulations enacted in relation thereto.

SEC 35. *Cruelty to animals.* To prohibit and punish cruelty to animals, and to require places where they are kept to be maintained in a sanitary condition.

SEC 36. *Speed regulation.* To regulate the speed of railroad trains, engines, electric cars, automobiles, and all other vehicles within the city to require railroad companies either to keep flagmen or gates or to construct viaducts at all streets and crossings.

SEC 37. *Franchises.* To grant franchises.

SEC 38. *Creation of offices.* To create offices other than those established by this charter or by the general law, whenever the public business may require, to prescribe the duties pertaining to the offices so created; and to provide for appointments to and removal from such offices, and fix the compensation of the incumbents thereof.

SEC 39. *Municipal elections, precincts, and offices.* To provide for holding municipal elections, give notice thereof, establish and alter election precincts, and to appoint and fix the compensation of all election officers.

SEC 40. *General power.* To do and perform whatsoever is necessary and convenient in municipal administration for the benefit of the inhabitants of the city, and to do any act which is by this charter, or by any general law now or hereafter in force, authorized to be done: *provided,* that the question of acquiring by lease, purchase, or construction any plant or property for the purpose of supplying any public service or commodity, not previously supplied to its inhabitants by the city, shall be submitted to the voters of the city in the same manner as other propositions at a general or special election, and such property or plant shall not be acquired unless a majority of the electors voting at such election, vote in favor thereof. It is, however, expressly provided that nothing herein contained shall be construed as requiring a vote of the electors on a proposition to acquire any property or expend any money, for the purpose of extending, or developing such property or any property or plant now owned or operated by the city, or which it may, in accordance with the provisions of this charter, acquire in the future.

SEC 41. *Ordinances, resolutions, and orders.* To adopt and enforce ordinances, resolutions, and orders not repugnant to the provisions of this charter, the Constitution of the United States, or the State of California, or general laws and to establish all such measures and regulations, in the absence of express provision therefor in this charter, as the council may deem expedient or necessary for the promotion of the peace, health, comfort, safety, life, happiness, and welfare of the inhabitants of the city, the protection of property, the preservation of order, and the suppression of vice.

ARTICLE III

ELECTIONS.

SEC 42. *General and special municipal elections.* A municipal election shall be held in the city on the first Tuesday after the first Monday in May in the year 1911, and on the first Tuesday after the first Monday in May in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as hereinafter provided in this charter, on the second Tuesday after said general municipal election, and shall be known as the second general municipal election.

All other municipal elections that may be held by or under the authority of this charter or of the general law shall be known as special municipal elections.

SEC 43. *Nomination and election of all elective officers.* The mode of nomination and election of all elective officers of the city to be voted for at a municipal election, shall be as follows and not otherwise.

SEC 44. *Condition of candidacy.* The candidate, not later than the presentation to the city clerk of his petition of nomination, as in this article set forth, and not earlier than thirty days before such presentation, shall file with the city clerk a declaration of his candidacy, in the following form:

DECLARATION OF CANDIDATE.

I, _____, residing at No. _____ street, Santa Cruz, California, being duly sworn, hereby declare myself a candidate for the office of _____ to be voted for at the _____ municipal election to be held in the City of Santa Cruz, on the _____ day of _____, 19____.

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF SANTA CRUZ. } ss.
CITY OF SANTA CRUZ. }

Subscribed and sworn to before me this _____ day of _____, 19____.

City Clerk (or Notary Public).

SEC. 45. *Name printed on ballot.* The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth, such candidate not having withdrawn under the provisions of this article.

SEC. 46. *Form of nomination petition.* The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

Individual Certificate.

STATE OF CALIFORNIA, }
COUNTY OF SANTA CRUZ. } ss.
CITY OF SANTA CRUZ. }

I, the undersigned, certify that I do hereby join in a petition for the nomination of _____, whose residence is at No. _____ street, Santa Cruz, California, for the office of _____ to be voted for at the _____ municipal election to be held in the said city of Santa Cruz, on the _____ day of _____, 19____; and I further certify that I am a qualified elector of the said city, that I have not signed more petitions for the above named office than there are places to be filled, that my residence is at No. _____ street, Santa Cruz, California, and that my occupation is _____.

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF SANTA CRUZ. } ss.
CITY OF SANTA CRUZ. }

_____, being duly sworn, deposes and says: That he is the person who signed the foregoing certificate and that the statements therein contained are true and correct.

(Signed) _____

Subscribed and sworn to, this _____ day of _____, 19____, before me,

Notary Public (or Verification Deputy).

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Santa Cruz, California.

SEC. 47. *Forms to be supplied by city clerk.* It shall be the duty of the city clerk to furnish, upon application therefor, a reasonable number of individual certificates of the above character.

SEC. 48. *Requirements of certificates.* Each certificate must be a separate paper. All certificates must be of a uniform size, determined by the city clerk. Each certificate must contain the name of one signer only, and of but one candidate. Each signer of a certificate must be a qualified elector of the city, and must not at the time of signing said certificate have his name signed to more certificates for candidates for that office than there are places to be filled for such office. If an elector signs more certificates than there are places to be filled for such office, all such certificates shall be rejected. Each signer must verify his certificate before a notary public or verification deputy. Each certificate shall contain the name and address of a person to whom the petition is to be returned if found insufficient.

SEC. 49. *Arrangement of certificates.* Individual certificates constituting a nominating petition shall, before presentation to the city clerk, be arranged alphabetically for each municipal election precinct and numbered beginning with the number 1, and shall be bound into a book by fastening the same together with a staple, wire, thread, or other suitable material.

SEC. 50. *Verification deputies.* Verification deputies must be qualified electors of the city, appointed by the city clerk upon application in writing, signed by not less than five qualified electors of the city. The application shall state that the signers thereto desire to procure the signatures of electors for the nomination of candidates for municipal office, or for the recall of an incumbent of an elective office, at an

election therein specified, and that the applicants desire the person or persons whose names and residences are given, appointed verification deputies. The order of appointment shall authorize such persons to administer the verification oath to signers of nominating or recall petition. Such deputies shall use no seal, and have no authority to administer any other oath. Such appointments shall terminate when all of said petitions of nomination or recall have been filed by the city clerk. No verification deputy shall be paid directly or indirectly out of the city treasury.

SEC. 51. *Date of presenting of petition.* A petition of nomination for any one candidate shall consist of not less than twenty-five individual certificates and shall be presented to the city clerk not earlier than thirty-five, nor later than twenty-five days before the election, who shall endorse thereon the date upon which the petition was presented to and filed by him.

SEC. 52. *Examination of petition by city clerk.* When a petition of nomination is presented for filing, the city clerk shall forthwith examine the same and ascertain whether it conforms to the provisions of this article. If found not to conform thereto, he shall then and there note in writing on said petition the deficiency therein and return the petition to the person who presented the same. The petition may then be amended, and again presented for filing as in the first instance. The city clerk shall forthwith examine the amended petition as hereinbefore provided.

SEC. 53. *Withdrawal of candidate.* Any person whose name has been presented as a candidate for municipal office may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and the name so withdrawn shall not be upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

SEC. 54. *Filing petitions.* If either the original or the amended petition of nomination be found sufficiently signed and in proper form as hereinbefore provided, the city clerk shall, within not less than twenty days before the date of the election, file the same. When a petition of nomination shall have been filed by the city clerk, it shall not be altered, added to, or amended.

SEC. 55. *Preservation of petitions.* The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under the provisions of this article.

SEC. 56. *Election proclamation.* Immediately after all petitions are filed, the city clerk shall enter the names of the candidates in a list, together with the offices to be filled, and not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of the city of Santa Cruz, and the council shall cause said certified list, together with the offices to be filled, designating whether for full or unexpired terms, to be published in a proclamation calling the said election, for ten successive days before the election, in not more than one daily newspaper of general circulation published in the city of Santa Cruz. Said election proclamation shall conform to the general law of the State applicable thereto, except as otherwise provided in this charter.

SEC. 57. *Form of ballots.* The city clerk shall cause ballots to be printed, bound, and numbered, as provided for by state law, except as otherwise required in this charter. The ballots shall contain a list of the respective offices and the names of all candidates, as published in the election proclamation, and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION. CITY OF SANTA CRUZ.

(Insert date thereof.)

Instructions to voters. To vote, stamp a cross (X) in the square opposite the name of the candidate or candidates for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear, or deface a ballot, return it to the inspector of the election, and obtain another.

SEC. 58. *Requirements of ballot.* All ballots shall be printed on the same size, quality, and tint of paper, in like type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another. The names of all candidates printed upon the ballot shall be in type of the same size and style, and shall be arranged in alphabetical order, for each office. Nothing on the ballot shall indicate the source of support of any candidacy. A column shall be provided on the right of the ballot for charter amendments or other questions to be voted upon.

SEC. 59. *Names on ballot.* The name of every candidate nominated, and who has not withdrawn his name, shall be printed upon the ballot.

SEC. 60. *Arrangement of ballot.* The offices to be filled shall be arranged in separate columns in the following order:

For mayor vote for one.

For commissioner vote for ----- (giving number).

For auditing committee vote for ----- (giving number).

For member of board of education vote for ----- (giving number).

SEC. 61. *Space for cross.* A half-inch square shall be provided at the right of the name of each candidate on the ballot, within which to stamp a cross.

SEC. 62. *Blanks for additional names.* Half-inch spaces shall be left below the printed names of candidates for each office, equal to the number to be voted for for that office, wherein the voter may write the name of any person or persons for whom he may desire to vote.

SEC. 63. *Sample ballots.* The city clerk shall cause to be printed sample ballots, identical in form (but not in color of paper), with the ballot to be used at the election, and shall furnish copies of the same to registered voters of the city upon application therefor at least five days before the date of the election, and shall mail such sample ballot to each registered voter at least three days before such election.

SEC. 64. *Vote necessary for election.* When there is but one person to be elected, the candidate receiving a majority of the votes cast for the office shall be declared elected; when two or more persons are to be elected, then those candidates equal to the number to be elected, who receive the highest number of votes, shall be declared elected; *provided*, that no person shall be declared elected to any office at the first election, unless the number of votes received by him shall be greater than one-half the number of ballots cast for all the candidates for that office.

SEC. 65. *Second election.* If at any election held as above provided there be any office or offices to which the required number of persons was not elected, then as to such office or offices the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill such office or offices. The candidates not elected at such first election, equal in number to twice the number to be elected to any office, or less if so there be, who receive the highest number of votes for the respective offices at the first election, shall be the only candidates at such second election; *provided*, that if there be any person who, under the provisions of this section, would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then the council shall determine and select by lot which of said candidates shall become a candidate at said second election, and the candidates so selected by the council shall be the only one of said candidates receiving an equal number of votes at said primary election who shall become a candidate at such second election.

SEC. 66. *Date of second election.* When necessary, a second election shall be held on the second Tuesday after the first election.

SEC. 67. *Rules governing the second election.* All provisions above specified, so far as applicable, shall govern the second election, except that notice of said second election need be published but twice, and provided also that the same precincts and polling places shall, if practicable, be used.

SEC. 68. *Failure of person elected to qualify.* Every person elected shall qualify within ten days after his election, or within ten days after notice thereof and on failure to so qualify, the office shall be filled in the manner provided for filling vacancies.

Upon the declaration of the result of the election, the clerk shall deliver to the person elected, or send him by registered mail to his last known address, a written notice of his election.

SEC. 69. *Informalities in election.* No informalities in conducting municipal elections shall invalidate the same.

SEC. 70. *General election regulations.* The provisions of the general law of the State relating to the qualifications of electors and elections shall govern all municipal elections, unless otherwise provided for in this charter. The council shall canvass the election returns within four days after every election, and declare the result thereof.

SEC. 71. *Voting machines.* The council may provide for the use of voting machines.

SEC. 72. *Election precincts, officers, and compensation.* The council shall subdivide the city into election precincts for election purposes, and may change and alter such precincts as often as occasion may require. Such precincts shall be sufficient to limit the number of votes polled in any one election precinct to approximately four hundred. In establishing such precincts, the council may consolidate those which existed at the last preceding general state election, to a number not exceeding three for each municipal or consolidated precinct, and shall number such precincts so established consecutively, and each precinct so established shall, for the purpose of municipal elections, be known by the number so designated. The board of election in each municipal election precinct at all municipal elections shall be composed of five qualified electors of the city, appointed by the council. The compensation of members of the election board shall not exceed four dollars for services at any municipal election.

ARTICLE IV.

ELECTIVE OFFICERS.

SEC. 73. *Elective officers.* The elective officers of the city shall be a mayor and four commissioners, who shall constitute the council, an auditing committee of three members; and a board of education of five members.

The mayor and each commissioner shall have the right to vote on all questions before the council. Each member of the board of education shall have the right to vote on all questions before said board.

SEC. 74. *Elected at large.* All elective officers shall be elected at the general municipal election, on a general ticket, from the city at large.

SEC. 75. *Mayor's term of office.* The mayor shall hold office for the term of two years from the first Monday in July, after his election, and until his successor is elected, or appointed, and qualified.

SEC. 76. *Commissioners' term of office.* The commissioners shall hold office for the term of four years from the first Monday in July, after their election, and until their successors are elected, or appointed, and qualified; *provided*, that the commissioners first elected under this charter shall, at their first meeting, so classify themselves by lot, that two of them shall hold office for two years and two of them for four years. At each general election held under this charter, there shall be elected at least two commissioners.

SEC. 77. *Auditing committee's term of office.* The members of the auditing committee shall hold office for the term of two years from the first Monday in July, after their election, and until their successors are elected, or appointed, and qualified.

SEC. 78. *Members of board of education.* The members of the board of education shall hold office for four years from the fourth Monday in May, after their election, and until their successors are elected, or appointed, and qualified; *provided*, that the members of the board of education first elected shall, at their first meeting, so classify themselves by lot that three shall serve for two years and two for four years. All members of the board of education elected thereafter shall be chosen at general municipal elections for the term of four years.

SEC. 79. *Commencement of term of office.* The term of each elective officer shall commence at twelve o'clock noon on the days fixed in this charter.

SEC. 80. *Official bonds.* The city clerk and assessor, and the treasurer and tax and license collector each shall, before entering upon the discharge of the duties of his office, give and execute to the city of Santa Cruz a bond as hereinafter provided.

The bond of the city clerk and assessor shall be in the penal sum of two thousand five hundred dollars, of the treasurer and tax and license collector in the penal sum of twenty thousand dollars.

Every bond shall contain the condition that the principal will faithfully perform all official duties. Official bonds must be signed by the principal and at least two sureties, or executed by an approved surety company.

No bond signed by individuals shall be approved unless each surety justifies before an officer authorized to administer oaths, as follows:

That he is a resident and freeholder within the county of Santa Cruz, that he is worth the amount for which he becomes surety over and above all his debts and liabilities, in unincumbered property situate within the State of California, exclusive of property exempt from execution and forced sale.

The council may, by ordinance, increase or require a bond from any officer.

The approval of official bonds must be endorsed thereon by the officer or board approving the same. Approved bonds shall be filed with the city clerk, but the bond of the city clerk shall, after filing, be kept by the mayor.

Any official bond required may be executed by some approved surety company, and the premium charged therefor shall be paid by the city.

SEC. 81. *Oath of office.* Every officer of the city shall, before entering upon the discharge of the duties of his office, take, subscribe, and file with the city clerk, the following oath of office:

I solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States, the Constitution of the State of California, and the charter of the city of Santa Cruz, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability.

(Signed) _____

Subscribed and sworn to, this _____ day of _____ 19____, before me,

City Clerk (or Notary Public).

SEC. 82. *Salaries.* The mayor shall receive an annual salary of twelve hundred dollars, and each commissioner an annual salary of nine hundred dollars, payable in equal monthly installments.

SEC. 83. *Administration of oaths. Subpoenas.* Every elective officer, every chief official, and every member of any board provided for in this charter, shall in all matters pertaining to the business of the city, have power to administer oaths or affirmations, and the head of every department shall have the power to issue subpoenas to compel the production of books, papers, and documents, and to hear and take testimony concerning any matter or thing pending before the council or under the supervision of such department. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper, or document, as required by such subpoena, or refuse to testify before the council or before any such board or department, or to answer any question which any such officer or head of department

shall decide to be proper and pertinent, he shall be deemed in contempt, and the council, or any such officer or board, shall have power to take proceedings in that behalf provided by the general laws of the state.

ARTICLE V.

QUALIFICATION OF OFFICERS. VACANCIES.

SEC. 84. *Qualification of mayor, commissioners, and auditing committee.* The mayor, commissioners, and members of the auditing committee, must be citizens of the United States, who shall have attained the age of twenty-five years, they must be electors of the city of Santa Cruz, and shall have been residents of the city for three years next preceding the election.

SEC. 85. *Qualification of members of the board of education.* The members of the board of education must be citizens of the United States, who shall have attained the age of twenty-five years, and shall have been residents of the city for three years next preceding the election.

SEC. 86. *What constitutes a vacancy.* A vacancy shall exist in any elective office when the person elected thereto fails to qualify, dies, resigns, is removed from office, ceases to be a resident of the city, absents himself continuously therefrom for a period of more than thirty days without permission from the council, is convicted of a felony or of a misdemeanor connected with his duties in office, is judicially determined to be incompetent, forfeits his office under any provision of this charter, or is removed from office by judicial proceeding.

SEC. 87. *Vacancy in council.* Any vacancy arising in the council shall be filled by the members thereof. Such appointment shall require the votes of at least three members of the council. In the event that three members of the council fail to appoint a person to fill such vacancy within ten days after its occurrence, then said vacancy shall be filled by a person selected by the auditing committee.

SEC. 88. *Vacancy in board of education.* Any vacancy occurring in the board of education shall be filled as provided by general law of the State.

SEC. 89. *Vacancy in auditing committee.* Any vacancy occurring in the auditing committee shall be filled by the committee. Should said committee fail to fill such vacancy within ten days, the same shall be immediately filled by appointment by the mayor.

SEC. 90. *Appointees to elective offices.* Appointees filling vacancies in elective offices shall hold office until the next general municipal election, when their successors shall be elected, for the unexpired or full term as the case may be.

ARTICLE VI.

THE RECALL.

SEC. 91. *Applies to all elective officers.* Every incumbent of an elective office shall be subject to removal therefrom as follows.

SEC. 92. *Petition for recall.* A petition signed by qualified electors equal in number to fifteen per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election, at which a mayor was elected, requesting the calling of an election to determine whether the incumbent of an elective office shall be removed, shall be addressed to the council and presented to the city clerk. The petition may request that the question of such removal shall be submitted at a special municipal election or at the next general municipal election.

SEC. 93. *Form of petition.* The petition for recall and removal from office shall be substantially in the following form:

(Individual certificate)

PETITION TO THE COUNCIL REQUIRING A SPECIAL MUNICIPAL ELECTION.

(If such be the case.)

For the recall of (name of officer).

From the office of (name of office).

Reasons for the recall of (name of officer) from the office of (name of office): (here insert the reasons).

Reasons against the recall of (name of officer) from the office of (name of office): (here insert the reasons).

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit to the vote of the electors of the city of Santa Cruz, at a special (or the next general) municipal election, the question whether (name of officer) shall be recalled and removed from the office of (name of office).

I further certify that I have read the foregoing reasons for and against the recall of said officer and believe that he should be recalled; that I am a qualified elector of said city; that I reside at No. _____ street, between _____ street and _____ street, in said city, and that my occupation is _____

(Signed) _____

STATE OF CALIFORNIA,
COUNTY OF SANTA CRUZ. } ss.
CITY OF SANTA CRUZ }

-----, being duly sworn, deposes and says That he is the person who signed the foregoing certificate and that the statements therein contained are true and correct

(Signed) -----

Subscribed and sworn to, -----
19----, before me, -----

Verification Deputy (or Notary Public)

The petition of which this certificate forms a part shall, if found deficient, be returned to ----- at No. ----- street, Santa Cruz, California.

SEC. 94 *Filing and examination of petition.* Each certificate must be separate, and contain the name of but one signer, who must make oath before a notary public or verification deputy as to the truth of the statements therein. Such certificates shall be fastened together and bound as neatly as may be in lots of one hundred. Upon receipt of such petition, the city clerk shall endorse thereon the time it was received. He shall thereupon examine said petition to ascertain whether it conforms to the requirements of this charter.

Within ten days after such presentation, the city clerk must determine whether said petition so conforms and shall attach thereto his certificate showing the result of his examination, and send by registered mail a copy of said certificate to the person named in said petition to whom it shall be returned. If the petition does not conform to said requirements, the certificate of the city clerk shall designate the defects in the petition and in the individual certificates. If the certificate of the city clerk shows the petition to be deficient, it may be amended by presentation, within fifteen days after mailing said certificate of the city clerk, of an amended petition containing additional certificates. The city clerk shall, within seven days after the presentation of such amended petition, make like investigation and determination as to the amended petition, and attach to it a like certificate and mail a copy as aforesaid, and, if his certificate shall show the amended petition to be deficient, or if no amended petition shall have been presented, the petition shall be returned to the person named therein to whom it shall be returned, without prejudice to the filing of a new petition to effect the same purpose.

Should any certificate or certificates to the petition not substantially conform to the requirements of this charter, such fact shall not invalidate the petition if a sufficient number of the certificates substantially conform to such requirements. Should the city clerk find that the said petition or amended petition conforms to such requirements, he shall endorse the fact thereon and file and present it to the council.

SEC. 95, *Statement of intention to circulate petition.* Before any petition for recall is circulated, an affidavit in triplicate by or on behalf of the person or persons proposing such recall, shall be made, one to be filed with the city clerk, one to be left by him at the office of the officer sought to be recalled, and one to be sent by him by registered mail to the residence of such officer. Said affidavit shall contain the address of the person or persons making the same, a statement of the intention to circulate a petition for the recall of said officer containing not more than two hundred words, giving the reasons for such recall. Said officer may, within five days after the mailing of such affidavit, send by registered mail to the address of the party making such affidavit, his answer thereto in not more than two hundred words. Such statement and answer, if any, shall be printed on each individual certificate. No original petition for recall of any officer shall be presented to the city clerk later than forty days after the filing of the affidavit.

SEC. 96, *Election under recall petition.* If the officer sought to be removed fails to resign within five days after the recall petition is filed, and the petition requests a special municipal election to be held, the council shall cause a special municipal election to be held within not less than thirty nor more than forty-five days after the filing of said petition to determine whether said officer shall be recalled, but if a general or special municipal election is to occur within sixty days after the filing of said petition, the council may postpone the holding of such election to such general or special election.

SEC. 97, *Life of petition.* If any question of recall, for which a petition has been filed, be not submitted to the electors of the city at or within the time specified, such petition shall remain in force until such question has been submitted.

SEC. 98, *Grounds of recall. Officer's justification.* There shall be printed on the sample and the official ballots the statement of the reasons for the recall of the officer, and his answer, if any.

SEC. 99, *Recall ballots.* The ballots at every election at which recall is to be voted upon, shall contain the following question:

Shall (name of officer) be removed from the office of (name of office)?

Following the question shall be printed the words "Yes" and "No", on separate lines, with a voting square at the right of each, in which the voter shall stamp a cross (X) for or against such recall. All requirements of this charter relating to ballots at general municipal elections shall, so far as applicable, apply to all ballots at every election at which a question of recall is to be voted upon. The call for elections under this article shall be the same as the call for general or special municipal elections.

SEC. 100. *What constitutes a recall.* After a petition for recall of a person from office has been filed, he may continue to perform the duties of his office until the council has canvassed the returns of the election and declared that a majority of the votes upon the question of his recall was cast in favor thereof, and thereupon said office shall become vacant.

SEC. 101. *No recall petition for three months.* No recall petition shall be filed against any officer until he has held his office for three months.

SEC. 102. *Ineligibility of recalled official.* Any person who shall have been recalled, or who shall have resigned while recall proceedings were pending, shall not hold any municipal office within four years thereafter.

ARTICLE VII.

THE LEGISLATIVE DEPARTMENT.

SEC. 103. *The governing body.* The council shall be the governing body of the municipality, exercise the corporate powers of the city, and be vested with all powers of legislation in municipal affairs not in conflict with the Constitution of the United States, the Constitution and general law, and the provisions of this charter.

SEC. 104. *President and vice-president of the council.* The mayor shall be president of the council and preside at its meetings. The council shall elect one of its members vice-president.

SEC. 105. *Meetings of the council.* At twelve o'clock noon on the first Monday of July after canvass of the returns of each general municipal election, the council shall meet, at which time the newly elected mayor, commissioners, and auditing committee, shall assume the duties of their respective offices. The council shall meet in regular session at least once a week.

Special meetings of the council shall be held upon the call of the mayor or upon written request of two commissioners, filed with the city clerk: *provided*, that the said call or written request shall set forth the object of the meeting. The city clerk shall give reasonable notice to the mayor and to each commissioner of the time of said meeting and the object thereof, and no other business than that specified in the call or written request shall be transacted.

SEC. 106. *Meetings to be public.* All meetings of the council shall be public.

SEC. 107. *Quorum.* A majority of the council shall constitute a quorum, but no ordinance, resolution, order, or motion shall be passed or adopted except by affirmative vote of three members.

SEC. 108. *Rules of procedure.* The council shall act only by ordinance, resolution, order, or motion, and shall adopt rules of procedure.

SEC. 109. *Ayes and noes.* The council shall pass ordinances and adopt resolutions by ayes and noes, entered upon its minutes, and a roll call be had upon any order or motion on demand of any member. But no ordinance or resolution shall be placed upon final passage the day it is introduced unless by consent of all members present.

SEC. 110. *Enacting clause of ordinance.* The enacting clause of every ordinance shall be: "Be it ordained by the city of Santa Cruz as follows:".

SEC. 111. *Reconsideration.* When any ordinance or resolution is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote thereon shall not be taken for at least one week thereafter.

SEC. 112. *Protection of absent commissioner.* In the absence of a commissioner, no final action shall be taken concerning his department, except at a regular meeting, or unless such matter has been made a special order at a meeting at which such commissioner was present.

ARTICLE VIII

THE EXECUTIVE DEPARTMENT.

SEC. 113. *The chief executive.* The mayor shall be the chief executive officer of the city, and shall see that the charter and all laws, ordinances and resolutions enacted or passed are enforced. He shall have a general oversight of departments of the municipal government, and shall see that all contracts made with the city are faithfully performed. He shall command the police force of the city, with the aid of the commissioner of public health and safety, for the preservation of public peace and order and the suppression of tumults, riots, or insurrections.

SEC. 114. *Mayor pro tempore.* During the temporary absence or disability of the mayor, the vice-president of the council shall act in his stead. In case of the temporary absence or disability of both, the council shall elect one of its members acting mayor. If a vacancy occur in the office of mayor, the vice-president of the council shall act as mayor until such vacancy is filled.

SEC. 115. *Mayor's messages.* The mayor shall, by annual or special message, recommend to the council such matters and policies as he deems expedient.

SEC. 116. *Supervision of public utilities.* The mayor shall have general supervision of all persons, firms, corporations, and concerns controlling or operating public utilities, in so far as they are subject to municipal control. He shall keep himself informed as to their compliance with law or ordinance, and shall see that the provisions of all franchises, permits, and privileges granted by the city, are faithfully observed.

The council shall cause to be instituted such actions or proceedings as may be necessary to prosecute persons, firms, corporations, or concerns owning, controlling, or operating public utilities, for violations of law or ordinance, so as to revoke, cancel, annul, or regulate the exercise of all franchises, permits, and privileges that may have been granted, which may have become forfeitable, in whole or in part, or which, for any reason, are illegal, or void, or voidable, or negligently exercised. The city attorney, by order of the council, must institute and prosecute the necessary actions to enforce the provisions of this section.

SEC. 117. *Executive and administrative departments.* The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or municipal ordinance.

The executive and administrative powers, authority, and duties of the city, not otherwise provided for in this charter, shall be divided into five general departments, as follows.

1. Department of public affairs, which shall be under the supervision of the mayor.

2. Department of revenue and finance, which shall be under the supervision of the commissioner of revenue and finance.

3. Department of public health and safety which shall be under the supervision of the commissioner of public health and safety.

4. Department of public works, which shall be under the supervision of the commissioner of public works.

5. Department of streets and parks, which shall be under the supervision of the commissioner of streets and parks.

SEC. 118. *Council to assign powers and duties.* The council shall, within ten days after each general municipal election, designate and assign one of the commissioners to be commissioner of revenue and finance, one to be commissioner of public health and safety, one to be commissioner of public works, and one to be commissioner of streets and parks. The council may change such assignments, except that of the department of public affairs, by ordinance, whenever it shall appear to its satisfaction that the public service would be improved thereby. The council shall define, by ordinance, the powers and duties of all officers and employees, when the same are not prescribed by this charter, and may assign to departments, officers, boards, and employees, powers and duties other than and in addition to those prescribed by this charter, not inconsistent therewith; may detail or reassign particular officers or employees for duty in more than one department of the city government; may require an officer or employee to perform duties in two or more departments of the city government; and may make rules and regulations not in conflict with law or this charter for the efficient and economical conduct of the business of the city.

Except as otherwise provided in this charter, the several departments shall be composed, organized, and conducted, and the persons employed therein shall be chosen, as the council may by ordinance provide, and the council must, at all times, keep in full force and effect, ordinances sufficiently providing therefor.

SEC. 119. *Department of public affairs.* All matters affecting the relations of the city with the United States, or any of the states, the county, or other municipalities, shall be referred to the department of public affairs, and this department shall have supervision over all boards appointed by the mayor.

SEC. 120. *Department of revenue and finance.* The department of revenue and finance shall have supervision over all financial matters, except as elsewhere provided in this charter, including the office of treasurer and tax and license collector.

SEC. 121. *Department of public health and safety.* The department of public health and safety shall have supervision over and shall include the police, fire, electrical, and health departments, the municipal employment office, and the office of plumbing and building inspector.

SEC. 122. *Department of public works.* The department of public works shall have supervision of the acquisition, construction, alteration, repair, operation, and maintenance of all buildings, wharves, docks, slips, quays, and water front property, water works, and other public utilities of every kind and nature, owned or hereafter to be acquired or operated under the control of the city, not in this charter assigned to another department.

SEC. 123. *Department of streets and parks.* The department of streets and parks shall have supervision of the parks and the streets of the city, except where a part of any wharf, dock, slip, or quay belonging to or under the control of the city encroaches upon any street, also supervision of all work done on, in, under, or over the streets, except as aforesaid, whether of construction, maintenance, or repair.

and of all sewers, pipes, conduits, tunnels, and other installations placed under the streets, and of all poles, tracks, and other installations placed on or above the streets. Any quarries or plants operated by the city for the making or assembling of any substance or materials for use in the building, maintenance, or repair of streets, shall be under the supervision of and be conducted by said department.

SEC. 124. *Chief officials.* The chief officials of the city shall be a city attorney; a police judge; a treasurer, who shall be ex officio tax and license collector; a city clerk, who shall be ex officio city assessor, a city engineer and surveyor; a chief of police; a chief of the fire department, an assistant chief of the fire department, a health officer; a city superintendent of public schools, a street superintendent, a superintendent of the electrical department, a plumbing and building inspector; a superintendent of water works; and five library trustees. The council shall by ordinance prescribe the duties of all the chief officials appointed by it, other than those specified in this charter, and impose on them other duties not inconsistent with this charter. The council, at any time, by an affirmative vote of three members may consolidate and place in charge of one chief official the functions and duties of two or more such chief officials. The council shall have the power by the affirmative vote of three members to remove from office any of the chief officials of the city appointed by it, except the police judge.

The appointment of every chief official, not appointed by the council, shall be subject to confirmation by the council, except the city superintendent of public schools.

SEC. 125. *The city attorney.* The city attorney shall be appointed by the mayor, and confirmed by the council. He must be a citizen of the United States, admitted to practice in all of the courts of this State, a resident and elector of the city of Santa Cruz for three years next preceding his appointment. He shall prosecute all criminal cases arising from violations of the provisions of this charter and the ordinances of the city, and shall attend to all suits, matters, and proceedings in which the rights of the city are involved; *provided*, that the council shall control all litigation and may employ attorneys to take charge of or to assist the city attorney in any litigation. The city attorney shall attend all regular meetings of the council, and shall give his advice or opinion in writing upon any question relating to municipal business, whenever requested so to do by the council, or any of the boards or officers of the city. He shall pass upon the form of all bonds given to and contracts made by the city, endorsing his approval or disapproval thereon. He shall, whenever required by the council, draft ordinances for the city and amendments thereto; he shall do and perform such other acts relating to his office as the council or the mayor shall require.

SEC. 126. *Police judge.* The police judge shall be appointed by the commissioner of public health and safety, and confirmed by the council. He shall be assigned to the department of public health and safety.

SEC. 127. *Treasurer and ex officio tax and license collector.* The treasurer shall be appointed by the commissioner of revenue and finance, and confirmed by the council. He shall be assigned to the department of revenue and finance. The treasurer shall be ex officio tax and license collector. As tax collector he shall perform the duties in this charter and by the general laws of the State provided. As license collector he shall collect and receive all moneys due and owing to the city for licenses. As treasurer he shall receive, safely keep, and pay out all moneys belonging to the city, and all other moneys provided to be paid into the treasury by this charter, and shall keep an accurate account of all receipts and expenditures under such rules and regulations as may be provided by ordinance or the provisions of this charter. The treasurer shall not receive any moneys unless the payment of the same is accompanied by the certificate of the city clerk, stating the amount of the same and to what fund applicable and by whom to be paid. For all moneys received the treasurer shall give a duplicate receipt, one of which shall be countersigned by the city clerk before delivery to the party making payment, and the other shall be delivered to and retained by the city clerk. The treasurer shall not pay out any money belonging to the city except upon claims presented, allowed, and audited in the manner provided by this charter. The treasurer shall make monthly statements to the council of the receipts and expenditures of the preceding month. At no time shall the weekly balance in the vaults of the treasury exceed the sum of five thousand dollars; *provided*, that applications are on file with the treasurer from a bank or banks in the city of Santa Cruz, for the deposit of municipal funds in accordance with the laws of the state. The treasurer shall perform such other duties as may be imposed by ordinance or the provisions of this charter.

SEC. 128. *City clerk and ex officio assessor.* The city clerk and ex officio city assessor shall be appointed by the council. He shall be clerk of the council. He shall be custodian of deeds and other evidences of the title to city property. He shall deliver such deeds and evidences of title to his successor. He shall keep the corporate seal, all books, papers, records, and archives of the city, not in use or possession of other officers under the provisions of this charter, or by ordinances of the city. He shall attend the meetings of the city council and of the board of equalization and keep a correct record of their proceedings. He shall keep books and record therein all ordinances, and index the same, and shall file and keep on file all contracts and official bonds, except as otherwise herein provided. He shall attest the signature of the mayor and shall have power to take affidavits and to administer

oaths in all matters relating to the business of the city, but shall make no charge therefor.

The city clerk shall keep a record of all demands against the city allowed by the council, and against the library fund allowed by the board of library trustees, and approved by the mayor, the name of the original holder, amount, date of allowance, on what account incurred, and out of what fund payable. He shall correctly compute the amount of the several taxes of the assessment roll in accordance with the levy made by the council, and certify the same before turning the roll over to the tax collector. He shall, upon the application of any person indebted to the city, or of any officer or person desiring to pay or holding money payable into the city treasury, certify to the city treasurer the amount thereof, to what fund to be applied, and by whom to be paid, he shall, upon the order of the city treasurer directing him to issue a receipt to the person paying money into the city treasury, charge the city treasurer with the amount and give the person paying the same a receipt therefor. He shall apportion among the several funds all public moneys in the city treasury, not otherwise by law or ordinance specifically apportioned or appropriated, and notify the city treasurer of such apportionment. He shall countersign all licenses and permits issued to any officer wherein money is to be paid for the use of the city, and charge such officer with the amount. No license or permit shall be valid unless countersigned by him. He shall, at the first meeting in each month, and oftener if required, report to the council the condition of each fund in the treasury. He shall, at the first meeting of the council in January and July of each year, report the amount of, and sources from which the revenue of the city was derived, how expended, and the unexpended balance in each fund. He shall keep a set of books, in which shall be plainly set forth every money transaction of the city, showing the condition of the finances.

The city clerk shall attest all ordinances and resolutions, and countersign all warrants drawn upon the city treasurer, signed by the mayor. He shall formulate and submit to the council for approval, a system of books and records to be kept, and forms for reports to be made by each department to the council, which, after approval, shall continue in force until otherwise ordered. He shall perform such other duties as are required of him by law, ordinance, or this charter.

SEC. 129. *Ex officio city assessor.* As ex officio city assessor, the city clerk shall perform all duties prescribed by this charter or by the laws of the State of California, for assessing property in the city for purposes of taxation, and shall collect taxes upon personal property required to be collected by the assessor; *provided, however,* that the council shall have authority to avail itself of the provisions of any act of the legislature requiring county assessors to make assessments or to furnish copies thereof for cities, of property situated therein.

SEC. 130. *City engineer and surveyor.* The city engineer and surveyor shall be appointed by the commissioner of streets and parks, confirmed by the council, and assigned to the department of streets and parks. He shall be an elector of the city, a civil engineer and licensed surveyor, of not less than two years' practical experience. He shall possess the power in the city in making surveys, plats, and certificates, given by law to city engineers or to county surveyors, and his official acts and all plats, surveys, and certificates made by him shall have the same validity, force, and effect given by law to those of city engineer or county surveyors. He shall be the custodian of all maps, plans, profiles, field notes, and other records and memoranda belonging to the city, pertaining to his office and the work thereof, all of which he shall keep in order, with full indexes and shall turn over the same to his successor, who shall give duplicate receipts therefor, one of which he shall file with the city clerk. All maps, plans, profiles, field notes, estimates, and other memoranda of surveys and other professional work made or done by him or under his direction or control, for the city, during his term of office, shall belong to the city.

SEC. 131. *Street superintendent.* The street superintendent shall be appointed by the commissioner of streets and parks, confirmed by the council, and assigned to the department of streets and parks. He shall see that the laws, ordinances, orders, and regulations relative to public streets and parks are carried into execution and penalties for breaches thereof enforced. He shall, under the direction of the commissioner of streets and parks, superintend the construction and repair of streets, sewers, and bridges, and the cleaning, sprinkling, oiling, and draining of streets and the flushing of sewers, he shall have the general care of, and frequently inspect the same, approve or reject all materials for construction or repair of streets, sewers, and bridges, whether by contract or otherwise, and report to the commissioner of streets and parks all deviation from contracts and specifications, use of improper materials, or defective work. He shall perform such other services as are required of him by the commissioner of streets and parks, by this charter, ordinances, or the general law.

SEC. 132. *Superintendent of the electrical department.* The superintendent of the electrical department shall be appointed by the commissioner of public health and safety, confirmed by the council and assigned to the department of public health and safety. He shall perform such services as are required of him by said department, this charter, the ordinances, or general law.

SEC. 133. *Plumbing and building inspector.* The plumbing and building in-

spector shall be appointed by the commissioner of public health and safety, confirmed by the council, and assigned to the department of public health and safety. He shall perform such services as are required of him by said department, by this charter, the ordinances, or general law.

SEC. 134. *Superintendent of public schools.* The city superintendent of public schools shall be appointed by the board of education. He shall perform the services required of him by the board of education, by this charter, and the general law.

SEC. 135. *Superintendent of water works.* The superintendent of water works shall be appointed by the commissioner of public works, confirmed by the council, and assigned to the department of public works. He shall perform such services as are required of him by said department, by this charter, the ordinances, and general law.

SEC. 136. *Library trustees.* The library trustees shall be appointed by the mayor and confirmed by the council. They shall perform the services required of them by this charter, the ordinances and general law.

SEC. 137. *Auditing committee.* The auditing committee shall employ, for a stipulated compensation, at the beginning of each fiscal year, a competent accountant, to examine, once a year, or oftener, if in the judgment of the auditing committee advisable, the books, records, and reports of the city clerk, and of all officers and employees who receive or disburse moneys, and the books, records and reports of such other officers and departments as the auditing committee may direct. He shall also examine the proceedings of the city council in relation to the purchasing of supplies, letting of contracts, payment of salaries and wages, and all matters and things connected with the business management of the city, and shall report in writing the purchase of any supplies at a cost exceeding the market value at the time of such purchase, as well as every case of letting of contracts unfairly. He shall examine all work done by the council other than by contract to the lowest bidder, and report in writing his conclusions as to the relative cost of work done by the city and that performed by contract. He shall make a copy of his report for the mayor, the auditing committee, the city clerk, and the public library. Such accountant shall recommend ways and means to improve the methods of keeping the books, records, and accounts of the city. The members of the auditing committee, and the accountant, shall have unlimited opportunity of investigation, to examine under oath all officers, clerks, and employees of the city, and every such officer, clerk, and employee shall give all required assistance and information to the members of said auditing committee and said accountant and shall submit to any of them for examination such books, papers, and records of his office as may be required. Failure so to do shall be cause for forfeiture of office or dismissal from employment. The compensation of said accountant shall be fixed by the auditing committee, and paid as other claims against the city. Whenever requested so to do by the auditing committee, the council shall have the report of the said accountant printed in pamphlet form for distribution and publicity. The auditing committee shall keep a file of its proceedings open to public inspection, and which shall include all accountant and expert reports. It shall also file any written reports or complaints by citizens as to charges of mismanagement of officers or employees. Said auditing committee may publish and file a report, and any member thereof may file a report, whenever deemed necessary.

SEC. 138. *Approval of bonds.* All official bonds shall have endorsed thereon the approval of the auditing committee.

SEC. 139. *Compensation of officers and employees.* The compensation of all city officers, officials, and employees, not fixed by this charter or otherwise provided, shall be fixed by the council, except where a person, board, or body other than the council, is empowered to employ. No officer, official, or employee of the city shall receive any perquisite other than the salary or compensation provided for in this charter or by the council or other person or board. All fees received or collected by any officer, official, or employee of the city, shall be paid into the city treasury.

SEC. 140. *Reports of departments.* All officers and boards shall render and file with the city clerk, annually, or when required by the council, full written reports of the business transacted by each of them and their subordinates subsequent to their last report, together with comments on and recommendations for the betterment of the work of their respective offices or departments.

SEC. 141. *Officials to hold but one office.* The mayor, commissioners, and chief officials shall not hold any other offices or employment in the city, the salary or compensation of which is paid either directly or indirectly by the city. Neither the mayor nor any commissioner shall be eligible to any municipal office created by or the compensation of which has been increased by the council while he is a member, until at least one year shall have elapsed after the expiration of the term for which he was elected, nor shall any member of the council be selected to fill any vacancy that may occur in any other office subject to confirmation or appointment by the council, during the term for which he was elected.

ARTICLE IX.

JUDICIAL DEPARTMENT.

SEC 142. *Police court* The judicial power of the city shall be vested in a police court, which shall be presided over by a police judge.

SEC 143. *Qualifications of police judge.* The police judge shall have been a resident of the city for one year next preceding his appointment, an elector thereof, and must have been admitted to practice as an attorney and counselor at law in all of the courts of the State.

SEC 144. *Disqualification of police judge.* In all cases where, under the laws of this state, a justice of the peace is disqualified, or when, for any reason, the police judge is unable to act, he shall call a justice of the peace of Santa Cruz County to hold court in his stead.

SEC 145. *Appointment and compensation.* The police judge shall be appointed for a term of four years. His compensation shall be fixed by the council.

SEC 146. *Powers of police court.* The police court shall have same jurisdiction, civil and criminal, as justices of the peace of townships, and justices' courts in townships. The police court shall have exclusive jurisdiction of all civil and criminal actions or proceedings, for the violation of any ordinance of the city, and of all actions for the collection of any license imposed by any ordinance of the city, except such actions as are within the original jurisdiction of the Superior Court of Santa Cruz County. The police judge shall have power to impose fines upon or to imprison persons adjudged guilty of a violation of any ordinance of the city, and such fine or imprisonment shall be in accordance with the terms of such ordinance; *provided, however,* that such fine shall not exceed five hundred dollars, and such imprisonment shall not exceed six months in the county jail or city prison, and the sentence administered shall not be greater than both such fine and imprisonment. In case of imprisonment for non-payment of a fine, such imprisonment shall be one day for each two dollars of the fine imposed, and the police judge shall have power, in sentencing any person adjudged guilty of and fined for any offense, or sentenced to be imprisoned therefor, or both, to cause such person to labor upon the public streets or upon any public works of the city during the period of such sentence. All provisions of the several codes and of the statutes of this State, relative to procedure in justices' courts, are applicable to procedure in the police court. It may issue all writs and process which may be issued by justices of the peace or justices' courts, and the police judge may certify and take depositions, affidavits, and acknowledgments. Any warrant, writ, summons, or other process, issued by the police court, may be directed to the chief of police or to any sheriff or constable, who shall serve and return the same. The police court shall always be open for the transaction of business.

SEC 147. *Books and papers to be kept by police judge.* The police judge shall keep a civil and a criminal docket which shall contain an index and a page or pages for each case or proceeding, and there shall be entered therein a brief description of every paper filed or issued by said court, and of every proceeding had in the action or proceeding, including the judgment rendered thereon. He shall keep all of the papers on file in his office, in a neat and orderly manner, properly indexed. The records of the court or judge shall belong to the city.

SEC 148. *Appeals.* Appeals may be taken to the superior court from any judgment or order of the police judge or of the police court, in the same manner as from justices' courts, and all provisions of law relating to appeals from justices' courts shall be applicable to appeals from the police court.

SEC 149. *Seal.* The police court shall have a seal on which shall be engraved the arms of the State of California and the words "Police Court, City of Santa Cruz", and the seal shall be affixed to all process issued by said court.

SEC 150. *Report and account.* The police judge shall report to the city council monthly. In all cases brought before or tried by the police judge, he shall charge the same fees as are allowed by law to justices of the peace in similar cases. All fines imposed and collected, and all fees charged, or which should be charged by the police judge, shall be paid monthly into the city treasury on or before the last day of each month.

ARTICLE X.

POLICE DEPARTMENT.

SEC 151. *Organization.* The police department shall consist of a chief of police and policemen.

SEC 152. *Qualifications.* Each member of the police department shall be a citizen of the United States, an elector of the city, able to read and write the English language, and a resident of the city for three years next preceding his appointment.

SEC 153. *Duties.* The chief of police and policemen shall be appointed by the commissioner of public health and safety. The appointment of chief of police shall be confirmed by the council. He shall be the head of the department and shall be held responsible for the execution of all laws and ordinances and of the

rules and regulations of the department, and shall exercise such other powers as may be provided by ordinance. He shall see that the orders and processes issued by the commissioner of public health and safety and those of the council, and police judge, are promptly executed.

ARTICLE XI.

FIRE DEPARTMENT

SEC. 154. *Organization.* The fire department shall consist of a chief of the fire department, an assistant, and other officers and firemen.

SEC. 155. *Qualifications.* Each member of the fire department shall be a citizen of the United States and able to read and write the English language.

SEC. 156. *Appointments and duties of chief of fire department.* The chief of the fire department and all other officers and members thereof, shall be appointed by the commissioner of public health and safety. The appointment of the chief and assistant shall be confirmed by the council.

The chief shall be the head of the department and shall perform the duties of fire marshal. He shall superintend the extinguishment of fires. He shall have control and management of all fire engines and fire apparatus belonging to the city, and all members and employees of the fire department shall be under his control and command. He shall observe the condition of the apparatus and workings of the department, and shall see that all laws, orders, rules, and regulations relating to the fire department are enforced. He shall submit to the commissioner of public health and safety, at least once each month, a written statement of the number of men employed, their compensation, and the condition of the department, and make recommendations respecting the same. He shall have such other powers and duties as may be provided for by ordinance. In the absence or inability of the chief, the assistant shall perform his duties.

ARTICLE XII.

HEALTH DEPARTMENT

SEC. 157. *Appointment.* The commissioner of public health and safety shall appoint the health officer, and assistants. The appointment of the health officer shall be confirmed by the council.

SEC. 158. *Authority of commissioner.* Said commissioner shall have supervision over the sanitary conditions of the city. He shall enforce the law and ordinances and all orders and rules pertaining to health, sanitary, quarantine, and disinfection regulations, with power to make arrests for any violation thereof.

SEC. 159. *Qualifications.* The health officer shall be a physician of three years' practice, licensed in this State, and an elector of the city.

ARTICLE XIII.

SCHOOL DEPARTMENT

SEC. 160. *Schools.* The school department shall comprise all of the schools within the city and within the territory that now is or that may hereafter be annexed for school purposes, and shall be known as Santa Cruz school district; shall consist of primary, grammar, and high schools, and may, at the discretion of the board of education, include kindergartens, technical, industrial, and night schools: *provided*, that no school money shall be used for technical, industrial, or night schools, when such use would prevent the board of education from maintaining free kindergarten, primary, grammar, and high schools for ten months in each year.

SEC. 161. *Government and organization.* The schools shall be governed by the board of education. It shall meet annually on the fourth Monday in May, shall organize and choose one of its members president, who shall serve one year. The board shall elect a clerk, to serve at its pleasure.

SEC. 162. *Meetings.* The board shall hold regular meetings at least once a month, at such time as it may determine, at the office of the city superintendent of schools, which office shall be in the high school building.

Special meetings may be called by the president, and must be called upon the written request of two members.

SEC. 163. *Powers and duties.* The powers and duties of the board of education are:

1 To establish and maintain public schools as herein provided, and to change, consolidate, or discontinue the same.

2 To divide the district into school subdivisions.

3 To employ and discharge superintendents, principals, teachers, and other employees.

4 To fix, alter, allow, and order paid the salaries or wages of all employees, and to withhold, for cause, the whole or any part thereof.

5 To make and enforce rules for the government and management of the public schools, and for the teachers and pupils thereof.

6 To establish and regulate the grade of the schools and to determine the course of study therein, the mode of instruction, and what text-books, other than those published by the State, shall be used in the schools.

7 To prescribe the course of study for the high school.

8 To provide fuel, lights, water, printing, stationery, and other supplies for the department.

9 To build, alter, repair, rent, furnish and insure school houses and property.

10 To purchase, sell, receive, lease, hold in fee or in trust for the city, any and all property that may have been acquired or that may hereafter be acquired, for the use and benefit of the schools, and to make, in the name of the city, conveyances of property belonging to the city sold by the board of education; *provided*, that the proceeds of any such sale shall be applied to the purchase of other lots or for the erection of schoolhouses for the use of the department.

11 To grade, fence, and improve school lots and grounds.

12 To prohibit any child under the age of six years from attending public school; except that kindergarten classes may be attended by children not under four years of age. To suspend or expel pupils for misconduct.

13 To admit persons over twenty-one years of age to the schools, upon payment of tuition fees fixed by the board.

14 To provide books for children of parents unable to furnish them.

15 To visit the schools of the city and examine their management and condition.

16 To discharge all legal incumbrances upon school property.

17 To sue for property acquired for the use and benefit of the department, and to prosecute and defend all actions necessary to recover and maintain said property, and to require the services of the city attorney therein.

18 To perform such acts as may be required to carry into effect the powers conferred upon the board and to increase the efficiency of the schools.

Sec. 164. *City superintendent of schools.* The board shall annually appoint a city superintendent of schools, who shall be a practical educator of not less than five years of successful experience in teaching. He shall not engage in any business that will interfere directly or indirectly with the performance of his duties. During his incumbency, he shall not hold, nor be a candidate for, any other office. He shall have supervision over the school property, he shall grade the classes in the schools and classify the pupils as to the grade of school they shall attend; he shall recommend to the board such additions and changes in the grade of the schools, course of study, text-books, and such other things and matters as he deems beneficial and proper. He shall, in June of each year, submit to the board of education a detailed report of the progress of the schools, their present condition, the condition of school houses, lots, and furniture, the number of pupils taught respectively in the respective schools and grades. He shall have supervision and control of the teachers, and shall report to the board any misconduct, want of ability, negligence, or inattention on the part of any of them; he shall, subject to the approval of the board, assign teachers to such classes as shall be for the best interest of the schools, he shall see that none but authorized text-books are used, and that teachers and pupils faithfully perform their respective duties, he shall perform such other duties as may be imposed by the board, or the general laws of the State.

Sec. 165. *Clerk of the board of education.* The clerk of the board shall keep a record of the proceedings of the board and an account of the expenditures allowed by it, and for what purpose. He shall be the custodian of all books, papers, and documents belonging to the department. He shall, in June of each year, make a full and complete detailed report of receipts and expenditures of the department. He shall perform such other duties as the board may require of him.

Sec. 166. *General provision.* All other matters pertaining to the school department, not specifically provided for in this charter, shall be governed by general law.

ARTICLE XIV.

PUBLIC LIBRARY.

Sec. 167. *Control and management.* The public library shall be controlled and managed by the board of library trustees, in accordance with the provisions of the general law.

ARTICLE XV.

REVENUE AND TAXATION.

Sec. 168. *Fiscal year.* The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Sec. 169. *Tax system.* The council shall by ordinance provide for the assessment, levy, and collection of all city taxes not inconsistent with the provisions of this charter or general law. The council shall have power to adopt by ordinance any law of the State, whereby the assessment may be made by the assessor of Santa Cruz County, and taxes collected by the tax collector of said county for and in behalf of said city. Other provisions of this charter concerning the assessment, levy, and collection of the taxes, shall be subject to the provisions of any such ordinance.

Sec. 170. *Department estimates.* On or before the first Monday in May in each year, or on such date as shall be fixed by the council, the heads of departments, officers, boards, and commissions shall submit to the commissioner of revenue and

finance, an estimate, in writing, of the amounts, specifying in detail the purposes thereof, required for the business and conduct of the respective departments, offices, boards, and commissions, during the ensuing fiscal year.

SEC. 171. *Estimate by commissioner.* On the first Monday in July in each year, or on such date as may be fixed by the council, the commissioner of revenue and finance shall submit to the council an estimate in detail of the probable expenditures of the city government for the ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the necessities of all of the departments of the municipal government; also an estimate of income from fines, licenses, and other sources of revenue exclusive of taxes on property, and the probable amount required to be levied and raised by taxation.

SEC. 172. *Annual budget.* The council shall, prior to fixing the tax levy, annually make a budget of the estimated amounts required to pay the expenses of conducting the business of the city for the ensuing fiscal year.

SEC. 173. *Board of equalization.* After ten days' notice thereof given to the taxpayers of the city by publication in a daily newspaper published in the city of Santa Cruz, the council shall meet at its usual place of holding meetings, on the first and each succeeding Monday in August of each year, at nine o'clock in the forenoon of said days, and sit and act as a board of equalization, and shall have, as regards the equalization of the levy and assessment of city taxes, powers similar to those conferred upon the board of supervisors of Santa Cruz County as a board of equalization of county taxes. The meetings of the council as a board of equalization shall be public. The said board shall have power to increase or diminish the amount of any assessment, both as to real and personal property, provided, that before any assessment shall be increased, due notice shall be given to the owner or owners of the property, the assessed value of which it is proposed shall be increased, of the intention to increase the same, by mailing a written notice thereof to such owner or owners of said property at least five days before the same shall be increased, and said notice shall inform such owner or owners of said property to be and appear before said board at a specified time to show cause, if any they have, why said assessment should not be increased. Such owner or owners shall have the right to be heard before said board, under oath, before the time fixed for increasing of such assessment.

SEC. 174. *Tax levy.* The council must, not later than the first Tuesday in September of each year, adopt an ordinance levying upon the assessed valuation of the property of the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of the valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The assessment roll shall then be delivered to the city clerk, who shall compute and carry out the amount of tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the city clerk as being the assessment roll of said tax.

SEC. 175. *Limit of tax levy.* The tax levy for each fiscal year shall not exceed, except as in this charter provided, the rate of one dollar on each one hundred dollars of the assessed value of all the real and personal property within the city.

SEC. 176. *Bond and library tax.* The council shall have power to levy and collect taxes in addition to the taxes heretofore authorized, sufficient to pay the interest and maintain the sinking funds of the funded indebtedness of the city, and to provide for the establishment and support of public libraries and reading rooms, provided, that said library tax levy shall not exceed the rate of ten cents on each one hundred dollars of the assessed valuation of all the property within the city.

SEC. 177. *Tax liens.* All taxes assessed together with any percentage imposed for delinquency and the cost of collection, shall constitute liens upon the property assessed. Every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided, that when real estate is offered for sale for taxes thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption as it may be struck off and sold to the State when offered for sale for state and county taxes, and the council shall have the power to provide for the procedure to be followed in such sales to the city and for the redemption of the property thereafter.

SEC. 178. *Uniform accounts and reports.* The council shall prescribe uniform forms of accounts and reports, which shall be observed and kept by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the State Legislature for uniform municipal accounts and reports the council is hereby authorized to adopt the same.

ARTICLE XVI

CLAIMS AND DEMANDS

SEC. 179. *Approval* All demands payable out of the city treasury must, except as otherwise provided in this charter, be approved by the council.

SEC. 180. *Payment.* All claims and demands against the city shall be paid fully as herein provided.

SEC. 181. *How presented and endorsed.* All claims and demands, except as hereinafter provided, shall be duly verified, and presented to the council on forms furnished by the city clerk. If said claims be just and legal, the council shall approve the same, or may, in a proper case, approve in part or reject the same. The action of the council shall be endorsed on said claims and demands, with the date of such action, and shall be certified by the city clerk.

SEC. 182. *Claims to be numbered.* Every claim and demand shall be numbered and acted upon by the city clerk in the order of presentation to him; and, when allowed, either in whole or in part, shall be numbered and entitled to payment in the same order as allowed.

SEC. 183. *Claims against library fund.* All claims and demands payable out of the library fund must be approved by the board of library trustees before they can be approved or paid, and such approval shall be entered upon their minutes and endorsed upon said claims or demands. They shall be signed by the president and secretary of said board. After such approval and signing, they shall be delivered to the city clerk and be presented by him to the mayor, for consideration and approval.

SEC. 184. *Claim must be itemized.* No claim or demand shall be approved, audited, or paid by any board or officer, unless it specify each several item, with the date and amount thereof.

SEC. 185. *Legality.* No payment shall be made from the city treasury or out of the public funds of the city, unless the same be authorized by law, nor unless the said claim or demand shall have been duly audited as in this charter provided. The term "audited" means that said claims and demands have been presented to, passed upon, and approved by every officer and board required by this charter to do so, and this must appear upon the face of said claim or demand.

SEC. 186. *Indebtedness to city to be deducted.* No claim or demand shall be approved by the council in favor of any person or officer who is indebted to the city, or any assignee of such claim, without first deducting the amount of said indebtedness, nor in favor of any officer having the collection, custody, or disbursement of public funds, who shall have failed to account to the city as required by law, nor in favor of any officer who shall have failed to make his official returns or report in writing, in the manner and at the time required by law, nor in favor of any officer who has failed to comply with any of the provisions of this charter or the ordinances of the city, or any Act of the Legislature regulating the duties of such officer, after notice in writing by the council to comply therewith; nor in favor of any officer for the time he shall have absented himself, without lawful excuse, or the consent of the council, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the council may examine, under oath, any officer receiving a salary from the city, touching such absence.

SEC. 187. *Record of claims and demands.* The city clerk shall number and keep a record of all claims and demands upon the city treasury, approved by the council and of the claims and demands approved by the board of library trustees, showing the number, date, and amount thereof, and the name of the original and present holder, on what account allowed, out of what fund payable, and by what board or officer approved.

SEC. 188. *Payment and registration of warrants.* Every demand upon the city treasury, audited and allowed as in this charter provided, shall, in all cases, be paid upon presentation of the warrant issued, if there be sufficient money in the city treasury applicable to the payment of such demand, and the warrant shall be canceled by a punch cutting the word "Canceled" therein, and the proper entry shall be made. If there is not enough applicable, the warrant shall be registered by the city treasurer in a book kept for that purpose. Such register shall show the special number of such warrant given by the city clerk, the date, amount, name of the original and present holder, on what account allowed, against what appropriation drawn, out of what fund payable, and the date of presentation. All warrants shall be paid in the order of their registration. Each warrant, upon being registered, shall be returned to the party presenting it, with the endorsement of the word "Registered," the date of registration, and the signature of the city treasurer, but the registration of any warrant shall not operate to recognize or make valid any such warrant if drawn contrary to law.

SEC. 189. *Public moneys.* All public moneys collected by any officer or employee of the city shall be paid into the city treasury; and the compensation of all officers, employees, or other persons collecting any money due the city, shall be paid by demands upon the city treasury, audited as other claims and demands are audited and paid.

ARTICLE XVII.

PUBLIC WORK AND CONTRACTS.

SEC. 190. *Form of contracts.* All contracts must be in writing, approved by the city attorney, executed in the name of the city by an officer or officers authorized thereunto, countersigned, numbered, and registered by the city clerk in a book kept for that purpose.

SEC. 191. *Progressive payments on contracts.* Contracts may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given therefor, but no progressive payments can be provided for or made at any time, which, with prior payments, shall exceed seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize the payment of more than seventy-five per cent of the contract price before the completion of the work done thereunder and the acceptance thereof by the proper officer, board, or department.

SEC. 192. *Public work to be done by contract.* The erection, improvement, and repair of all public buildings and works, all street and sewer work, and all work along streams, bays, or the water front, for protection against overflow or erosion, furnishing supplies and materials for the same, or for any use by the city, when the estimate therefor exceeds the sum of five hundred dollars, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for five consecutive days in a daily newspaper of general circulation published in the city of Santa Cruz. Such notice shall specifically state the work contemplated to be done. The council may reject any bid deemed excessive and readvertise or order the work to be done by the department of public works. If no bid is received, the work shall be done by the department of public works.

SEC. 193. *Official advertising.* The city clerk shall submit a list of blanks and blank books used in the several offices and departments, and the council shall annually fix the price therefor, and also the price of all job printing and city advertising, and each officer, board, or department shall procure such blank books, job printing, and advertising, at a price no greater than is so fixed, and certify the bill therefor to the council. A square of advertising shall be two hundred and thirty-four ems nonpareil.

SEC. 194. *Contracts for lighting.* No contract for lighting streets, public buildings, places or offices shall be made for a longer period than three years, nor at a higher rate than the minimum price charged private consumers.

SEC. 195. *Contracts for water.* No contract for supplying water for any department of the city shall be at a higher rate than the minimum price charged private consumers.

SEC. 196. *Collusion with bidder.* Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material, or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount or different kind of material or supplies than has been received shall be guilty of malfeasance in office.

SEC. 197. *Collusion of bidder.* If any person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other person for the purpose of preventing other bids, then the contract so awarded shall be null and void, and the council shall readvertise or provide for the said work to be done by the department of public works.

SEC. 198. *Officers interested in contracts. Freedom of trade.* No officer shall be interested in any contract made by him in his official capacity, or by any body or board of which he is a member, and any such contract shall be null and void, and it shall be a felony punishable as provided in section seventy-one of the Penal Code of California for any commissioner or officer to suggest or require of any employee that such employee or any member of his family trade individually, or directly or indirectly, with any certain person, firm, or corporation.

ARTICLE XVIII

CORPORATIONS AND FRANCHISES

SEC. 199. *No exclusive franchise.* No exclusive franchise, privilege, or permit shall be granted.

SEC. 200. *Franchise which may be granted.* The city may grant, for a period not to exceed thirty-five years, the right and franchise to use the public streets and highways of the city for the purpose of operating street railroads and for constructing thereon or laying thereunder electric, telephone, and telegraph wires and cables, gas and water mains and service pipes, over, along, in, under, or upon any street or highway, and may grant franchises for wharves, and railroads, other than street railroads, when authorized so to do by vote of the people.

SEC. 201. *Property rights of the city inalienable.* The rights of the city in and to the water-front and tidelands vested in it in fee or in trust, are inalienable, and

its parks and other public places, except as herein provided, are inalienable unless authorized by a vote of two thirds of the qualified electors of the city of Santa Cruz, had at a general or special municipal election.

SEC. 202. *Regulation of rates.* The city shall have the right, whether reserved in franchises granted by it, or not, to regulate the rates, fares, rentals, or charges made for services rendered under franchises, and the right to regulate the rates, fares, rentals, and charges for wharfage, water, electricity, electric light, electric power, gas, telephones, telephone service, heat, and transportation supplied to the city and its inhabitants.

SEC. 203. *Sale of franchise.* Applications for a franchise shall be in writing and filed with the city clerk, and shall state the nature of the franchise applied for and the term desired, and shall be accompanied by a cash deposit of one hundred dollars or by a certified check payable to the city clerk, which sum shall be retained by the city for costs of advertising and other preliminary expenses, said expenses to finally be paid by the successful bidder. If, after the filing of such application accompanied by the original deposit or certified check, the council deems it desirable to grant the same, it shall set such application for hearing and advertise the fact, together with a brief description of the franchise applied for, and that it proposes to sell the same, in a daily newspaper published in said city, for not less than ten days before the day of sale. Said advertisement shall further state that sealed bids or proposals for the purchase of said franchise will be received and the franchise awarded to the bidder offering to pay to the city, during the life of the franchise, the highest percentage of the gross receipts therefrom: *provided*, that the percentage of the gross receipts during the first five years shall not be less than two per cent, and shall be not less than four per cent during the remainder of the life of said franchise. Every application for a franchise under this article shall, in addition to being accompanied by the sum of one hundred dollars, be accompanied by the sum of five hundred dollars, or by a certified check for that amount payable to the city clerk, as a guaranty of good faith, which sum of five hundred dollars, or certified check, shall be returned only on execution of a bond as hereinafter provided. Every other person bidding for such franchise, shall, at or prior to the time of making his bid, deposit with the city clerk the sum of five hundred dollars, or a certified check for that amount payable to the city clerk, as a like guaranty of good faith. In the event that the applicant or any bidder be not awarded the franchise, or if awarded the franchise and within such reasonable time thereafter as the council shall allow, shall cause to be executed a bond in the sum of not less than one thousand dollars, fixed by the council, and with sufficient sureties, approved by the mayor, conditioned that such bidder will faithfully execute the conditions of such franchise upon his part to be performed, then such deposit shall be returned. At the time set for hearing the application, and the opening of the sealed bids or proposals therefor, any bid may be raised by any responsible bidder offering not less than one quarter of one per cent of the gross receipts above the highest sealed bid therefor, and such bid may be raised not less than one quarter of one per cent until there shall be but one bidder therefor. The franchise shall have inserted therein a proviso that it shall be forfeited in the event that such percentage of the gross receipts be not annually paid to the city at a date by the council to be determined. No ordinance granting any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed until within one year prior to its expiration.

SEC. 204. *Commencement and completion of work.* Construction work under any franchise granted, shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, permit, or privilege, and if not so commenced within said time, said franchise, permit, or privilege shall be forfeited. Work under any franchise so granted shall be prosecuted with reasonable diligence to completion and shall be completed within the time fixed for such completion in the ordinance granting the same, which time shall be not more than two years from the date of the taking effect of the ordinance granting said franchise, and if not so completed within said time the same shall be forfeited; *provided*, that the council may by resolution extend the time for the completion thereof not exceeding three months.

SEC. 205. *Right of city to purchase.* At any time within one year prior to the expiration of any franchise, the city may, at its option, upon payment of a fair valuation for the property and plant used in connection therewith, purchase and take over such property and plant.

SEC. 206. *Alienation of franchise.* No franchise shall be leased, assigned, or alienated without the express consent of the city entered upon the minutes of the council; *provided, however*, that the grantee under such franchise may include the same in a mortgage or trust deed executed for the purpose of obtaining money for its corporate purposes.

SEC. 207. *Report and examination of books.* The council shall have the authority to examine the books, vouchers, and records of any person, firm, concern, or corporation exercising or enjoying any franchise or privilege granted by it, and it shall be the duty of every person, firm, concern, or corporation exercising any franchise granted by the city, to file with the city clerk a report of its business

during the preceding year: such report shall contain a statement of the gross receipts arising from the business done by such person, firm, or corporation, within said city, and such report shall contain such further facts as may be required by the council concerning the character and amount of business done, the amount and source of receipts and expenses connected therewith, during the period to be covered.

SEC 208. *Forfeiture of franchise.* Every franchise shall provide for the determination and forfeiture thereof for any breach or failure to comply with any of its terms, limitations, or conditions imposed by this charter.

SEC 209. *Gratuities from holders of franchises.* No officer or employee of the city shall, either directly or indirectly, receive any transportation, electric, gas, or telephone service, or other thing or commodity, as a gratuity from any person, firm, or corporation operating under any franchise granted by the city, nor shall he receive the same unless he pays therefor the same rate as that charged other patrons or consumers similarly situated, unless it shall be otherwise provided in the ordinance granting such franchise.

SEC 210. *Street sprinkling, cleaning and paving.* Every grant of a franchise in, over, under, or along any of the streets, highways, or public places of the city, for railway purposes, shall be subject to the conditions that the holder of such franchise shall sprinkle, oil, clean, pave, repave and keep in repair so much of said street, highway, or public place as lies between the exterior rails of the track thereof, and for the space of two feet outside of the exterior rails or track thereof.

SEC 211. *Railroads.* Railroads operated through the city and beyond its limits, shall not, as to operations within the city, be subject to the provisions of this charter relative to the payment of a portion of its gross receipts to the city, but such railroads shall keep the width of the whole or that portion of any street (exclusive of sidewalks) crossed or traversed by its track or tracks, in repair, and may be required to oil, sprinkle, clean, sweep, pave, and repave the same. The city shall have the right to regulate charges for switching, warehouses, or yards within the city, and may preclude the use of the streets of the city for the purpose of switching or making up trains.

ARTICLE XIX

CITY WATER WORKS

SEC 212. *Authority of council.* The council shall have power and authority over the organization, government, management, and discipline of the water works department. The commissioner of public works shall have control and supervision of the water works system. The council shall never sell, lease, assign, convey, mortgage, or hypothecate the water system, or any part thereof, or the rents or income therefrom, unless authorized so to do by vote of the people. The council shall, by ordinance, make rules and regulations governing the water works system, and shall fix uniform rates and provide for the collection thereof.

ARTICLE XX

LIGHT, HEAT, AND POWER

SEC 213. *Electric light plant.* The council shall have control and management of the electric light plant, and of all plants and works that may hereafter be acquired for furnishing the city or its inhabitants with light, heat, or power, and the same shall be under the control and supervision of the commissioner of public health and safety.

SEC 214. *Maintenance and management.* The council shall have full power to construct, maintain, and improve such works, and to manage the same, and to rent, sell, distribute, and use light, heat, and power.

SEC 215. *Rules and regulations.* The council shall by ordinance make rules and regulations governing the plants and works supplying light, heat, or power, shall fix uniform rates, and provide for the collection thereof.

ARTICLE XXI

PARKS AND PUBLIC GROUNDS.

SEC 216. *Control and management.* All public grounds and parks, including "De Laveaga Park," now owned or hereafter acquired, shall be under the control and management of the council, and it shall have exclusive power to govern, extend, and improve the same. The street superintendent shall be ex officio superintendent of public grounds and parks, under direction of the commissioner of streets and parks.

SEC 217. *De Laveaga Park.* The council shall adopt rules for the regulation and government of De Laveaga Park, and all other public grounds and parks under its supervision, such rules shall be conspicuously posted on the places to which they relate.

SEC 218. *Report of superintendent.* The street superintendent shall, on the first Monday in May of each year, submit to the council a detailed statement of all moneys received and expended during the preceding fiscal year on account of De Laveaga Park, and of other public grounds and parks, accompanied by an estimate of expenses for the next fiscal year.

SEC 219. *Tax for parks and public grounds.* The council is hereby authorized and empowered to levy and collect each year, in the mode prescribed for the levy and collection of taxes, a tax not greater than ten cents upon each one hundred dollars assessed valuation of taxable property within said city, for the purpose of acquiring, preserving, maintaining, and improving public grounds and parks, including said De Laveaga Park. All moneys collected and arising from said tax and from all other sources of revenue, including legacies, gifts, and donations for the use and benefit of said public grounds, parks, and land, shall be paid into the treasury of the city, and shall be used or appropriated for no other purpose.

ARTICLE XXII.

THE INITIATIVE.

SEC. 220. *Petition.* The electors of the city shall have the right to propose by petition, and to adopt at the polls any ordinance which the council might enact. Such ordinance shall be proposed by petition filed with the city clerk, setting forth said ordinance in full, signed by electors in number as hereinafter required.

SEC. 221. *Preliminary procedure.* Before any petition for submission of such ordinance shall be circulated, an affidavit by or on behalf of its proponents, shall be filed with the city clerk, containing a copy of the proposed ordinance, a statement in not more than two hundred words giving the reasons of said proponents for the adoption of such ordinance, a statement of the intention to secure submission of said ordinance to a vote of the electors by an initiative petition, and the address of the party making such affidavit. The council shall have five days after the filing of such affidavit, to send by registered mail to the address given in such affidavit, a statement, in not more than two hundred words, of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of the individual certificates constituting the petition.

SEC. 222. *Form of petition. Contents.* The form and contents of the petition and mode of certification shall be substantially as provided in Article VI of this charter, and each individual certificate constituting said petition shall have printed thereon the reasons for and against the adoption of the proposed ordinance, and the signer of said certificate must certify that he has read such reasons.

SEC. 223. *Number of signers.* Upon presentation to the council of such petition, signed and verified by qualified electors in number equal to ten per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election, asking for the submission to the electors of an ordinance that the council itself might adopt, it must either adopt and enact such measure without alteration, or submit the same to the electorate at the next city election occurring subsequent to sixty days after the filing of said petition. But if said petition request the calling of a special election and is signed and verified as herein provided and by electors in number equal to twenty per cent of said vote, then such ordinance, if not so adopted and enacted by the council, must be submitted to the electorate at a special election to be called within sixty days from the presentation of such petition.

SEC. 224. *Twenty-five per cent requirement.* If such proposed ordinance is one that the council might adopt, except that it involves the repeal or amendment of an ordinance adopted by the electorate, as herein provided, and if in such case said petition is signed and verified by qualified electors in number equal to twenty-five per cent of the above mentioned vote, then such proposed ordinance must be submitted to the electors of the city at the next general municipal election occurring subsequent to sixty days after its presentation.

SEC 225. *Examination and amendment.* All provisions of Article VI of this charter, relating to the examination and amendment of petitions, shall be applicable to petitions under this article.

SEC. 226. *Life of petition.* All petitions under this article shall be filed with the city clerk within sixty days after the date of the first signature thereto. If any ordinance proposed by petition, or upon which a referendum vote is requested by petition, be not submitted to the voters at or within the time specified in this charter, such petition shall remain in force until said ordinance shall be submitted to the voters.

SEC. 227. *Several ordinances at one election.* Any number of proposed ordinances under the initiative or the referendum, may be voted upon at one election.

SEC. 228. *Limit to special election.* There shall not be held under the provisions of this article, more than one special election in any period of six months.

SEC. 229. *Ballots.* The ballots used when voting upon ordinances proposed under the initiative or under the referendum, shall set forth the title of the proposed ordinance, and shall state its general nature, and shall contain the words "For the Ordinance," and "Against the Ordinance." If a majority of the votes cast on any ordinance initiated as herein provided, by the electorate of the city, shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid and binding ordinance of the city, ten days after the official count shall have been determined; otherwise such ordinance shall be rejected.

SEC. 230. *Repeal or amendment; Initiative and referendum.* No ordinance that has been or that may hereafter be adopted by a vote of the electors, shall be amended or repealed except by a vote of the electors.

ARTICLE XXIII.

THE REFERENDUM.

SEC. 231. *Referendum by council.* The council may submit to a vote of the electors of the city any ordinance that it or the electorate has authority to adopt.

SEC. 232. *Referendum by electors.* No ordinance authorizing any contract (except contracts for less than one thousand dollars and contracts for improvements the cost of which is defrayed by special local assessments), and no ordinance granting any franchise, shall go into effect in less than thirty days after its final passage. At the end of said thirty days, such ordinance shall be in force and effect, unless within such period there shall be filed with the city clerk a petition signed by qualified electors equal in number to ten per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election, praying that such ordinance be submitted to a vote of the electors. In case such petition be filed, such ordinance shall not go into effect until approved by a majority of the electors voting thereon at such election.

SEC. 233. *Petition ballot, and election.* All matters relating to the form of the petition, examination, and amendment thereof, form of the ballot, and manner of conducting the election under this article, shall conform substantially to the requirements set forth in Articles VI and XXII of this charter.

SEC. 234. *Action on petition.* If, within thirty days, a petition signed and verified as in this charter provided, by electors of the city in number equal to ten per cent of the vote cast for all candidates for the office of mayor at the last preceding general municipal election, be filed with the city clerk, asking that any ordinance authorizing any contract (except contracts for less than one thousand dollars and contracts for improvements the cost of which is defrayed by special local assessment), any ordinance granting any franchise or privilege, or any penal ordinance adopted by the council, be submitted to the electorate, then such ordinance must either be repealed or submitted to the electorate for approval or rejection at the next general municipal election occurring subsequent to sixty days after the presentation of said petition as herein provided, or at a special election called prior to such general municipal election; and no ordinance once so submitted shall, within one year, be again submitted, except by a four-fifths vote of the council or upon a petition in regular form signed and verified, as required, by forty per cent of said vote.

SEC. 235. *Majority vote.* If a majority of the votes cast on any ordinance referred to the electorate shall be in favor of said ordinance, it shall, if not already in effect, go into effect as a valid ordinance of the city ten days after the official canvass; otherwise such ordinance shall be repealed or rejected, and such repeal shall take effect ten days after the official canvass.

SEC. 236. *License ordinance.* All ordinances providing for the suppression, prohibition, or licensing, either for regulation, revenue, or otherwise, of any saloon, hotel, restaurant, casino, recreation ground, or other place where wines, liquors, or any fermented, distilled, or other liquor or beverage containing alcohol, is sold, given away, consumed, or disposed of, or for the repeal or amendment of any such ordinance, anything in this charter to the contrary notwithstanding, shall, before the same shall have any force or effect, be voted upon and approved by the vote of a majority of the electors of said city voting at a general or special municipal election as provided in this article or Article XXII. The provisions of this section shall apply to the repeal or amendment of all ordinances now in effect or that may hereafter be enacted.

ARTICLE XXIV.

MISCELLANEOUS PROVISIONS.

SEC. 237. *Meaning of terms.* The word "city" in this charter, means the city of Santa Cruz. A department, board, or officer in this charter mentioned, means a department, board, or officer of the city.

SEC. 238. *Surrender of books and records.* All officers, boards, commissioners, and departments of the city shall, upon vacating office, turn over to their successors, all books, papers, documents, records, archives, and other property which may be in their possession or under their charge.

SEC. 239. *Books and records open to inspection.* All books and records of the various offices and departments of the city, except those of the police department and the city attorney, shall, during business hours, be open to the inspection of any citizen or taxpayer, who may make copies of any portion thereof. Such copies shall be certified by the officer in charge of the records on payment of a fee of twenty-five cents for each ten folios or fraction thereof.

SEC. 240. *Officers not to act as agent or attorney.* Neither the mayor, commissioners, nor city attorney, shall, in any matter in which the city is interested, act as the agent, attorney, or legal advisor of, or be employed in any capacity by, or in any manner represent or be interested, either directly or indirectly, in any public

service corporation carrying on or doing business within the city of Santa Cruz, nor shall they, or any of them, in any matter in which the city is an interested party, have as a client any person, firm, or corporation engaged in any business over which the council exercises police powers. A failure on the part of any of them to comply with the provisions of this section, shall be sufficient cause for removal from office.

SEC 241. *Recourse for damages.* No recourse shall be had against the city for any damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, lane, avenue, alley, court, or place, by reason of any defective drainage, whether any of said defects originally existed or whether they were occasioned by construction, excavation, or embankment; nor shall there be any recourse against the city for want or repair of any sidewalk, street, avenue, lane, alley, court, or place, or for want of repair of any sewer; nor shall there be any recourse against the city for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court, or place, or by falling from any embankment thereon or into any excavation therein, but in such case the person, officer, or officers through whose negligence such defect exists, or remains unrepaired, shall be jointly and severally liable to the party injured, for damages sustained.

SEC 242. *Officers to continue in office.* The officers of the city in office at the time of the approval of this charter by the Legislature, shall continue to hold office and discharge their duties until twelve o'clock noon on the first Monday in July, 1911, and until their successors are elected or appointed and qualified; *provided*, that the members of the board of education shall hold their offices and discharge their duties only until twelve o'clock noon on the fourth Monday in May, 1911, and until their successors are elected, or appointed, and qualified.

SEC 243. *Ordinances continued in force.* All ordinances and resolutions of the city and all rules and regulations prescribed for the government, control, and discipline of any of its departments, officers, or employees, which are, at the time of taking effect of this charter, and which are not inconsistent therewith, shall continue in force and effect until altered, amended, or repealed, in accordance with the provisions of this charter.

SEC 244. *Rights, actions, contracts.* All rights, actions, proceedings, prosecutions, and contracts of the city, or any of its departments or officers, pending or unexecuted when this charter goes into effect, and not inconsistent therewith, shall be enforced, continued, or completed, in all respects as though begun or executed hereunder.

SEC 245. *Time charter shall go into effect.* This charter shall go into effect for all election purposes on the day of its adoption and ratification by the Legislature, and for all other purposes, except as otherwise provided, on the first Monday in July, 1911, at twelve o'clock noon.

SEC 246. *General provision.* In all matters pertaining to municipal affairs, concerning which no special provision is made in this charter, the general law shall be a part of this charter as far as the same may be applicable.

SEC 247. *First election.* The mayor and city council of the city, in office at the time this charter is approved and ratified by the Legislature, shall provide for the holding of the first election of officers hereunder, shall canvass the returns, and declare the result of said election.

ARTICLE XXV.

AMENDMENTS.

SEC. 248. *Amendment.* The amendment of freeholders' charters provided for in the Constitution of the State of California, may be submitted by the council, but must be submitted by the council, in the manner provided in the Constitution, whenever a petition is presented to such council as provided in Article XXII of this charter.

SEC. 249. *Election on amendments.* The council must make all necessary provisions for submitting proposed amendments to the electors; and shall canvass the returns of such election in the same manner as in other elections.

SEC 250. *Ballots.* The ballots used at such elections shall contain the words "For the Amendment," (stating the nature of the proposed amendment,) and "Against the Amendment," (stating the nature of the proposed amendment).

CERTIFICATE.

WHEREAS, The city of Santa Cruz is a city containing a population of more than ten thousand inhabitants, did, on November 3, 1910, have a special municipal election, and, under and in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, did elect F. D. Baldwin, Chas. M. Cassin, David C. Clark, L. J. Dake, C. D. Hinkle, William T. Jeter, Samuel Leask, John E. Maher, Duncan McPherson, W. P. Netherton, S. A. Palmer, J. A. Pilkington, W. R. Springer, Henry Willey, and Charles B. Younger, a board of fifteen freeholders, to prepare and propose a charter for said city;

BE IT KNOWN, That, in pursuance of said provision of the Constitution, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Santa Cruz, and that, in submitting and proposing such

charter, the board of freeholders, pursuant to said provision of the Constitution, also presents therewith, for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated; that said alternative proposition shall, if approved by a vote of the qualified electors, take the place of Section 16 of said charter entitled "Levy and Collect Taxes"; that said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted, and upon the ballots shall be printed, "Shall the alternative proposition providing for an additional tax levy for entertainment and publicity fund, take the place of Section 16?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

"Section 16. *Levy and collect taxes.* To levy and collect taxes upon all property subject to taxation, for municipal purposes; *provided*, that the tax levied for any one year for all municipal purposes other than for the payment of the principal and interest on any bonds of the city or for school, library, and entertainment purposes, shall not exceed one dollar on each one hundred dollars of the assessed valuation of the taxable property in the city, except as hereinafter provided, *and provided further*, that at the time the rate of city taxes is fixed, the council may levy, in addition to the taxes herein provided, a tax upon all taxable property in the city of not more than five cents on each one hundred dollars of the assessed value of said property, for a fund to be known as the entertainment and publicity fund, and such money so collected shall be used for the purpose of public entertainment and celebration and for advertising the city; and to levy and collect assessments upon property to pay for grading, regrading, laying out, opening, widening, narrowing, extending and improving streets, alleys, sidewalks, crossings, and other highways, public squares, parks, and places, the construction of sewers, the laying of water, gas, and other pipes and conduits."

IN WITNESS WHEREOF, We have hereunto signed the same, in duplicate, at the city of Santa Cruz, county of Santa Cruz, in State of California, this seventeenth day of December, in the year of our Lord one thousand nine hundred and ten

SAMUEL LEASK, President.
DAVID C. CLARK, Secretary.
F. D. BALDWIN.
CHAS. M. CASSIN.
L. J. DAKE.
C. D. HINKLE.
WILLIAM T. JETER.
JOHN B. MAHER.
DUNCAN McPHERSON.
W. P. NETHERTON.
S. A. PALMER.
J. A. PILKINGTON.
W. R. SPRINGER.
HENRY WILLEY.
CHARLES B. YOUNGER.

OFFICE OF THE MAYOR OF THE CITY OF SANTA CRUZ.

CITY OF SANTA CRUZ, }
COUNTY OF SANTA CRUZ, } SS.
STATE OF CALIFORNIA }

I, T. W. Drullard, mayor of the city of Santa Cruz, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 3rd day of November, A. D. 1910, at a special municipal election held in said city of Santa Cruz on said day, duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election, that the foregoing is a true copy of said charter prepared and returned to me, as mayor of said city, within ninety days after said election as required by Section 8 of Article XI of the constitution of this state; that such proposed charter was then published in the Santa Cruz Surf and in the Santa Cruz Morning Sentinel, which then were daily newspapers of general circulation, printed, published and circulated in said city of Santa Cruz, and that such publication was made for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said Section 8, to wit: on the 31st day of January, 1911, said charter was submitted to the qualified electors of said city;

That a special election duly held therein for the purpose of ratifying or rejecting said proposed charter, and for adopting or rejecting said alternative proposition presented with said charter for the choice of the voters and to be voted on separately;

That said proposed charter, as a whole, was duly ratified at said election by a

majority of the votes of the qualified electors of said city of Santa Cruz voting at said special election and that the alternative proposition was rejected.

That all of said elections and publications and acts, matters and things in connection with and relating to said proposed charter and alternative proposition were held, made and occurred, pursuant to orders, resolutions, and publications of the city council of the said city of Santa Cruz, in compliance with Section 8, Article XI, of the Constitution of the State of California.

And that the returns of said election were duly canvassed by the city council of the city of Santa Cruz on the first day of February, 1911, and the results declared as above set forth;

That in all matters and things pertaining to said proposed charter, the provisions of said section of the Constitution and the law of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of the city of Santa Cruz to be affixed this second day of February, 1911.

[SEAL]

T. W. DRULLARD,
Mayor of the City of Santa Cruz.

Attest. J. L. WRIGHT.

City Clerk of the City of Santa Cruz

AND, WHEREAS, Said proposed charter so ratified, without said alternative proposition has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power to alter or amend, in accordance with Section 8 of Article XI of the Constitution of the State of California, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), That said charter of the city of Santa Cruz, without said alternative proposition, as said charter was presented to, adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole as and for the charter of said city of Santa Cruz

Committee Substitute for Assembly Bill No. 998—An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government management and control thereof.

During the third reading of the bill, Mr. Hinkle moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 5, line 35, of the printed bill, after the comma, following the word "act", insert the following "for a term not to exceed twenty-five years"

Motion carried.

The Speaker appointed Mr. Hinkle as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Committee Substitute for Assembly Bill No. 998, with instructions, do now report that the instructions of the Assembly have been carried out

HINKLE, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reengrossment, and on file for passage

Assembly Bill No. 730—An Act to amend Section 485 of the Political Code, relating to appointments of Surveyor General.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 730 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogblan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald,

McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Telter, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—54

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER Your Committee on Introduction of Bills, to whom were referred the following Bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The numbers of said bills are as follows:

Assembly Bill No. 1537—An Act to amend Section 4099a of the Political Code of the State of California, relating to duty of auditor with respect to minor orphans and half orphans.

Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to prevent the taking of fish by means of weirs, dams, nets, traps, or seines in certain tide water on the coast of Mendocino County", approved March 25, 1909.

Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right-hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof.

Assembly Bill No. 1541—An Act to repeal an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Assembly Bill No. 1542—An Act to add a new section to the Political Code to be numbered 1034 and to repeal Section 424 of said Code, relating to the accounts of State officers and appointees.

Assembly Bill No. 1543—An Act to amend Section 2295a of the Political Code, relating to the distribution of the reports and other publications of state officers, boards, commissions, and departments.

Assembly Bill No. 1544—An Act to amend Sections 409, 412, 413, 414, 415, and 416 of the Political Code and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422, and 423 of said Code, relating to the duties and salaries of the Secretary of State and his appointees and their duties and salaries.

CHANDLER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER Your Committee on Introduction of Bills, to whom was referred the following Assembly joint resolution, herewith return the same with the recommendation that the author be permitted to introduce it. The number of said Assembly joint resolution is as follows:

Assembly Joint Resolution No. 16—Relative to the maintenance of strict governmental supervision of shipments of alfalfa seed into this State, to the end that harmful seeds shall be excluded and the extermination of the alfalfa weevil and insect pests.

CHANDLER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER Your Committee on Introduction of Bills, to whom was referred the following Assembly constitutional amendment, herewith return the same with the recommendation that the author be permitted to introduce it. The number of said Assembly constitutional amendment is as follows:

Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies.

CHANDLER, Chairman.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cat-tell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Maloue, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—61.

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated.

By Mr. March: Assembly Bill No. 1537—An Act to amend Section 4099a of the Political Code of the State of California, relating to duty of auditor with respect to minor orphans or half orphans.

Bill read first time, and referred to Committee on County and Town-ship Governments.

By Mr. Held: Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to prevent by means of weirs, dams, nets, traps, or seines, in certain tide water on the coast of Mendocino County," ap-proved March 25, 1909.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Polsley: Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right-hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Public Roads and Highways.

By Mr. Rutherford: Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, in Nevada County, State of California, and providing for the payment thereof.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Crosby: Assembly Bill No. 1541—An Act to repeal an Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies, approved March 8, 1901.

Bill read first time, and referred to Committee on Military Affairs.

By Mr. Wyllie: Assembly Bill No. 1542—An Act to add a new section to the Political Code to be numbered 1034 and to repeal Section 424 of said Code, relating to the accounts of state officers and appointees.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1543—An Act to amend Section 2295a of the Political Code, relating to the distribution of the reports and other publications of state officers, boards, commissions and departments.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

Also: Assembly Bill No. 1544—An Act to amend Sections 409, 412, 413, 414, 415 and 416 of the Political Code, and to repeal Sections 415a,

417, 418, 419, 419a, 420, 421, 422½ and 423 of said Code relating to the duties and salary of the Secretary of State and his appointees and their duties and salaries.

Bill read first time, and referred to Committee on Revision and Reform of Laws.

By Mr. Wilson: Assembly Joint Resolution No. 16—Relating to the protection of the alfalfa industry of California by the United States Department of Agriculture.

Read, and referred to Committee on Agriculture. Fruit and Vine Interests.

By Mr. Sutherland: Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California, an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies.

Read, and referred to Committee on Constitutional Amendments.

NOTICE OF MOTION TO RECONSIDER WITHDRAWN.

Mr. Coghlan, asked for, and was granted, unanimous consent to withdraw his notice of motion to reconsider the vote whereby Senate Bill No. 937 was passed.

REPORTS OF STANDING COMMITTEES—(RESUMED)

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1506—An Act relating to the Panama-Pacific International Exposition Commission of the State of California, and defining its powers and duties—have had the same under consideration, and respectfully report the same back with amendment and recommend that it do pass as amended.

COGHLAN, Chairman

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendments relating to elections in such sanitary districts.

Also: Senate Bill No. 289—An Act to amend an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes thereon, and to create boards of library trustees," approved April 12, 1909.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass

COGHLAN, Chairman

The above reported bills ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees, and River Improvements, to whom was referred Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties and to make said Act applicable to such districts—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

LYNCH, Chairman.

The above reported bill ordered on file for second reading:

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Assembly Bill No. 1283—An Act to provide an appropriation for assisting Santa Maria Reclamation District No. 798 in protecting the banks of the Santa Maria River from erosion, by means of levees and piling, and to protect the roads and bridge near the city of Santa Maria—have had the same under consideration, and respectfully report the same back without recommendation, and that it be re-referred to the Committee on Ways and Means.

LYNCH, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Assembly Bill No. 1522—An Act granting certain lands and salt marsh and tide lands of the State of California, to the city of Oakland—have had the same under consideration, and respectfully report the same back without recommendation, and that it be re-referred to the Committee on Judiciary.

LYNCH, Chairman.

The above reported bill re-referred to Committee on Judiciary.

ON DIRECT LEGISLATION

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Direct Legislation, to whom was referred Assembly Bill No. 100—An Act to provide for direct legislation by electors in counties, and in incorporated cities and towns of this State other than those having a charter adopted in accordance with Section 5 of Article XI of the Constitution of California—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TIBBITS, Chairman.

The above reported bill ordered on file for second reading.

ON LABOR AND CAPITAL

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 312—An Act regulating the placing, erection, use, and maintenance of electric poles, wires, cables and appliances, and providing the punishment for the violation thereof

Also: Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TELFER, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 1030—An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for violation of this Act.

Also: Assembly Bill No. 1297—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

TELFER, Chairman.

The above reported bills ordered on file for second reading

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 559—An Act to create a reclamation district to be called "Reclamation District Number 900," and providing for the control and management thereof.

Assembly Bill No. 195—An Act to provide for the registration of farm, ranch, and villa names in California.

Assembly Bill No. 654—An Act authorizing any municipal corporation, using the word "town" in its corporate name, to change such word to "city" and providing the procedure therefor.

Assembly Bill No. 889—An Act to amend section one (1) of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885" (approved March 16, 1889), and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said Act.

Assembly Bill No. 888—An Act to authorize and regulate the employment of prisoners in the state prisons of this State and to provide for the disposition of the products of their skill and labor.

Assembly Bill No. 1000—An Act legalizing the formation and organization of reclamation district number three hundred forty-eight, in the county of San Joaquin, State of California, fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Assembly Bill No. 999—An Act legalizing the formation and organization of reclamation district number five hundred forty-eight, in the county of San Joaquin, State of California; fixing, defining, and establishing the boundaries thereof; providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Assembly Bill No. 881—An Act legalizing the formation and organization of reclamation district number eight hundred, in the county of Contra Costa, State of California, fixing, defining and establishing the boundaries thereof, providing for its management and control subject to the provisions of the Political Code of the State of California and to other laws of said State relative to reclamation districts; and repealing all Acts and parts of Acts inconsistent therewith.

Assembly Concurrent Resolution No. 13—Relative to the observance of Washington's birthday.

Assembly Joint Resolution No. 1—Relating to defense of the Pacific seaboard by the National Government.

Assembly Bill No. 1485—An Act to make an appropriation for the contingent expenses of the Assembly for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

And were presented to the Governor February 21st, at ten o'clock and thirty minutes A. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment have examined the following Assembly bill:

Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and

conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed, reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control, providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act—and report that the same has been correctly engrossed.

RANDALL, Chairman

MOTION.

Mr. Schmitt moved that the use of the Assembly Chamber be granted to the Senate Committee on Judiciary and the Assembly Committee on Constitutional Amendments in Joint Session this evening

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M., February 22, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.)
 Wednesday, February 22, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Calhagan, Cartell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally,

Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shagia, Schmitt, Slater, Smith, Stevener, Sutherland, Telfer, Tibbitts, Walsh, Williams, Wilson, Wylbe, Young, and Mr. Speaker—75.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Smith, its further reading was dispensed with.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Monday, February 13, Tuesday, February 14, Wednesday, February 15, Thursday, February 16, Friday, February 17, and Saturday, February 18, were approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER Your Committee on Fish and Game, to whom was referred Assembly Bill No. 191—An Act to amend Section 637a of an Act entitled "An Act to amend section six hundred and thirty-seven a of the Penal Code of California, and to add thereto three new sections to be numbered 637f, 637d, and 637c, all relating to protection of wild birds, other than game birds, and their nests and eggs, approved April 16, 1909—have had the same under consideration, and respectfully report the same back and recommend that it do not pass, the majority voting that it do not pass and the minority voting that it do pass

GRIFFITHS, Chairman.

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER Your Committee on Fish and Game, to whom was referred Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish from state or county fish hatcheries

Also Senate Bill No. 638—An Act to amend Section 626c of the Penal Code of the State of California, relating to the protection and preservation of game birds.

Also Senate Bill No. 740—An Act to amend the Penal Code of the State of California by adding a new section thereto to be known as Section 626p, relating to the protection of beaver

Also Senate Bill No. 356—An Act to authorize and regulate the possession, use, transportation and sale of trout by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared

Also Senate Bill No. 253—An Act to repeal Section 632b3, sometimes designated as Section 632 (3) of the Penal Code of California, relative to and prohibiting the use of salmon and steelhead roe as bait.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

GRIFFITHS, Chairman.

The above reported bills ordered on file for second reading.

Also:

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 1315—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park in Santa Cruz County, California, and making an appropriation therefor

Also · Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass, and that they be re-referred to the Committee on Ways and Means.

FLINT, Chairman.

The above reported bills re-referred to Committee on Ways and Means

Also :

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER · Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 1340—An Act to amend Section 3513 of the Political Code, relating to the non-payment of principal and interest for state lands

Also · Assembly Bill No. 1342—An Act to amend Section 3659 of the Political Code, relating to the duty of the Register of the State Land Office in relation to lands sold by the State.

Also · Assembly Bill No. 1344—An Act to repeal Sections 3444, 3496 and 3501 of the Political Code, relating to affidavit for purchase of state lands, when applicant is a female.

Also · Assembly Bill No. 1346—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof.

Also · Assembly Bill No. 1347—An Act to amend Section 3408d of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason providing a method for the sale at public auction of indemnity certificates or scrip entitling the owner to have selected for him government lands in lieu thereof

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

FLINT, Chairman.

The above reported bills ordered on file for second reading

Also :

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER · Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 1348—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands

Also · Assembly Bill No. 1349—An Act providing for the conveyance by quit-claim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

Also · Assembly Bill No. 1350—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lieu selections, in accordance with the provisions of Section 3406 of the Political Code

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FLINT, Chairman

The above reported bills ordered on file for second reading.

ON CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER · Your Committee on Corporations, to whom was referred Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 673c thereof, relating to the terms of office of directors in non-profit cooperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time.

Also · Senate Bill No. 241—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations

Have had the same under consideration, and respectfully report the same back and recommend that they do pass

JOEL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER Your Committee on Corporations, to whom was referred Assembly Bill No. 1059—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be numbered and known as Section 405a, relating to agents of foreign corporations.

Also: Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four "a," providing for the formation of religious corporations.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

JOEL, Chairman.

The above reported bills ordered on file for second reading

ON BANKS AND BANKING

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 219—An Act to amend an Act defining and regulating the business of banking, by adding a new section thereto to be numbered Section 33a

Also: Assembly Bill No. 884—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 21 thereof

Have had the same under consideration, and respectfully report the same back with amendments and recommend that they do pass as amended

JONES, Chairman

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911

MR. SPEAKER Your Committee on Banks and Banking, to whom was referred Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

JONES, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 951—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six, sixty-one and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

Also: Assembly Bill No. 953—An Act to amend an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909, by amending Section 1 thereof.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

JONES, Chairman

The above reported bills ordered on file for second reading

ON PUBLIC CHARITIES AND CORRECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER. Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age, providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

WILLIAMS, Chairman.

MOTION.

Mr Williams moved that Assembly Bill No. 1094 be read second time.
Motion carried.

SECOND READING OF BILL.

Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Amend Section 10a, page 8, of the printed bill, so as to read as follows:

Section 10a. In counties of the first class there shall be one probation officer and nineteen assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$200 per month, two assistant probation officers, \$150 per month, each; sixteen assistant probation officers, \$100 per month, each, one probation officers' clerk at a salary of \$75 per month

Amendment adopted.

AMENDMENT No. 2

Amend Section 10b, page 9, of the printed bill, so as to read as follows:

Section 10b. In counties, or cities and counties, of the second class, there shall be one probation officer and ten assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$225 per month, one assistant probation officer, \$175 per month; and nine assistant probation officers, at \$125 per month, each.

Amendment adopted.

AMENDMENT No. 3.

Amend Section 10c, page 9, of the printed bill, so as to read as follows:

Section 10c. In counties of the third class there shall be one probation officer and eight assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$200 per month; one assistant probation officer, \$150 per month, three assistant probation officers, \$125 per month, each, two assistant probation officers, \$100 per month, each; one assistant probation officer, \$75 per month, and one assistant probation officer, \$50 per month

Amendment adopted

AMENDMENT No. 4.

Amend Section 10e, page 9, of the printed bill, so as to read as follows:

Section 10e. In counties of the fifth class there shall be one probation officer whose salary shall be \$125 per month.

Amendment adopted.

AMENDMENT No. 5.

Amend Section 10f, page 9, of the printed bill, so as to read as follows:

Section 10f. In counties of the sixth class there shall be one probation officer and two assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$175 per month; one assistant probation officer, \$150 per month; and one assistant probation officer, \$100 per month.

Amendment adopted.

AMENDMENT No. 6.

Amend the bill by inserting after the period on line 40, page 9, of the printed bill, the following:

Section 10g. In counties of the seventh class there shall be one probation officer whose salary shall be \$125 per month.

Section 10h. In counties of the eighth class there shall be one probation officer whose salary shall be \$100 per month.

Amendment adopted.

AMENDMENT No 7

Amend Section 10i, page 9, of the printed bill, so as to read as follows:

Section 10i. In counties of the ninth class there shall be one probation officer and one assistant probation officer. The salaries of said officers shall be as follows: Probation officer, \$100 per month, assistant probation officer, \$75 per month.

Amendment adopted.

AMENDMENT No 8

Amend Section 10j, page 9, of the printed bill, so as to read as follows:

Section 10j. In each of the counties of the tenth class there shall be one probation officer who shall maintain an office in the court house at the county seat. The salary of said probation officer shall be \$125 per month.

Amendment adopted.

AMENDMENT No 9

Amend Section 10k, page 9, of the printed bill, so as to read as follows:

Section 10k. In counties of the seventeenth, twenty-third and twenty-seventh classes there shall be one probation officer. The salary of each of said probation officers shall be \$100 per month.

Amendment adopted.

AMENDMENT No 10

Amend Section 10l, page 10, of the printed bill, so as to read as follows:

Section 10l. In counties of the thirty-fifth class there shall be one probation officer who shall maintain an office in the court house at the county seat. The salary of said probation officer shall be \$100 per month.

Amendment adopted.

AMENDMENT No 11

Amend Section 10m, page 10, of the printed bill, so as to read as follows:

Section 10m. In each of the counties of the fifteenth class there shall be one probation officer. The salary of said probation officer shall be \$80 per month.

Amendment adopted.

AMENDMENT No. 12

Amend Section 10n, page 10, of the printed bill, so as to read as follows:

Section 10n. In each of the counties of the thirteenth, twenty-second, thirtieth and fifty-sixth classes there shall be one probation officer. The salary of each of said probation officers shall be \$75 per month.

Amendment adopted.

AMENDMENT No. 13

Amend by inserting after the period on line 63, page 10, of the printed bill, the following:

Section 10o. In each of the counties of the thirty-fourth and thirty-ninth classes there shall be one probation officer. The salary of each of said probation officers shall be \$50 per month.

Section 10u. In each of the counties of the thirty-third, thirty-eighth, fortieth, forty-first, forty-second, forty-fourth, forty-eighth, fiftieth, fifty-second and fifty-fifth classes there shall be one probation officer. The salary of each of said probation officers shall be \$10 per month.

Section 10e. In each of the counties of the fifty-seventh and fifty-eighth classes there shall be one probation officer. The salary of each of said probation officers shall be \$5 per month.

Amendment adopted.

AMENDMENT No. 14

Amend by striking out all of lines 64, 65, 66 and 67, of page 10, of the printed bill.

Amendment adopted.

AMENDMENT No. 15.

Amend by inserting after the period on line 29, Section 15, page 12, of the printed bill, the following:

Every probation officer shall have the powers of a school attendance officer, in such portions of the county, in which such probation officer has been appointed, as are not otherwise provided with a school attendance officer, and shall exercise such powers when not inconsistent with his other duties.

Amendment adopted.

AMENDMENT No. 16

Amend Section 25, by inserting after the comma on line 13, page 20, of the printed bill, the following: "and for such other employees as may be needed in the efficient management of such detention home."

Amendment adopted.

AMENDMENT No. 17

Amend Section 25, by inserting after the comma on line 16, page 21, of the printed bill, the following: "and such other employees."

Amendment adopted.

AMENDMENT No. 18

Amend by striking out on line 9, Section 21, page 19, of the printed bill, the word "herein", and insert in lieu thereof the word "therein".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911

MR. SPEAKER Your Committee on Education, to whom was referred Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities

Also Assembly Bill No. 944—An Act to amend Section 1548 of the Political Code, relating to binding of school documents; postage, expressage, printing, etc., for school superintendents

Also Assembly Bill No. 945—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent of schools.

Have had the same under consideration, and respectfully report the same back with amendments and recommend that they do pass as amended

WYLLIE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER Your Committee on Education, to whom was referred Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

WYLLIE, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911

MR. SPEAKER Your Committee on Education, to whom was referred Senate Bill No. 298—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

Also: Senate Bill No. 300—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

WYLLIE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER. Your Committee on Education, to whom was referred Assembly Bill No. 1037—An Act to establish an institute of technology to be named the California Institute of Technology, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended, and be re-referred to Committee on Ways and Means

WYLLIE, Chairman.

MOTION.

Mr. Wyllie moved that Assembly Bill No. 1037 be read the second time

Motion carried.

SECOND READING OF BILL.

Assembly Bill No. 1037—An Act to establish an institute of technology to be named the California Institute of Technology, and making an appropriation therefor.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 4, line 4, of the printed bill, after the word "board" insert "in addition to the Governor and Superintendent of Public Instruction".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 4, line 4, of the printed bill, strike out the word "sixteen", and insert in lieu thereof the word "twelve".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 4, line 8, of the printed bill, strike out the word "four", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 4, lines 10, 11 and 12, of the printed bill, strike out the sentence beginning with the word "vacancies" and ending with the word "term".

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 5, line 1, of the printed bill, strike out the word "aforesad", and insert in lieu thereof the word "aforesaid".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 5, lines 3 and 4, of the printed bill, after the word "state" strike out the following: "so long as the state shall maintain the institute hereby established".

Amendment adopted.

AMENDMENT No. 7.

On page 3, Section 8, line 1, of the printed bill, strike out the word "years", and insert in lieu thereof the word "year".

Amendment adopted.

AMENDMENT No. 8.

On page 3, section 10, line 1, of the printed bill, strike out the word "five", and insert in lieu thereof the word "one".

Amendment adopted.

AMENDMENT No. 9.

On page 3, Section 10, of the printed bill, strike out lines 6, 7, 8, 9, 10, 11 and 12.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and re-referred to Committee on Ways and Means.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 116—An Act to add a new section to the Political Code, to be numbered section thirty-eight hundred and four *a*, relating to the cancellation of erroneous assessments.

Also: Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HELD, Chairman.

The above reported bills ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No. 811—An Act to add a new section to the Penal Code of California, to be numbered 306, relating to the advertisement of medicines and medical treatment and providing for violations thereof—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

HINSHAW, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466¹, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475 and 3493¹ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Also: Senate Bill No. 792—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness.

Also: Senate Bill No. 745—An Act to amend sections nineteen hundred and eighty-six and nineteen hundred and ninety-one of the Code of Civil Procedure, both relating to subpoena and depositions.

Also: Senate Bill No. 927—An Act to amend section five hundred and eighty of the Code of Civil Procedure of California, relating to civil actions.

Also: Senate Bill No. 910—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to the appointment of guardians of insane and other incompetent persons.

Also: Senate Bill No. 550—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Also: Senate Bill No. 30—An Act to appropriate money to erect a building for the training department at the San Jose State Normal School.

Also: Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 616 read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Senate Bill No. 792 read first time, and referred to Committee on Judiciary.

Senate Bill No. 745 read first time, and referred to Committee on Judiciary.

Senate Bill No. 927 read first time, and referred to Committee on Judiciary.

Senate Bill No. 910 read first time, and referred to Committee on Judiciary.

Senate Bill No. 550 read first time, and referred to Committee on Education.

Senate Bill No. 30 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 713 read first time, and referred to Committee on Judiciary.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed.

By Mr. Brown:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 40566, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

BROWN,

Member Fifty-third District.

Referred to Committee on Introduction of Bills.

By Mr. Cogswell:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying Assembly Concurrent Resolution, the title of which reads as follows, viz: Assembly Concurrent Resolution No. 20—Approving the charter of the city of Pomona, county of Los Angeles, California.

COGSWELL,

Member Sixty-eighth District.

Referred to Committee on Introduction of Bills.

By Mr. Kehoe:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend an Act entitled "An Act to create a preserve for crabs within Eel River and the entrance thereto and Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes," approved March 13, 1909, by amending sections one and two thereof, so as to extend the limits of the said preserve and make it apply to clams also.

KEHOE,

Member Second District.

Referred to Committee on Introduction of Bills.

By Mr. Schmitt:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Italian International Exposition to be held in the city of Turin, kingdom of Italy, in the year 1911.

SCHMITT,

Member Fortieth District.

Referred to Committee on Introduction of Bills.

RECONSIDERATION.

Assembly Bill No. 1023—An Act to repeal Section 79 of the Civil Code of California, relating to marriage without license.

In accordance with notice previously given, Mr. Gerdes moved that the vote whereby Assembly Bill No. 1023 was passed, be reconsidered.

On motion of Mr. Gerdes, the question of reconsideration was set for Monday, February 27, 1911.

THIRD READING OF BILLS.

Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code relating to constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 146 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, and Young—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At eleven o'clock A. M., Hon. H. G. Cattell, Speaker pro tem., in the chair

Assembly Bill No. 145—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 145 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDERS.

The hour of eleven o'clock A. M. having arrived, the special orders heretofore set for this hour were taken up for consideration.

Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Assembly Bill No. 368—An Act to repeal Article VIII of Title III, Part III. of the Political Code.

On motion of Mr. Benedict the above bills were re-referred to Committee on Education.

THIRD READING OF BILLS—(RESUMED).

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 28 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylor, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Maher, Malone, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—62.

NOES—None.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 28.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof relating to the issuing of passes to public officials.

The Legislature of the State of California at its thirty-ninth regular session, commencing on the second day of January, nineteen hundred eleven, two thirds of all the members elected to both the Senate and Assembly, respectively, voting therefor, hereby proposes that section nineteen of article twelve of the Constitution of the State of California be amended to read as follows

Section 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust or profit in this State, except to peace officers, and the acceptance of any such pass or ticket, by a member of the Legislature or any public officer, other than Railroad Commissioner or peace officers shall work a forfeiture of his office.

Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section fourteen of article six thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the Superior Courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerk, and also relating to the duties and compensation of such officers.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 33 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbitts, Walsh, Wilson, Wyllie, and Young—61.

NOES—Messrs. Cunningham, Mullally, and Rimlinger—3.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 33.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section fourteen of article six thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the Superior Courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerk, and also relating to the duties and compensation of such officers.

The Legislature of the State of California, at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that sections fourteen and twenty-one of article six of the Constitution of the State of California be amended so as to read as follows:

Sec. 14. The county clerks shall be ex officio clerks of the courts of record in and for their respective counties or cities and counties. The Legislature may also provide for the appointment, by the several Superior Courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

Sec. 21. The Supreme Court shall appoint a Clerk of the Supreme Court; *provided, however*, that any person elected to the office of Clerk of the Supreme Court before the adoption hereof, shall continue to hold such office until the expiration of the term for which he may have been elected. Said court may also appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed.

Assembly Constitutional Amendment No. 46—A resolution to propose to the people of the State of California an amendment to section eighteen of article four of the Constitution of the State of California in relation to the impeachment of state officers and judges.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 46 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbitts, Walsh, Williams, Wilson, and Wyllie—62.

NOES—None.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 46.

A resolution to propose to the people of the State of California an amendment to section eighteen of article four of the Constitution of the State of California in relation to the impeachment of state officers and judges.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and eleven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that section eighteen of article four of the Constitution of the State of California shall be amended to read as follows:

Section 18 The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Chief Justice and Associate Justices of the Supreme Court, Judges of the District Court of Appeal, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the superintendent of public instruction.

During consideration of Assembly constitutional amendment, the following amendment was submitted by the committee:

On page 2, of the printed resolution, strike out all following the word "office" in line 9, down to and including the word "qualified", in line 12, and insert in lieu thereof the following: "at the pleasure of the Governor".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, reëngrossment, and on file for adoption.

Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

During consideration of Assembly constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT No 1.

On page 2, strike out all following the word "office" in line 10, down to and including the word "qualified" in line 12, and insert in lieu thereof the following: "at the pleasure of the Governor".

Amendment adopted.

AMENDMENT No. 2.

In line 13, strike out the article "a" and insert the word "the".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, reëngrossment, and on file for adoption.

Assembly Bill No. 585—An Act to amend sections 276, 277, and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counselors at law, and to add three sections to said Code, to be known as Sections 276*a*, 276*b*, and 276*c*, relating to the same subject:

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 585 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimplinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Walsh, Williams, Wilson, and Wyllie—56.

NOES—None.

TITLE AMENDED.

The following amendment to title was submitted by Mr. Held:

Strike out of the first line of the title, the numerals 277.

Amendment adopted.

Also:

Strike out the comma after the word "law" in the third line of the title, and all of said title after said word "law", and insert in lieu thereof a period.

Amendment adopted.

Title as amended, read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In lines 3 and 4, Section 1, of the printed bill, strike out "to be paid on the order of the board of trustees of the State Normal School at Los Angeles".

Amendment adopted.

AMENDMENT No. 2.

In line 6, Section 1, of the printed bill, strike out the words "said State Normal School", and insert in lieu thereof the words "The State Normal School at Los Angeles".

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 2 of the printed bill and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 288—An Act making an appropriation for the erection of a building to be used as a dormitory for farm hands at the Sonoma State Home, and for furnishing said building.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906; to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

On motion of Mr. Cogswell, Assembly Bills Nos. 706 and 707 were re-referred to Committee on Ways and Means.

Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 736—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and appropriate money therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1092—An Act to appropriate money to erect, construct and equip a training school at the San Jose State Normal School.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In lines 3 and 4, Section 1, of the printed bill, strike out the following: "to be paid on order of the board of trustees of the San Jose State Normal School".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following.

SEC 2 The State Controller is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by

law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School

Bill read second time, and ordered to engrossment and third reading.

SPEAKER IN THE CHAIR.

At eleven o'clock and forty-five minutes A. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

Assembly Bill No. 41—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 3, Section 1, of the printed bill, strike out "thirty thousand (\$30,000.00)", and insert in lieu thereof the words "fifteen thousand".

Amendment adopted.

AMENDMENT No. 2

In lines 3 and 4, Section 1, of the printed bill, strike out the following: "to be paid on order of the Board of Trustees of the San Jose State Normal School".

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 166—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the state normal school building at Los Angeles.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In lines 3 and 4, Section 1, of the printed bill, strike out the words "to be expended by the Board of Trustees of the State Normal School at Los Angeles".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following:

SEC. 2 The State Controller is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

Amendment adopted.

Bill read second time, ordered to reprint, engrossment, and third reading:

Assembly Bill No. 891—An Act making an appropriation to meet the expense of the collection of state revenues.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 14, Section 1, of the printed bill, strike out the word "two", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 2.

In line 15, Section 1, of the printed bill, strike out the word "twelve", and insert in lieu thereof the word "eleven".

Amendment adopted.

AMENDMENT No. 3.

Add a new section, to be numbered Section 2, and to read as follows:

SEC. 2. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 27—An Act making an appropriation for the care and custody of the Custom House at Monterey, California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 892—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees of the Controller's office and the salaries paid to such employees.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendment relating to elections in said sanitary districts.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 100—An Act to provide for direct legislation by electors in counties, and in incorporated cities and towns, of this State other than those having a charter adopted in accordance with Section 8, Article XI, of the Constitution of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Insert after the word "legislation" in the first line of the title, these words "including initiative, referendum, and recall".

Amendment adopted.

AMENDMENT No. 2.

Strike out of the title all thereof after the word "Counties", found in the first line of said title, and insert in lieu thereof the following: "By adding two new sections to the Political Code to be numbered Section 4058 and Section 4021a, respectively".

Amendment adopted.

AMENDMENT No. 3.

After the words "Section 1", in line 1, of Section 1, of the printed bill, insert the following: "A new section is hereby added to the Political Code to be numbered Section 4058 and to read as follows. Sec. 4058."

Amendment adopted.

AMENDMENT No. 4.

After the word "may" in line 1 of the present printed bill, insert the word "also".

Amendment adopted.

AMENDMENT No. 5.

In lines 2 and 3, of Section 1, of the present printed bill, strike out the words "in addition to the methods heretofore and otherwise provided".

Amendment adopted.

AMENDMENT No. 6.

In line 5, of Section 1, of the present printed bill, insert after the word "petition" the following: "filed with the county clerk after being".

Amendment adopted.

AMENDMENT No. 7.

In line 38, of Section 1, of the present printed bill, strike out the word "fifteen" and insert in lieu thereof the word "twenty".

Amendment adopted.

AMENDMENT No. 8.

In line 52, of Section 1, of the present printed bill, substitute the word "ten" for the word "five".

Amendment adopted.

AMENDMENT No. 9.

In line 52, of Section 1, of the present printed bill, substitute the word "twenty" for the word "fifteen".

Amendment adopted.

AMENDMENT No. 9A.

In line 68, of Section 1, of the present printed bill, at the end of the line, insert the following: "and go into effect ten days thereafter".

Amendment adopted.

AMENDMENT No. 10.

At line 69 of the present printed bill, and at the beginning of said line and preceding the first word therein, insert the following: "Such ordinance shall have the same force and effect as one passed by the board of supervisors except that".

Amendment adopted.

AMENDMENT No. 10A.

In line 69, Section 1, of the printed bill, change the word "statute" to "section".

Amendment adopted.

AMENDMENT No. 11.

In line 73 of the present printed bill, change the period after the word "people" to a comma, and insert immediately thereafter the following: "unless provision otherwise be made in the ordinance itself."

Amendment adopted.

AMENDMENT No. 12.

In line 76 of the present printed bill, strike out the word "statute" and insert in lieu thereof the word "section", *at each of two places therein*.

Amendment adopted.

AMENDMENT No. 12½.

Between lines 77 and 78 of the present printed bill insert the following "If any measure be submitted upon an initiative petition of registered voters, as hereinbefore provided, the persons filing said petition shall have the right, if they so choose,

to present and file therewith a written argument in support thereof not exceeding three hundred words in length, which argument shall be printed upon the sample ballot issued for said election. Upon the same ballot shall also be printed any argument of not exceeding three hundred words in length in opposition thereto which may be prepared by the board of supervisors. If the provisions of two or more ordinances adopted at the same election conflict, then the ordinance receiving the highest number of affirmative votes shall control".

Amendment adopted.

AMENDMENT No. 13.

In line 86. of the present printed bill, change the word "statute" to "section".

Amendment adopted.

AMENDMENT No. 14.

Strike out all of that part of the present printed bill beginning with the words "but the board" in line 90 of Section 1 thereof, page 3, to and including the words "Sec. 4" in line 1 of Section 4 thereof, page 5.

Amendment adopted.

AMENDMENT No. 15.

Strike out of lines 4 and 5 of Section 4 of the present bill as printed, page 5, the following "or city (or town) of ()".

Amendment adopted.

AMENDMENT No. 16

In line 1 of Section 5, of the present printed bill, page 5, strike out the words "Sec 5"

Amendment adopted.

AMENDMENT No 17.

In line 2 of Section 5, of the present printed bill, page 5, strike out the word "statute" and insert in lieu thereof the word "section".

Amendment adopted.

AMENDMENT No. 18.

Strike out all of Section 6 of the present printed bill, and insert in lieu thereof all the following "No ordinance passed by the board of supervisors except when otherwise specially required by the laws of the State, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the board, and no ordinance granting a franchise shall go into effect before thirty days from its final passage; and if, during said thirty days, a petition signed by qualified voters of the county equal to twenty per cent of the entire vote cast therein for all candidates for the lower house of the United States Congress at the last preceding general election, protesting against the passage of such ordinance, be presented to the board, the same shall thereupon be suspended from going into operation, and it shall be the duty of the board to reconsider such ordinance. If said board shall thereupon not entirely repeal said ordinance, it shall submit the same to a vote of the electors either at a general election or a special election to be called for the purpose, and such ordinance shall not go into effect or become operative unless a majority of the voters voting upon the same shall vote in favor thereof. Such petitions and the provisions of the law relative to the duty of the clerk in regard thereto and the manner of voting thereon, shall conform to the rules provided herein for the initiation of legislation by the electors.

"SECTION 2 A new section is hereby added to the Political Code to be numbered Section 4021a. and to read as follows

"Sec. 4021a. The holder of any elective office of any county may be removed or recalled at any time by the electors, *provided*, he has held his office at least six months. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed shall be filed with the county clerk, which petition shall be signed by registered voters equal in number to at least twenty per cent of the entire vote cast for all candidates for the lower house of the United States Congress in said county at the last preceding general election, and shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the voters. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. The

signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, if any. One of the signers of each such paper shall make oath before an officer competent to administer an oath that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition, the clerk shall examine and from the records of registration ascertain whether or not said petition is signed by the requisite number of qualified voters, and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the board of supervisors without delay, whereupon the board shall forthwith cause a special election to be held within not less than thirty-five nor more than forty days after the date of the order calling such election, to determine whether the voters will recall such officer; *provided*, that if a general election is to occur within sixty days, the board may in its discretion postpone the holding of such election to such general election or submit such recall election at any such general election occurring not less than thirty-five days after such order. If a vacancy occur in said office after a recall petition is filed, the election shall nevertheless proceed as in this section provided. One petition is sufficient to propose the removal and election of one or more elective officials. One election is competent for the removal and election of one or more elective officials. Nominations for any office under such recall election shall be made in the manner prescribed by section 1188 of this Code. Upon the sample ballot there shall be printed in not more than two hundred words the reasons set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words the officer may justify his course in office. There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office.)?" following which question shall be the words 'Yes' and 'No' on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote 'no,' said incumbent shall continue in said office. If a majority shall vote 'yes,' said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected, for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law."

Amendment adopted.

AMENDMENT NO. 18A.

In line 20 of Section 1 of the present printed bill, page 2, strike out the words "great register" and in lieu thereof insert the words "records of registration".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 165, 615, 616, 288, 209, 210, 736, 1153, 1154, 1092, 1143, 41, 166, 891, 27, and 892.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 165, 615, 616, 288, 209, 210, 736, 1153, 1154, 1092, 1143, 41, 166, 891, 27, and 892 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 165, 615, 616, 288, 209, 210, 736, 1153, 1154, 1092, 1143, 41, 166, 891, 27, and 892, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 877—An Act to amend section four thousand and six of the Political Code of the State of California, relating to the classification of counties.

Assembly Bill No. 878—An Act to amend section four thousand and five c of the Political Code of the State of California, relating to the population of counties.

On motion of Mr. Rogers of Alameda, Assembly Bills Nos. 877 and 878 were withdrawn and ordered stricken from the file.

Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 926 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Walsh, Wilson, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 532—An Act to add a new section to the Penal Code, to be known as Section 345, relating to loans upon salaries or wages, and limiting the amount of interest to be charged thereon, and providing a penalty for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 532 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cunningham, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Telfer, Walsh, Wilson, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1031—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1031 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Walsh, Wilson, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 823—An Act providing for the employment of convicts confined in the state prisons on the public highways belonging to and under the control of the State of California, and providing for the care and control of such convicts during such employment.

Mr. Kehoe moved that Assembly Bill No. 823 be made a special order for Tuesday, February 28, 1911.

Roll call regularly demanded.

The roll was called and the motion carried by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Cattell, Chandler, Clark, Cogswell, Farwell, Flint, Gaylord, Griffiths, Guill, Hamilton, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, McGowen, Mendenhall, Mott, Preisker, Randall, Rogers of Alameda, Rosendale, Slater, Stevenot, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—36.

NOES—Messrs. Beatty, Brown, Butler, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gerdes, Hayes, Hinkle, Joel, Kennedy, Lynch, Lyon of San Francisco, Maher, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Smith, and Williams—28.

SECOND READING OF BILL.

Assembly Bill No. 1506—An Act relating to the Panama-Pacific International Exposition Commission of the State of California, and defining its powers and duties.

During second reading of bill, the following amendment was submitted by the committee:

In line 18, Section 5, page 3, of the printed bill, strike out the period after the word "fund", and insert a semicolon and the following: *provided, further*, that any exhibitor shall be permitted to unpack, install, maintain and repack all exhibits in such manner as he may see fit, subject to uniform rules and regulations established by the exposition authorities, and approved by the commission appointed under the terms of this Act.

Amendment adopted.

Also:

By Mr. Schmitt:

AMENDMENT No 1.

Add a new section to be numbered 16, after Section 15, to read as follows:

SEC. 16. The State Board of Equalization shall, at the time mentioned in section three thousand six hundred and ninety-six of the Political Code, for the fiscal year beginning July first in the year one thousand nine hundred and eleven, and for each fiscal year thereafter, to and including the fiscal year beginning July first in the year one thousand nine hundred and fourteen, fix, establish and levy such an *ad valorem* rate of taxation, upon every kind and character of property in the State of California not exempt from taxation on the first day of July in the year one thousand nine hundred and ten, as when levied upon all the property in this section mentioned, after making due allowance for delinquency, shall raise for each of said fiscal years, the sum of one million two hundred and fifty thousand dollars.

Amendment adopted.

AMENDMENT No. 2.

Add a new section to be numbered 17, to read as follows.

SEC. 17. The taxes assessed, levied and collected for state purposes under the provisions of sections three thousand eight hundred and twenty, three thousand eight hundred and twenty-one, three thousand eight hundred and twenty-two, three thousand eight hundred and twenty-three of the Political Code shall be deemed to have been assessed, levied and collected for the purposes of raising to the extent of the amount collected, the moneys directed to be raised by section twenty-two of article four of the Constitution of this State as that section was amended on the eighth day of November in the year one thousand nine hundred and ten as required by section sixteen of this Act.

Amendment adopted.

AMENDMENT No 3.

Add a new section to be numbered 18, to read as follows:

SEC. 18. All money collected by taxation as in this Act provided shall be paid over to the State Treasurer at the time and in the manner provided in chapter ten, part three, title nine, of the Political Code and by said State Treasurer credited to a fund to be known as the Panama-Pacific International Exposition Fund and paid out as provided in section four hereof.

Amendment adopted.

AMENDMENT No 4.

Renumber "Sec. 16" of printed bill to read "SEC. 19."

Amendment adopted.

AMENDMENT No 5.

Renumber "Sec. 17" of the printed bill to read "SEC. 20."

Amendment adopted.

Bill read second time, and ordered to reprint, with a rush order, engrossment, and third reading.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

MOTION.

Mr. Bohnett moved that when the Assembly adjourn this day, it do so out of respect to the memory of George Washington.

LEAVE OF ABSENCE.

On motion of Mr. Freeman, leave of absence was granted Mr. Bishop for the day.

THIRD READING OF SENATE BILLS.

Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State for the purpose of determining whether any horse, mule or ass is affected with glanders; and providing for penalties for violations of this Act.

On motion of Mr. Bliss, Senate Bill No. 543 was re-referred to Committee on Live Stock, Dairies and Dairy Products.

Senate Bill No. 544—An Act to repeal an Act entitled "An Act to create the office of sheep inspector for the State of California, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep," approved March 24, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 544 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bliss, Bohnett, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Smith, Telfer, Tibbits, Wilson, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 545—An Act to repeal an Act entitled "An Act providing for the inspection of sheep, the appointment of a board of sheep commissioners and for the appointment of inspectors, prescribing their powers and duties, fixing their compensation, and providing for the raising of funds to pay the same, and providing penalties for the violation hereof," approved March 23, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 545 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cogswell, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Tibbits, Young, and Mr. Speaker—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 376—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered Section 367e, concerning the operation or driving of an automobile, motor cycle or

other motor vehicle by a person who becomes or is intoxicated while so driving said automobile, motor cycle or other motor vehicle and who while so operating said automobile, motor cycle or other motor vehicle, causes the death of, or bodily injury to, any person, and prescribing a penalty for the violation of said section.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 376 passed by the following vote:

AYES—Messrs. Benedict, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Farwell, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Telfer, Tibbits, Walsh, Wilson, and Wylie—51.

NOES—Messrs. Cunningham and Mullally—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 655—An Act to encourage and provide for a general vaccination for all public and private schools of California, specifying the duties of certain officers and persons with relation thereto, making violations of its provisions a misdemeanor, providing penalties, and repealing an Act entitled "An Act to encourage and provide for a general vaccination in the State of California," approved February 20, 1889.

Mr Joel moved that Assembly Bill No 655 be made a special order for Friday, February 24, 1911.

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 655 passed by the following vote:

AYES—Messrs. Benedict, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimplinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Wylie—58.

NOES—Messrs. Beatty, Chandler, Coghlan, Fitzgerald, Griffin of Modesto, Joel, Schmitt, and Mr. Speaker—8.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 673—An Act to regulate bakeries or bakeshops; prohibiting the use of cellars or basements for the manufacturing of flour or meal food products in certain cases; providing for clean and sanitary conditions of room or rooms used for said purpose, and of employers and employees working therein; providing for the enforcement of the Act by the Commissioner of the Bureau of Labor Statistics, and providing for penalties for the violation of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 673 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 364—An Act appropriating money for the purchase of a standpipe and water pipes to repipe grounds and buildings of the Whittier State School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make an appropriation for the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 513—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make an appropriation for the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital

Bill read second time, and ordered on file for third reading.

Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 659—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 661—An Act to provide the equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 80—An Act to amend Section 3793 of the Political Code of the State of California, relating to the seizure and sale of personal property by the assessor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 586—An Act to amend the Penal Code by adding a new section thereto to be numbered five hundred and seventy-three, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations and prescribing a penalty therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1. .

In line 3, of the title, insert after the word "cemetery", the words "corporations or".

Amendment adopted.

AMENDMENT No. 2.

In line 4, of the title, insert the words "corporation or" before the word "association".

Amendment adopted.

AMENDMENT No. 3.

In line 6, of the title, after the word "such", insert the words "corporations or".

Amendment adopted.

AMENDMENT No. 4.

In line 4, of the bill, after the word "cemetery", insert the words "corporation or".

Amendment adopted.

AMENDMENT No. 5.

In line 6, of the bill, after the word "such", insert the words "corporation or".

Amendment adopted.

AMENDMENT No. 6.

In line 9, of the printed bill, after the word "such", insert the words "corporation or".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 723—An Act amending section one hundred seventy one *a*, of the Penal Code of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the comma, after the word "prison," on line 4, add the words "town or".

Amendment adopted.

AMENDMENT No. 2.

After the first word "jail", on line 4, of the printed bill, add a comma, and the words "or city,".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 141—An Act providing for an appropriation of \$750 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 436—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 289—An Act to amend section thirty-three of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes, therein; and to create boards of library trustees," approved April 12, 1909.

Bill read second time, and ordered on file for third reading.

Mr Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 364, 514, 513, 520, 585, 379, 658, 659, 661, 576, 518, 73, 74, 141 and 436.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bills Nos. 364, 514, 513, 520, 585, 379, 658, 659, 661, 576, 518, 73, 74, 141 and 436 considered

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 364, 514, 513, 520, 585, 379, 658, 659, 661, 576, 518, 73, 74, 141, and 436, and do now report the same back, and recommend that they do pass as amended

HEWITT, Chairman.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following Assembly concurrent resolution, herewith return the same with the recommendation that the author be permitted to introduce it. The title of said Assembly concurrent resolution is as follows: Assembly Concurrent Resolution No. 20—Approving the charter of city of Pomona, Los Angeles County, California.

CHANDLER, Chairman

The question being on the adoption of the report.

Mr. Cogswell moved the adoption of the report.

Motion carried.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Bohnett moved a call of the House.

Motion carried.

Time, three o'clock and fifteen minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—65.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and seventeen minutes P. M., further proceedings under the call of the House was dispensed with, on motion of Mr. Bohnett.

The roll of absentees was called, and the report adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—66.

NOES—None.

INTRODUCTION OF ASSEMBLY CONCURRENT RESOLUTION.

The following was introduced and referred as indicated:

By Mr. Cogswell: Assembly Concurrent Resolution No. 20—Approving the charter of the city of Pomona, Los Angeles County, California. Read, and referred to Committee on Municipal Corporations.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

Assembly Bill No. 491—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Assembly Bill No. 232—An Act authorizing and directing the construction and furnishing of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor

And report that the same have been correctly reengrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following:

Assembly Bill No. 961—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled 'An Act creating a commissioner of public works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven, also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all Acts or parts of Acts amendatory thereof, by amending Sections 1, 13, 2, 3, 7, 9, 11, 17 and 19 thereof and by adding a new section thereto to be numbered Section 6a, relating to the officers and employees of the Department of Engineering, their powers, duties and salaries.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State

Assembly Bill No. 701—An Act to amend sections ten, ten a, ten b, ten c, ten d, ten e, ten f, ten g, ten h, ten i, ten j, ten k, ten l, ten m, ten n and ten o, of an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the

manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children, and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8th, 1909."

Assembly Bill No. 90—An Act to provide for the construction of dams for water supply, at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 87—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer system of the California Polytechnic School.

Assembly Bill No. 153—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Assembly Bill No. 156—An Act to appropriate money for the construction and furnishing of dormitories for the California Polytechnic School.

Assembly Bill No. 454—An Act to amend section three hundred and ninety-seven b of the Penal Code of California, relating to the sale of intoxicating liquors to minors.

Assembly Bill No. 521—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis and for investigation of its prevalence and making an appropriation therefor.

Assembly Bill No. 529—An Act prohibiting the unnecessary wasting of natural gas into the atmosphere; providing for the capping or otherwise closing of wells from which natural gas flows, and providing penalties for violating the provisions of this Act.

Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 92—An Act to provide for the painting inside and outside, of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company "C," at the Veterans' Home of California, located at Yountville, Napa County, California.

Assembly Bill No. 992—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

Assembly Bill No. 310—An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives for the sixty-first Congress, third session, and making an appropriation for such work.

Assembly Bill No. 160—An Act entitled "An Act to amend Sections 1918 and 1920 of the Civil Code and to add new sections thereto to be numbered Sections 1918a, 1921 and 1922, relating to 'loan of money,' and providing for rate of interest thereon."

Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Assembly Constitutional Amendment No. 36—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Article X thereof, relating to state institutions and public buildings.

Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Assembly Bill No. 1353—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

And report that the same have been correctly engrossed

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment have examined the following

Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

Assembly Bill No. 581—An Act to provide for the furnishing of three cottages at the Sonoma State Home, and making an appropriation therefor

Assembly Concurrent Resolution No. 15—Approving charter of the city of Santa Cruz, county of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 31st day of January, 1911.

And report that the same have been correctly reengrossed

RANDALL, Chairman.

NOTICE OF MOTION TO RECONSIDER.

Mr. Schmitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 376 was this day passed.

RULES SUSPENDED.

Mr. Coghlan moved that the rules be suspended, for the purpose of introducing committee reports out of order.

The roll was called and the rules suspended by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bliss, Brown, Butler, Cattell, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Hayes, Hinkle, Hinchshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimplinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER. Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 291—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the fifth class

. Also. Assembly Bill No. 1008—An Act to validate the organization and incorporation of municipal corporations

Also: Assembly Bill No. 1009—An Act to validate proceedings for the annexation of territory to, incorporated in, and inclusion thereof within municipal corporations.

Also. Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State, power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

Also: Senate Bill No. 359—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752a, 752b, 852a and 852b thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so called commission form of government.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

COGHLAN, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1526—An Act to authorize the legislative body of a municipality of the fifth class to create a water system district within its boundaries, provide a system of water bonds for the construction of a water system therein, and to provide for the payment of said bonds—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGHLAN, Chairman.

The above reported bill ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LYNCH, Chairman.

The above reported bill ordered on file for second reading.

ON AGRICULTURE, FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and eradication of thrip and similar diseases infesting the horticultural industry of Santa Clara and adjoining counties—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

JUDSON, Chairman.

The above reported bill ordered on file for second reading.

RULES SUSPENDED.

Mr. Stevenot moved that the rules be suspended for the purpose of offering motions and resolutions out of order.

The roll was called and the rules suspended by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Cattell, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill. Hall, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polstey, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—64

NOES—None.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Stevenot:

WHEREAS, The poet says that people are growing old when silver threads appear among the gold; and

WHEREAS, The Speaker of this Assembly is a bright and shining exception to this rule, because of the fact that, although he is now entering upon his silver anniversary of twenty-five years of wedded life, he still shows no tokens of it in the golden threads of animated energy that cause him to move as a young man, although the animosity of political warfare has lightened the burden of his locks to some extent; and

WHEREAS, We all recognize that he is entitled to be heartily congratulated upon having a pleasant life ahead of him; therefore, be it

Resolved, That we, one and all, heartily congratulate the Speaker of this Assembly and his wife, and wish them many more years of prosperity and happiness, and hope that we will all be able to be with them when the golden threads of life have turned to silver.

Resolution read.

The question being put by Mr. Cattell, a vote was taken and the resolution unanimously adopted.

By Mr. Coghlan: Assembly Concurrent Resolution No. 21—Relative to adjourning *sine die*.

Resolution read, and referred to Committee on Ways and Means.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 919—An Act to amend Section 892 of the Code of Civil Procedure, relative to the entry of judgment by justices of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 919 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Hayes, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 775—An Act authorizing owners of land or their grantees or assigns to sue the State of California, for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties," and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 775 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Telfer, Walsh, Wilson, Wyllie, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1294—An Act defining commission merchants, providing for a license for the conduct of the business of commission merchants and the procedure for obtaining the same, also providing regulations for the conduct of the said business and for penalties for violations of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1294 passed by the following vote.

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denezri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Walsh, Wilson, and Mr. Speaker—49.

NOES—Mr. Rogers of Alameda—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1032—An Act to provide for the washing and cleaning of raw material used in the manufacture of shoddy and for the inspection of machinery used in the manufacture of shoddy and of places where the same is manufactured, stored or sold and of places wherein the raw material used in such manufacture is collected, stored or sold and for the inspection of shoddy manufactured without this State and offered for sale herein and to provide penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1032 passed by the following vote.

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denezri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Walsh, Wilson, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS.

Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 225—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1377—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1379—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1381—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city, or town, and granting to said board of supervisors, town council, board of aldermen, or other legislative body the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city, or town.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors respecting roads.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 3, of the printed bill, strike out the word "Section", and "*Powers of supervisors respecting roads.*".

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 20, of the printed bill, strike out the words, "*Established gates.*".

Amendment adopted.

AMENDMENT No. 3

On page 2, line 37, of the printed bill, strike out the words "*Sprinkle roads with oil or water.*".

Amendment adopted.

AMENDMENT No. 4

On page 2, line 46, of the printed bill, strike out the words "*New roads may be paid for out of the general fund.*".

Amendment adopted.

AMENDMENT No. 5.

On page 3, line 59, of the printed bill, strike out the words, "*County surveyor to submit estimates of costs.*".

Amendment adopted.

AMENDMENT No. 6.

On page 3, line 72, of the printed bill, strike out the words, "*Board must advertise for bids.*".

Amendment adopted.

AMENDMENT No. 7.

On page 3, line 77, of the printed bill, strike out the words, "*Form of advertisement.*".

Amendment adopted.

AMENDMENT No. 8.

On page 3, line 89, of the printed bill, strike out the words, "*Notice must be posted.*".

Amendment adopted.

AMENDMENT No. 9.

On page 4, lines 102 and 103, of the printed bill, after the word "commissioner", strike out the words, "or commissioners,".

Amendment adopted.

AMENDMENT No. 10.

On page 4, line 121, of the printed bill, strike out the words. "side paths."

Amendment adopted.

AMENDMENT No. 11.

On page 4, line 122, of the printed bill, after the word "land", insert the word, "for a side path,".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1011—An Act to add a new section to the Political Code to be numbered 4264a, relating to and fixing the compensation of grand and trial jurors in the counties of the thirty-fifth class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty two of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 1, line 21, of the printed bill, after the word "one", strike out the word "deputy", and in lieu thereof insert the words "registration clerk".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 23, of the printed bill, after the semicolon, insert the following "one deputy, who shall also act as court room clerk, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum,".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, lines 37, 38 and 39, of the printed bill, strike out the following: "one clerk for a period of and not exceeding ten months, whose salary is hereby fixed at one hundred and twenty-five dollars per month;".

Amendment adopted.

AMENDMENT No. 4.

On page 3, Section 1, line 53, of the printed bill, strike out the word "said", and in lieu thereof insert "their".

Amendment adopted.

AMENDMENT No. 5.

On page 3, Section 1, line 73, of the printed bill, after the semicolon following the word "each", insert the following: one deputy, who shall also act as bailiff, whose salary is hereby fixed at the sum of twelve hundred dollars per annum;".

Amendment adopted.

AMENDMENT No. 6.

On page 3, Section 1, line 86, of the printed bill, strike out the word "twelve", and in lieu thereof insert the word "fifteen".

Amendment adopted.

AMENDMENT No. 7.

On page 4, Section 1, line 110, of the printed bill, after the semicolon following the word "each", insert the following: "two deputies, who shall be comparers, whose salaries are hereby fixed at the sum of fifteen hundred dollars per annum each; two deputies, who shall be comparers, whose salaries are hereby fixed at the sum of twelve hundred dollars per annum each;"

Amendment adopted.

AMENDMENT No. 8.

On page 4, Section 1, line 111, of the printed bill, strike out the words "eight deputies", and in lieu thereof insert the following: "deputies and comparers".

Amendment adopted.

AMENDMENT No. 9.

On page 4, Section 1, line 117, of the printed bill, strike out the word "eight", and in lieu thereof insert the following: "six and three fourths".

Amendment adopted.

AMENDMENT No. 10.

On page 5, Section 1, line 129, of the printed bill, after the semicolon, insert the following: "one deputy who shall be appointed by the auditor of said county, and whose salary is hereby fixed at the sum of fifteen hundred dollars per annum."

Amendment adopted.

AMENDMENT No. 11.

On page 5, Section 1, line 129, of the printed bill, strike out the word "three", and insert in lieu thereof the word "two".

Amendment adopted.

AMENDMENT No. 12.

On page 7, Section 1, line 58, of the printed bill, strike out the words "twenty-four hundred", and in lieu thereof insert the words "three thousand".

Amendment adopted.

AMENDMENT No. 13.

On page 7, Section 1, line 69, of the printed bill, strike out the word "fifteen", and in lieu thereof insert the word "eighteen".

Amendment adopted.

AMENDMENT No. 14.

On page 8, Section 1, line 85, of the printed bill, after the word "month" and before the semicolon, insert the word "each".

Amendment adopted.

AMENDMENT No. 15.

On page 8, Section 1, lines 111, 112, 113 and 114, of the printed bill, strike out the following: "and the said assessor, his deputies and assistants shall receive no commission or compensation for the collection of taxes on personal property, or for the collection of poll taxes or road poll taxes", and in lieu thereof insert the following: "*and it is further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll taxes or road, poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned by him as subject to military duty as provided by section one thousand nine hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes, and road poll taxes shall be allowed to such counties on their settlement with the State, and be and remain the property of such counties."

Amendment adopted.

AMENDMENT No. 16.

On page 9, Section 1, lines 1, 2, 3, and 4, of the printed bill, strike out the following: “; *provided*, that in counties of this class the coroner shall be allowed fifty dollars per month as and for his actual and necessary expenses in traveling outside the county seat”, and in lieu thereof insert the following: “and his actual and necessary expenses in traveling outside the county seat, which shall be in full compensation for all services rendered by him”.

Amendment adopted.

AMENDMENT No. 17.

On page 11, Section 1, of the printed bill, strike out all of lines 57 to 72, inclusive, and in lieu thereof insert the following: “13. The surveyor shall receive in addition to the actual cost and expense of performing any and all work for the county, the sum of ten dollars per day for each day he is personally employed on county work; *provided*, *however*, that no constructive per diem shall be allowed, *and provided*, *further*, that such county surveyor shall, on the first Monday of each and every month file with the county auditor a verified statement showing in detail the expenses so incurred and the amount so paid by him and the persons to whom such amounts have been so paid as aforesaid.”

Amendment adopted.

AMENDMENT No. 18.

On page 12, Section 1, line 80, of the printed bill, strike out the words “one hundred and twenty-five”, and in lieu thereof insert the words “two hundred”.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1314—An Act to amend Section 4240 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the eleventh class.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 8, line 46, of the printed bill, after the word “attorney”, strike out the period and insert in lieu thereof the following: “; *and, provided*, *further*, that in counties of this class, there shall be and there hereby is allowed to the district attorney as an employee of the county, a stenographer, to be appointed by the district attorney, at a salary of one hundred (\$100.00) dollars per month, to be paid monthly out of the county treasury in monthly payments in the same manner as the county officers are paid.”

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1302—An Act to amend section four thousand two hundred and sixty-three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fourth class.

During second reading of bill, the following amendment was submitted by the committee:

Amend by adding two more sections numbered Section 2 and Section 3
Section 2. Section 4250a of the Political Code of the State of California is hereby repealed.

Section 3. A new section is hereby added to the Political Code of the State of California, to be numbered 4263a, to read as follows:

4263a. In counties of the thirty-fourth class grand jurors and jurors in the superior court shall each receive for each day's attendance, per day, the sum of three dollars; and for each mile actually and necessarily traveled from their residences to the county seat, in going only, per mile, the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend: *and provided*, that no one mileage shall exceed the sum of fifteen dollars.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 162—An Act to amend an Act entitled “An Act to create a firemen’s relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State,” approved March 20, 1905.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Section 1 The title of an Act entitled “An Act to create a firemen’s relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State,” approved March 20, 1905, is hereby amended to read as follows

“Section 1. ‘An Act to create a firemen’s relief, health and life insurance and pension fund, in the several cities and counties, cities and towns of the State,’ approved March 20, 1905.”

Amendment adopted.

AMENDMENT No. 2.

Strike out the figure “1”, in line 1, on page 1, after the first word “section”, and insert in lieu thereof the figure “2”.

Amendment adopted.

AMENDMENT No. 3.

In Section 3, page 1, line 8, of the printed bill, strike out the words “and sworn.”

Amendment adopted.

AMENDMENT No. 4.

In Section 3, page 1, line 10, of the printed bill, strike out the word “such county”.

Amendment adopted.

AMENDMENT No. 5.

In Section 3, page 2, line 22, of the printed bill, after the word “or”, insert the words “leaving a”.

Amendment adopted.

AMENDMENT No. 6.

In Section 2, page 2, of the printed bill, strike out the words “SEC. 2”, and insert in lieu thereof “SEC. 3.”

Amendment adopted.

AMENDMENT No. 7.

In Section 4, page 2, line 5, of the printed bill, strike out the word “county”.

Amendment adopted.

AMENDMENT No. 8.

In Section 4, page 2, line 20, of the printed bill, strike out the word “leave”, and insert in lieu thereof the word “leaving.”

Amendment adopted.

AMENDMENT No. 9

In Section 4, page 2, line 20, of the printed bill, after the word “or”, insert the words “leaving a”.

Amendment adopted.

AMENDMENT No. 10.

In Section 3, page 3, of the printed bill, strike out the words “SEC. 3”, and insert in lieu thereof “SEC. 4.”

Amendment adopted.

AMENDMENT No. 11.

In Section 7, page 3, line 4, of the printed bill, strike out the word “county”.

Amendment adopted.

AMENDMENT No. 12.

In Section 7, page 3, line 7, of the printed bill, after the word "served", insert the following "exclusive of other employment".

Amendment adopted.

AMENDMENT No. 13.

In Section 4, page 3, of the printed bill, strike out the words "SEC. 4", and insert in lieu thereof "SEC. 5."

Amendment adopted.

AMENDMENT No. 14.

In Section 12, page 3, line 4, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 15.

In Section 4, page 3, line 8, of the printed bill, strike out the words "members of".

Amendment adopted.

AMENDMENT No. 16.

In Section 4, page 4, line 19, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 17.

In Section 4, page 4, line 20, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 18.

In Section 4, page 4, line 25, of the printed bill, strike out the word "county" wherever it occurs in said line.

Amendment adopted.

AMENDMENT No. 19.

In Section 4, page 4, line 27, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 20.

In Section 4, page 4, line 29, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 21.

In Section 4, page 4, line 33, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 22.

In Section 4, page 4, line 40, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 23.

In Section 4, page 4, line 41, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 24.

In Section 4, page 4, line 48, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 25.

In Section 4, page 5, line 54, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 26.

In Section 4, page 5, line 55, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 27.

In Section 4, page 5, line 57, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 28.

In Section 4, page 5, line 58, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 29.

In Section 4, page 5, line 61, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 30.

In Section 4, page 5, line 62, of the printed bill, strike out the following: "nor must the minimum rate be less than sufficient to raise the amount estimated by the board of firemen's fund commissioners to be necessary to be raised as hereinabove particularly set forth."

Amendment adopted.

AMENDMENT No. 31.

In Section 5, page 5, of the printed bill, strike out the words "Sec. 5.", and insert in lieu thereof "Sec. 6."

Amendment adopted.

AMENDMENT No. 32.

In Section 14, page 5, line 5, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 33.

In Section 14, page 6, line 13, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 34.

In Section 6, page 6, of the printed bill, strike out the words "Sec. 6." and insert in lieu thereof "Sec. 7."

Amendment adopted.

AMENDMENT No. 35.

In Section 25, page 6, line 3, of the printed bill, strike out the words "Section 25", and insert in lieu thereof "Section 15."

Amendment adopted.

AMENDMENT No. 36.

In Section 25, page 6, line 4, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 37.

In Section 25, page 6, line 6, of the printed bill, strike out the word "county".

Amendment adopted.

AMENDMENT No. 38.

In Section 7, page 6, of the printed bill, strike out the words "Sec. 7", and insert in lieu thereof "Sec. 8."

Amendment adopted.

AMENDMENT No. 39.

In Section 8, page 6, of the printed bill, strike out the words "Sec. 8", and insert in lieu thereof "Sec. 9."

Amendment adopted.

AMENDMENT No. 40.

On page 6, strike out all of Section 8.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment and third reading.

Assembly Bill No. 682—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend Section 1, line 2, of the printed bill, by striking out the word "its" and insert in lieu thereof the word "their".

Amendment adopted.

AMENDMENT No. 2.

In Section 1, line 4, of the printed bill, between the words "members" and "in" insert the following "against loss or damage by fire".

Amendment adopted.

AMENDMENT No. 3.

Amend Section 4, line 3, of the printed bill, by striking out the word "four" and insert in lieu thereof the word "five".

Amendment adopted.

AMENDMENT No. 4.

In Section 4, line 6, of the printed bill, strike out the following: "twenty thousand (20,000)" and insert in lieu thereof the following: "ten thousand (10,000)".

Amendment adopted.

AMENDMENT No. 5.

In Section 4, line 10, of the printed bill, insert between the words "collected" and "amounting" a comma.

Amendment adopted.

AMENDMENT No. 6.

In Section 5, line 1, of the printed bill, between the words "expenses" and "of" insert the following: "including commissions and fees to agents and officers,".

Amendment adopted.

AMENDMENT No. 7.

Amend Section 5, line 22, of the printed bill, by striking out the word "provided" and all the remainder of the section.

Amendment adopted.

AMENDMENT No. 8.

In Section 6, line 6, of the printed bill, after the word "reinsurance" strike out the "comma" and insert in lieu thereof the following: "in companies having sufficient assets and surplus to entitle such companies to be permitted to do business in the State of California,".

Amendment adopted.

AMENDMENT No. 9.

In Section 7, line 1, of the printed bill, strike out the word "such".

Amendment adopted.

AMENDMENT No. 10.

In Section 8, line 18, of the printed bill, between the words "policyholders" and "to" insert the following: "for loss or damage by fire".

Amendment adopted.

AMENDMENT No. 11.

In Section 8, line 19, of the printed bill, after the word "comma" following the word "policies" insert the following: "and the power to issue policies with".

Amendment adopted.

AMENDMENT No. 12.

In Section 10, line 3, of the printed bill, between the words "corporation" and "and" insert the following. "or association."

Amendment adopted.

AMENDMENT No. 13.

In Section 10, lines 6 and 7, of the printed bill, strike out the words "and all assessments due, accrued or pending at the time of his withdraw", and insert in lieu thereof the following: "and of all losses arising out of fires occurring theretofore and all losses occurring within thirty days after the service of such notice and all assessments levied in whole or in part to meet such losses, and all assessments due, accrued or pending at the time of the cancellation of his policy,".

Amendment adopted.

AMENDMENT No. 14.

In Section 11, line 5, of the printed bill, strike out the "period" following the word "reserve" and insert in lieu thereof the following: "and shall thereafter retain not less than five per cent per annum of all profits available for dividends until the sum of two hundred thousand dollars (\$200,000 00) net cash surplus has been accumulated".

Amendment adopted.

AMENDMENT No. 15.

Amend Section 11, line 8, of the printed bill, by striking out the words "return deposits" and all of lines 9 and 10.

Amendment adopted.

AMENDMENT No. 16.

In Section 13, lines 6 and 7, of the printed bill, strike out the words "and all other liabilities".

Amendment adopted.

AMENDMENT No. 17.

In Section 14, line 2, of the printed bill, strike out the figure "4", and insert the word "four".

Amendment adopted.

AMENDMENT No. 18.

In Section 14, line 10, of the printed bill, between the words "and" and "in" insert the following. "and all other laws of the State relating to fire insurance, in so far as any section or law herein referred to is not inconsistent with or in conflict with the provisions of this Act,"

Amendment adopted.

AMENDMENT No. 19.

In Section 14, lines 10 and 11, of the printed bill, strike out the following. "in so far as applicable".

Amendment adopted.

AMENDMENT No. 20.

In Section 14, lines 12 and 13, of the printed bill, strike out the following "and such corporations or associations are exempt from all other insurance laws of the State".

Amendment adopted.

AMENDMENT No. 21.

Amend Section 15, of the printed bill, by striking out the entire section and insert in lieu thereof the following: "Section 15. This Act shall not apply to contracts made between persons, firms and corporations, of this State, and others of this State, and other states for the protection of their own property under the plan known as reciprocal or inter-insurance, nor to unincorporated inter-indemnity compacts"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 7, Section 12, line 38, of the printed bill, strike out the words "record or".

Amendment adopted.

AMENDMENT No. 2.

On page 10, Section 14, lines 23 and 24, of the printed bill, strike out the words "superintendent of insurance", and insert in lieu thereof the following: "Insurance Commissioner".

Amendment adopted.

AMENDMENT No. 3.

On page 10, Section 15, line 12, of the printed bill, strike out the words "certificate of authority", and in lieu thereof insert the word "licensee".

Amendment adopted.

AMENDMENT No. 4

On page 15, Section 23, line 44, of the printed bill, strike out the word "less", and in lieu thereof insert the word "more".

Amendment adopted.

AMENDMENT No. 5.

On page 16, Section 23, line 1, of the printed bill, strike out the word "society", and in lieu thereof insert the word "security".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 468—An Act to amend Section 513 of the Code of Civil Procedure of the State of California, relating to exception to sureties and proceedings thereon, or on failure to except.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1366—An Act to amend section one thousand four hundred and ninety-four of the Code of Civil Procedure of the State of California, relating to claims against the estates of decedents, and interest thereon.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 476—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections five, six, nine, twelve and thirteen of said Act.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 477—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto to be numbered 114a, 114b, and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 990—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, pro-

viding for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office and fixing their salaries.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 6, of page 1, of the printed bill, strike out the words "four thousand", and insert in lieu thereof "thirty-six hundred".

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 7, of the printed bill, strike out the words "four thousand", and insert in lieu thereof the words "thirty-three hundred".

Amendment adopted.

AMENDMENT No. 3.

On page 1, line 8, of the printed bill, strike out the words "thirty-three hundred", and insert the words "three thousand".

Amendment adopted.

AMENDMENT No. 4.

On page 1, line 10, of the printed bill, strike out the words "three thousand", and insert the words "twenty-seven hundred".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1486—An Act to amend Section 2468 of the Civil Code of the State of California, relating to fictitious partnerships.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, of the printed bill, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines in the Moquelumne River.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of the printed bill after the enacting clause, and insert the following: "Section 1. A new section is hereby added to the Penal Code of the State of California to be numbered 6366.

"6366. Any person, who in the waters of Moquelumne River in the State of California, shall use any weir, dam, net, trap or seine of any description, for the purpose of catching fish or who shall, in these waters, take any fish from any weir, dam, net, trap or seine is guilty of a misdemeanor and is punishable by a fine of not less than ten dollars nor more than fifty dollars, or shall be imprisoned in the county jail in which the conviction shall be had for not less than five days or more than twenty-five days or by both such fine and imprisonment; and all fines imposed and collected from any violation of any of the provisions of this section shall be paid into the state treasury to the credit of the 'Fish Commission Fund'."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1402—An Act entitled "An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime."

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of the title of the printed bill, the following: "Entitled, an Act
Amendment adopted.

AMENDMENT No. 2.

Strike out of the printed bill, the quotation marks, wherever they appear
Amendment adopted.

AMENDMENT No. 3

Strike out of page 2, all of Section 2.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 11—An Act to amend section three hundred and thirty of the Penal Code of the State of California, relating to gambling.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after line 2, of the printed bill, and insert in lieu thereof the following:

"330 Every person who deals, plays, or carries on, opens, or causes to be opened, or who conducts, either as owner or employee, whether for hire or not, any game of falo, monte, roulette, lansquenot, rouge-et-noir, rondo, tan, fan-tan, stud-horse poker, draw poker, seven-and-a-half, twenty-one or hokey-pokey, for money, checks, credit, or other representation of value and every person who deals, plays, or carries on, opens or causes to be opened, or who conducts, either as owner or employee, whether for hire or not, any banking or percentage game played with cards, dice, or any mechanical device or percentage game played with cards, dice, or any mechanical device for money, checks, credit, or other representation of value, and every person who plays or bets at or against any of said prohibited games, is guilty of a misdemeanor, and shall be punishable by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 9, after the word "sold", insert the following: "or assessments levied or collected".

Amendment lost.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1384—An Act to recognize and declare valid all proceedings in Consolidated Reclamation District No. 312.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1503—An Act to amend Section 3466 of the Political Code of the State of California, relating to reclamation districts and to the collection of unpaid assessments in reclamation districts.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to pro-

vide sheets of certain dimensions and individual towels for the guests of such hotel.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1511—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code" approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 9—An Act to provide a state highway from Meyer's Station in El Dorado County, California, to McKinney's, in Placer County, California, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1

In line 4, Section 1, of the printed bill, strike out the following: "obtaining the right of way for,"

Amendment adopted.

AMENDMENT NO. 2

Strike out all of Section 2, Section 3, and Section 4, of the printed bill, and insert in lieu thereof the following:

Sec 2 The work of locating, surveying and constructing said state highway is placed under the management and control of the Department of Engineering, and it shall be the duty of the said state department to locate, survey and construct said road along the route herein mentioned. Of the money hereby appropriated seven thousand five hundred dollars shall be available on and after July 1, 1911, and seventeen thousand five hundred dollars on and after July 1, 1912. The State Controller is hereby directed to draw his warrant in such sums and at such times as the State Engineer may, after said funds become available, present claims therefor, and the state treasurer is directed to pay the same.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 224—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1065—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the enacting clause, and insert in lieu thereof the following:

Sec 1 No commission, officer, agent, or employee of the State of California or of any city and county or city or county or other political subdivision thereof, and no other person, firm or corporation, shall build or rebuild or cause to be built or rebuilt within the State of California.

(a) Any subway, manhole, chamber, or underground room used or to be used to contain, encase, cover or conduct any wire, cable, or appliance, to conduct, carry or handle electricity, unless such subway, manhole, chamber or underground room shall have an inside measurement of not less than four (4) feet at the maximum points between the side walls thereof, and between the end walls thereof, and not less than five (5) feet at all points between the floor thereof, and the top or ceiling thereof, or if circular in shape, at least four (4) feet diameter inside measurement, and not less than five (5) feet at all points between the floor and ceiling thereof: *provided, however*, that this paragraph shall not be held to apply to any such subway, manhole, chamber or underground room, within which it is not intended or required that any human being perform work or labor or be employed: *further provided*, that the provisions of this paragraph (a) shall not be held to apply where satisfactory proof shall be submitted to the proper authorities, that it is impracticable or physically impossible to comply with this law within the space or location so designated by the proper municipal authorities.

(b) In any subway, manhole, chamber or underground room used or to be used to contain, encase, cover or conduct any wire, cable or appliance to conduct, carry or handle electricity, any opening to outer air which is less than twenty-six (26) inches if circular in shape, or less than twenty-four (24) inches by twenty-six (26) inches clear measurement if rectangular in shape.

(c) In any subway, manhole, chamber or underground room, used or to be used to contain, encase, cover or conduct any wire, cable or appliance to conduct, carry or handle electricity, any opening which is at the surface of the ground, within the distance of three (3) feet at any point from any rail or any railway or street-car track, *provided*, that the provisions of this paragraph (c) shall not be held to apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with this law within the space or location so designated by the proper municipal authorities.

(d) Any subway, manhole, chamber or underground room, used or to be used to contain, encase, cover or conduct any wire, cable, or appliance to conduct, carry or handle electricity, unless the floor of such subway, manhole, chamber or underground room is made of stone, concrete brick, or other similar material not subject to decomposition, *provided*, that this paragraph (d) shall not be held to apply to any such subway, manhole, chamber or underground room within which it is not intended or required that any human being perform work or labor or be employed.

(e) Or maintain, any subway, manhole, chamber or underground room, used, or to be used, to contain, encase, cover or conduct any wire, cable or appliance to conduct, carry or handle electricity, unless such subway, manhole, chamber or underground room is kept at all times in a sanitary condition, and free from stagnant water, or seepage, or other drainage, or any offensive matter dangerous to health, either by sewer connection or otherwise, *provided*, that this paragraph (e) shall not be held to apply to any such subway, manhole chamber or underground room, within which it is not intended or required that any human being perform work or labor, or be employed.

Sec. 2. Any violation of any provision of this act shall be deemed a misdemeanor, and shall be punishable upon conviction by a fine not exceeding five hundred (500) dollars, or by imprisonment in a county jail not exceeding six (6) months, or by both such fine and imprisonment.

Sec. 3. All Acts or parts of Acts which are in conflict with the, or with any of the, provisions of this Act, are hereby repealed.

Sec. 4. This Act shall take effect and be in force from and after the date of passage.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes, and other works, and to pay the necessary costs and expenses of maintaining such districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties, and to make said Act applicable to such districts.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1030—An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for the violation of this Act.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1297—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 312—An Act regulating the placing, erection, use and maintenance of electric poles, wires, cables and appliances, and providing the punishment for the violation thereof.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the enacting clause, and insert in lieu thereof the following:
 Section 1. No commission, officer, agent or employee of the State of California, or of any city and county, or city or county, or other political subdivision thereof, and no other person, firm, or corporation shall (a) Run, place, erect or maintain any wire or cable used to conduct or carry electricity, on any pole, or any crossarm, bracket or other appliance attached to such pole, within a distance of thirteen (13) inches from the center line of said pole; *provided*, that the foregoing provisions of this paragraph (a) shall be held not to apply to telephone, telegraph or other "signal" wires or cables which are attached to a pole to which is attached no wire or cable other than telephone, telegraph or other "signal" wire or cable, except within the corporate limits of any city or town which shall have been incorporated as a municipality, nor shall the foregoing provisions be held to apply to such wires or cables in cases where the same are run from underground and placed vertically on poles, nor to "bundle" or "jumper" wires on any pole which are attached to telephone, telegraph or other "signal" wires on the same pole, nor to any "aerial" cable, as between such cable and any pole on which it originates or terminates, nor to wires run from "lead" wires to arc lamps or to transformers placed upon poles, nor to any wire or cable where the same is attached to the top of a pole, as between it and the said pole nor to any "aerial" cable containing telephone, telegraph or other "signal" wires where the same is attached to a pole on which no other wires or cables than wires continuing from said cable are maintained, *provided*, that electric light or power wires or cables are in no case maintained on the same side of the street or highway on which said "aerial" cable is placed.

(b) Run, place, erect or maintain in the vicinity of any pole (and unattached thereto) within the distance of thirteen (13) inches from the center line of said pole, any wire or cable used to conduct or carry electricity, or place, erect or maintain any pole (to which is attached any wire or cable used to conduct or carry electricity) within the distance of thirteen (13) inches (measured from the center of such pole) from any wire or cable used to conduct or carry electricity, *provided*, that as between any wire or cable and any pole, as in this paragraph (b) named, only the wire, cable or pole last in point of time run, placed or erected, shall be held to be run, placed, erected or maintained in violation of the provisions of this paragraph, and further *provided*, that the provisions of this paragraph (b) shall not be held to apply to telephone, telegraph or other "signal" wires or cables on poles to which are attached no other wires, as between such wires and poles to which are attached no other wires or cables than telephone, telegraph or other "signal" wires; *provided*, such wires, cables and poles are not within the corporate limits of any town or city which shall have been incorporated as a municipality.

(c) Run, place, erect or maintain, above ground, within the distance of four (4) feet from any wire or cable conducting or carrying less than six hundred volts of electricity, any wire or cable which shall conduct or carry at any one time more than six hundred volts of electricity, or run, place, erect or maintain within the distance of four (4) feet from any wire or cable which shall conduct or carry at any one time more than six hundred volts of electricity any wire or cable conducting or carrying less than six hundred volts of electricity, *provided*, that the foregoing provisions of this paragraph (c) shall be held not to apply to any wires or cables attached to a transformer, within a distance of four (4) feet, (measured along the line of said wire or cable) from the point where such wire or cable is attached to

such transformer, nor to wires or cables within buildings or other structures, nor to wires or cables where the same are run from underground and placed vertically on poles, nor to any "lead" wires or cables between the point where the same are made to leave any pole for the purpose of entering any building or other structure, and the point at which they are made to enter such building or structure *and provided, further*, that as between any two wires or cables, or any wire or any cable run, placed, erected or maintained in violation of the provisions of this paragraph (c), only the wire or cable last in point of time run, placed or erected shall be held to be run, placed, erected or maintained thus in violation of said provision, *and further provided*, that where no more than one crossarm is maintained on a pole, all the wires or cables conducting or carrying at any one time more than six hundred volts of electricity shall be placed on the crossarm on one side of the pole, and all the wires or cables conducting or carrying less than six hundred volts of electricity shall be placed on the crossarm on the other side of the pole, and further provided, that the space between any wire or cable carrying or conducting at any one time more than six hundred volts of electricity and any wire or cable carrying less than said voltage shall be at least thirty-six (36) inches clear measurement in a horizontal line *and further provided*, that where two or more systems for the distribution of electric light or power occupy the same poles with wires or cables, all wires or cables conducting or carrying at any one time more than six hundred volts of electricity shall be placed on the crossarms on one side of the pole, and all wires or cables conducting or carrying less than said voltage shall in such case be placed on the crossarms on the other side of the pole, *and further provided*, that the space between any wire or cable conducting or carrying at any one time more than six hundred volts of electricity and any wire or cable conducting or carrying less than said voltage shall be at least thirty-six (36) inches in measurement in a horizontal line *and further provided*, that in such construction all crossarms shall be at least thirty-six (36) inches apart in a vertical line.

(d) Run, place, erect or maintain any wire or cable which shall conduct or carry at any one time more than six hundred volts of electricity, without causing each crossarm, or such other appliance as may be used in lieu thereof, to which such wire or cable is attached to be kept at all times painted a bright yellow color, or, on such crossarm, or other appliance used in lieu thereof, shall be placed enamelled iron signs, providing, in white letters on a green background, the words "high voltage", and these letters shall not be less than three (3) inches in height, said signs shall be securely fastened on the face and back of each crossarm. The provisions of this paragraph (d) shall not be held to apply to crossarms to which are attached wires or cables carrying or conducting more than ten thousand volts of electricity, and which are situated outside the corporate limits of any town or city which shall have been incorporated as a municipality.

(e) Run, place, erect or maintain any "guy" wire or "guy" cable attached to any pole or appliance to which is attached any wire or cable used to conduct or carry electricity, without causing said "guy" wire or "guy" cable to be effectively insulated at all times at a distance of not less than four (4) feet nor more than eight (8) feet (measured along the line of said wire or cable) from the upper end thereof, and at a point not less than eight (8) feet vertically above the ground from the lower end thereof; *and further provided*, that wherever two or more "guy" wires or "guy" cables are attached to a pole there shall be at least one foot, vertical space, between the points of attachment, *and further provided*, that no insulation shall be required at the lower end of a "guy" wire or "guy" cable where the same is attached to a grounded anchor; none of the provisions of this paragraph (e) shall be held to apply to "guy" wires or "guy" cables attached to poles carrying no wire or cable other than telephone, telegraph or other "signal" wire or cable, and which are situated outside the corporate limits of any town or city which shall have been incorporated as a municipality.

(f) Run, place, erect or maintain, vertically on any pole, any wire or cable used to conduct or carry electricity, without causing such wire or cable to be at all times wholly encased in casing equal in durability and insulating efficiency to a wooden casing not less than one and one half inches thick. The provisions of this paragraph (f) shall not be held to apply to vertical telephone, telegraph or other "signal" wires or cables on poles where no other than such wires or cables are maintained, and which are outside the corporate limits of any town or city which shall have been incorporated as a municipality.

(g) Place, erect or maintain on any pole, or on any crossarm or other appliance on said pole, which carries or upon which is placed an electric arc lamp, any transformer for transforming electric currents.

(h) Run, place, erect or maintain any wire or cable carrying more than fifteen thousand volts of electricity across any wire or cable carrying less than said voltage or across any public highway, except on poles of such height and so placed at each crossing that under no circumstances can said wire or cable of said voltage higher than fifteen thousand volts in case of breakage thereof or otherwise come in contact with any wire or cable of less than said voltage, or fall within a distance of ten (10) feet from the surface of any public highway; or in lieu thereof double strength construction may be installed, in which case the wires carrying a voltage higher than

fifteen thousand volts shall, between the points of crossing, be of a cross-section area equal to at least twice that used in the line outside of such crossing, except where the conductor used is equal to four noughts (0000) Brown and Sharpe gauge or greater, in which case the wires or cables will be considered as complying with the law.

(1) Run, place, erect or maintain any suspension wire to which is attached any "aerial" cable of "75 pair number nineteen Brown and Sharpe "gauge" or over, or of "100 pair number twenty-two Brown and Sharpe gauge" or over, suspended from a crossarm, (or from any other structure or appliance from which said suspension wire is hung) by a single bolt and clamp without at the same time attaching said suspension wire to said crossarm, structure or appliance by an additional "safety" bolt and clamp (or other "safety" appliance for thus attaching said suspension wire) of tensile strength equal to the first herein said bolt and clamp.

SEC. 2. None of the provisions of the preceding section shall be held to apply to "direct current" electric wires or cables having the same polarity, nor to "signal" wires when no more than two (2) of such "signal" wires are attached to any one pole; *provided*, that none of such "direct current" or "signal" wire shall in any case be run, placed, erected or maintained within the distance of thirteen (13) inches from the center line of any pole (other than the pole or poles on which said wires or cables are carried) carrying electric wires or cables; *and provided, further*, that as between any two wires or cables, or any wire or cable run, placed, erected or maintained in violation of the provisions of this Section 2, only the wire or cable last in point of time run, placed, erected or maintained shall be held to be run, placed, erected or maintained thus in violation of said provisions.

SEC. 3. No commission, officer, agent or employee of the State of California, or of any city and county or city or county or other political subdivision thereof, and no other person, firm or corporation shall run, place, erect or maintain any "span" wire attached to any wire or cable used to conduct or carry electricity, without causing said "span" wire to be at all times effectively insulated between the outer point at which it is in any case fastened to the pole or other structure by which it is hung or supported, and at the point at which it is in any case thus attached; *provided*, that such insulation shall not in any case be placed less than two (2) feet nor more than four (4) feet from said point at which said "span" wire is so attached and that when in any case, such "span" wire is attached along its length to any two (2) such wires or cables, conducting or carrying electricity, and extending parallel to each other, not more than ten (10) feet apart, such insulation shall not be required therein at any point between such parallel wires or cables; none of the provisions of this section (3) shall be held to apply where "feeder" wires are used in place of "span" wires.

SEC. 4. Any violation of any provisions of this Act shall be deemed to be a misdemeanor, and shall be punishable upon conviction by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in a county jail not exceeding six (6) months or by both such fine and imprisonment.

SEC. 5. All Acts or parts of Acts which are in conflict with the, or with any of the provisions of this Act, are hereby repealed.

SEC. 6. This Act shall take effect six months from the date of its passage in so far as it relates to new work, and a period of five years shall be allowed in which to reconstruct all existing work and construction to comply with the provisions of this Act.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering bills Nos. 221, 222, 225, 1376, 1377, 1379, 9, 224, and 1065.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 221, 222, 225, 1376, 1377, 1379, 9, 224, and 1065 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 221, 222, 225, 1376, 1377, 1379, 9, 224, and 1065, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Brown, the Assembly was declared adjourned until ten o'clock A. M., February 23, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., {
Thursday, February 23. 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsey, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—74.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Gerdes, its further reading was dispensed with.

PRIVILEGE OF FLOOR OF ASSEMBLY GRANTED.

Through the courtesy of Mr. Jasper, Messrs. W. S. McAtheur, H. H. Schultz, O. C. Gregor and C. H. Connick were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Hayes, Messrs. Walter Mathewson, A. L. Whitman, J. M. Phillips and Chas. W. Davidson were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Williams, Mr. C. E. Arnold and Mrs. Newell were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Coghlan, Messrs. Andrew Gallagher and H. A. Mason were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Rosendale, Mr. Wm. Sandholdt was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Stevenot, Mr. C. W. Rickey was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Guill, Mr. M. Eames was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Mullally, Mr. A. S. McMurry was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. McGowen, Messrs. A. Adams and B. Bunker were granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1339—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, lanes, alleys, courts, places and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

Assembly Bill No. 198—An Act to amend Section 2181 of the Civil Code of the State of California, defining what shall be considered baggage or luggage to be carried by common carriers, and prescribing the method of preparing such baggage for shipment.

Assembly Bill No. 856—An Act to amend section ten hundred and fifty-six of the Code of Civil Procedure of the State of California, relating to corporations which may become sureties on undertakings and bonds.

Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

And report that the same have been correctly engrossed

RANDALL, Chairman.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Also Assembly Bill No. 1351—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

FLINT, Chairman.

The above reported bills ordered on file for second reading.

ON CONSERVATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: Your Committee on Conservation, to whom was referred Assembly Bill No. 940—An Act to create a system of firewardens to prevent and suppress forest fires, providing for their appointment and compensation, creating a forest fire fund, providing for cooperation with the State on the part of the counties and private owners of timber land in fire protection, declaring certain acts a nuisance and making the expense of the abatement thereof a lien, and providing for the enforcement

of such hen, and making an appropriation for the purpose of carrying out the provisions of this Act—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended, and that it be re-referred to the Committee on Ways and Means.

CLARK, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ON LIVE STOCK, DAIRIES AND DAIRY PRODUCTS

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Senate Bill No. 603—An Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months, requiring the labeling thereof by all persons selling or offering the same for sale, empowering and directing the State Board of Health to make rules and regulations to carry this Act into effect and fixing penalties for the violation of the same, or any of the provisions—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

HAMILTON, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Assembly Bill No. 679—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor—have had the same under consideration, and respectfully report the same back with twenty-one amendments, and recommend that it do pass as amended.

HAMILTON, Chairman.

The above reported bill ordered on file for second reading.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 1286—An Act to add a new section to the Penal Code of the State of California to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time and to provide for the release of such persons within the time for which they are sentenced to imprisonment—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GERDES, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 200—An Act to establish the California State Reformatory; to provide for purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Also Assembly Bill No. 1076—An Act to establish an industrial reformatory for women, and making appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to Committee on Ways and Means.

GERDES, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 16—Relative to the cession by the United States to the State of California of certain lands adjacent to Deadman's Island, in the county of Los Angeles, State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FREEMAN, Chairman.

The above reported Senate joint resolution ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 12—Relative to a more strict enforcement of the immigration laws—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FREEMAN, Chairman.

The above reported Assembly joint resolution ordered on file for adoption.

Also:

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 238—An Act making an appropriation for the improvement, preservation, maintenance and care of the old theater property at Monterey, California

Also Assembly Bill No. 1162—An Act to provide for the construction of an exposition building in agricultural district number two on state property, to be known as State Agricultural Park, at Stockton, which building is to be used by all of the counties of this State, for the purpose of maintaining therein exhibits of their industries, industrial enterprises, resources and products, and to make an appropriation for the construction of such building.

Also Assembly Bill No. 1289—An Act amending section two of an Act entitled, "An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort and providing for the compensation of such gardener," approved March 21, 1907

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 1118—An Act giving and granting to the city of San Diego the right to grant to the State of California certain lands in Balboa Park for the use of a State Agricultural College and Forestry School in San Diego, California—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended

HINKLE, Chairman

The above reported bill ordered on file for second reading.

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER Your Committee on Education, to whom was referred Assembly Bill No. 1491—An Act to add to the Political Code a new section to be numbered 1874b, relating to the publishing, printing and distributing of school text-books—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

SPEAKER PRO TEM. IN THE CHAIR.

At ten o'clock and fifteen minutes A. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

ON CONTINGENT EXPENSES AND ACCOUNTS.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts have had under consideration the following resolution

WHEREAS, Leave of absence was granted by this Assembly to the following members of the Committee on State Prisons and Reformatory Institutions: A Cunningham and Fred C Gerdes, to visit the Whittier State School at Whittier, California, and to investigate appropriation bills for that institution; and

WHEREAS, The said members of said committee have submitted the following as a statement of their actual expenses:

A. Cunningham, railroad fare-----	\$37 85	
Expenses, including meals, lodgings, etc-----	30 00	\$67 85
Fred C. Gerdes, railroad fare-----	\$37 85	
Expenses, including meals, lodgings, etc-----	30 00	\$67 85

Now, therefore, the undersigned chairman recommends that said members be allowed their actual expenses as per Assembly Rule No. 80, and respectfully ask that the aforesaid accounts be referred to the Committee on Contingent Expenses and Accounts, and begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of sixty-seven dollars and eighty-five cents (\$67.85) in favor of Fred C. Gerdes. Chairman of the Investigating Committee to the Whittier State School at Whittier, California

STEVENOT, Chairman.

Mr. Stevenot moved adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Brown, Butler, Cattell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbitts, Williams, Wilson, Wyllie, and Young—54.

NOES—None

Also:

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts have had the following resolution under consideration:

Resolved, That the State Controller be, and he is hereby, directed to draw his warrant in favor of the Sergeant-at-Arms of the Assembly for the sum of ninety-eight dollars and seventy-five cents (\$98.75) out of the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same, being in payment of the Assembly's portion (one half) of the expenses incurred by your committee for Lincoln memorial exercises, which were held on Monday evening, February 13, 1911, in the Assembly Chamber, itemized account of which is as follows:

Printing programs-----	\$12 50
Music (including piano rental)-----	35 00
Decorations-----	37 50
Plants-----	6 25
Labor-----	7 50
	<hr/> \$98 75

And begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of ninety-eight dollars and seventy-five cents, (\$98.75) in favor of L. B. Mallory, Chief Clerk of the Assembly, the same being for the payment of the above bills attached.

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Cattell, Chandler, Coghlan, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—55.

NOES—None.

Also:

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts has had the enclosed matter under consideration, and begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two hundred and two dollars and seventy-eight cents (\$202.78) in favor of Ed H. Whyte, Sergeant-at-Arms at the Assembly, the same being for the payment of the following bills attached:

Ed H. Whyte.....	\$3 95
Mrs. C. McCall.....	12 00
Fred Warren Transfer Co.....	7 00
Geo. Z. Wait Co.....	1 50
John Brenner Co.....	1 75
Cascade Towel Co.....	1 50
H. S. Crocker Co.....	75
Wahl Stationery Co.....	94 98
McDowell & Harding.....	64 35
Jas. E. Price.....	3 00
Marian Brown.....	3 00
Ralph A. Sollars.....	3 00
W. R. Mackrille.....	3 00
Lyman Harford.....	3 00
	\$202 78

STEVENOT, Chairman

Mr Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Cattell, Chandler, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wyllie, and Young—50.

NOES—None.

SPEAKER IN THE CHAIR.

At ten o'clock and thirty minutes A. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

ON DIRECT LEGISLATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: Your Committee on Direct Legislation, to whom was referred Senate Bill No. 360—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1893, to be numbered 10, 11 and 12, and relating to the government of municipal corporations and providing for the recall, initiative and referendum—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TIBBITS, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER. Your Committee on Direct Legislation, to whom was referred Assembly Bill No. 511—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12, and relating to the government of municipal corporations and providing for the recall, initiative and referendum—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

TIBBITS, Chairman.

The above reported bill ordered on file for second reading.

ON AGRICULTURE, FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER. Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Assembly Bill No. 759—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and majority recommend that it do not pass; minority, that it do pass, and be re-referred to Committee on Ways and Means.

JUDSON, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER. Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops and bakeries and for the issuance of licenses for such business and for the sanitary conditions of bakeshops and bakeries.

Also Assembly Bill No. 265—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto to be numbered three hundred and seventy-four *a*, relating to the loading of vessels with garbage or other refuse with intent to dump the same upon the waters bordering upon the State of California, and dumping garbage thereon.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

MALONE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER. Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1095—An Act to amend an Act entitled "An Act to provide for health and development supervision in the public schools of California," approved April 15, 1909, by adding thereto a new section relating to the duties of teaching in schools where no examining staff is employed—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

MALONE, Chairman.

The above reported bill ordered on file for second reading

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER. Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases—have had the same under consideration, and respectfully report the same back and recommend that it do pass

TELFER, Chairman.

The above reported bill ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to the Committee on Ways and Means

SCHMITT, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 1200—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to the accounts and accounting of the Board of State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

SCHMITT, Chairman

The above reported bill ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 716—An Act to prohibit the use of nets, seines, traps, or weirs in the Napa River and its tributaries in the counties of Sonoma, Napa and Solano.

Also Assembly Bill No. 1042—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein.

Also: Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Also: Assembly Bill No. 508—An Act to amend Sections Nos. 851 and 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 1006—An Act to amend an Act entitled, "An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1900, extending the provisions of said Act to include sanitary districts.

Also: Adopted Assembly Concurrent Resolution No. 6—Approving one certain amendment to the charter of Salinas City, county of Monterey, State of California, voted for and ratified by the qualified electors of said Salinas City, at a regular municipal election held therein on the 7th day of June, 1909.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

The above bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 421—An Act granting to the city and county of San Francisco the right to construct, maintain and operate a municipal street railroad over, upon and along the lands under the control of the State Board of Harbor Commissioners within the said city and county of San Francisco

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Also :

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine *a* of the Political Code of the State of California, relating to the preservation of the public health.

Also: Senate Bill No. 986—An Act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume.

Also: Senate Bill No. 1018—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be numbered section twenty-one *a*, relating to the proof of posting and publishing notices.

Also: Senate Bill No. 1019—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be numbered section five *a*.

Also: Senate Bill No. 957—An Act to regulate contracts on behalf of the State, in relation to erections and buildings.

Also: Senate Bill No. 635—An Act to amend Section 628, 628*a*, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary

Senate Bill No. 188 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 986 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 1018 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 1019 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 957 read first time, and referred to Committee on Judiciary.

Senate Bill No. 635 read first time, and referred to Committee on Fish and Game.

Also :

SENATE CHAMBER, SACRAMENTO, February 22, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 618—An Act to create a reclamation district to be called Reclamation District Number 830, and providing for the control and management thereof.

Also: Assembly Bill No. 622—An Act amending Section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations

Also: Passed as amended, Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626*g* thereof, relating to tree squirrels

And we respectfully request that your honorable body concur in the Senate amendment to said Assembly Bill No. 98.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly Bills Nos. 618 and 622 ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 98?"

On page 1, Section 1, line 5, strike out the word "and", and insert in lieu thereof the following "any".

The roll was called, and Senate amendment to Assembly Bill No. 98 was concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Sutherland, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—58.

NOES—None.

Above bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed as amended Assembly Bill No. 7—An Act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public and fraternal cemeteries, and jurisdiction over the same.

Also: Assembly Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of the said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Also: Assembly Bill No. 419—An Act to add a new section to the Political Code to be numbered section twenty-six hundred forty-six, relating to highways.

And we respectfully request that your honorable body concur in the Senate amendments to the above named bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 7?"

On page 1, title, line 2, strike out the words "entitled 'An Act'".

Also: On page 1, title, lines 5 and 6, before the word "cemeteries", insert the following: "and fraternal" and strike out the words "sale of lots, keeping same in order".

Also: On page 1, Section 1, line 1, after the word "nine", insert the following: "of the Political Code".

Also: On page 1, Section 1, line 2, strike out the following "so as".

Also: On page 1, Section 1, line 3, strike out the word "of", and insert in lieu thereof the following "or".

Also: On page 1, Section 1, line 7, strike out the word "enter", and insert in lieu thereof the following "inter".

Also: On page 2, Section 2, line 1, after the word "ten", insert the following "of the Political Code".

Also: On page 2, Section 2, line 2, strike out the words "so as".

Also: On page 2, Section 2, lines 3 and 4, strike out the following "board of supervisors, city trustees, or other corresponding".

Also: On page 2, Section 2, lines 5 and 6, strike out the following: "or said fraternal or beneficial associations or societies and the trustees thereof".

The roll was called, and Senate amendments to Assembly Bill No. 7 were concurred in by the following vote:

AYES—Messrs. Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Sutherland, Tibbitts, Walsh, Williams, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Above bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 264?"

On page 1, Section 1, lines 7, 8, and 9, strike out the words "but this exception does not apply to a criminal action or proceeding for a crime committed by one

against the person or property of the other," and insert in lieu thereof the following: "or in case of criminal actions or proceedings for a crime committed by one against the person or property of the other, or in cases of criminal violence upon one by the other."

The roll was called, and Senate amendment to Assembly Bill No. 264 was concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ruthertord, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—61.

NOES—None

Above bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 419?"

On page 1, Section 1, lines 14 and 15, of the printed bill, strike out the words "or amendments thereof", and insert in lieu thereof the following: "and all Acts amendatory thereof or supplementary thereto".

The roll was called, and Senate amendment to Assembly Bill No. 419 was concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Crosby, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ruthertord, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Walsh, Williams, Wilson, Young, and Mr. Speaker—56.

NOES—None.

Above bill ordered to enrollment.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:

By Mr. Hinkle:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying Assembly Concurrent Resolution, the title of which reads as follows, viz: Assembly Concurrent Resolution No. 22—Approving five certain amendments to the charter of the city of San Diego.

HINKLE.

Member Seventy-ninth District.

Referred to Committee on Introduction of Bills.

By Mr. Cogswell.

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act making an appropriation for the pay of the officers and employees of the Assembly for the thirty-ninth session of the Legislature.

COGSWELL.

Member Sixty-eighth District.

Referred to Committee on Introduction of Bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act making an appropriation to pay the per diem and mileage of the Assembly for the thirty-ninth session of the Legislature of the State of California, during the sixty-first fiscal year.

COGSWELL.

Member Sixty-eighth District.

Referred to Committee on Introduction of Bills.

RESOLUTION.

The following resolution was offered:

By Committee on Federal Relations:

WHEREAS, It is reported that the draft of the new treaty between the United States and Japan, sent to the United States Senate the 21st instant by the President of the United States, omits all restrictive features concerning the coming of Japanese laborers to the United States; and

WHEREAS, The Assembly of the State of California, relying in good faith upon assurances from official sources given to the people of the State during the last four years that the immigration to this country of such laborers was precluded by a "mutual agreement" between our government and that of Japan, and that the latter nation was as anxious to retain, as we were to exclude them, patriotically and patiently, observed calmness pending negotiations for a new treaty, and

WHEREAS, This Assembly notes with sincere regret the reported omission from said treaty of such protective measures as are vitally necessary to the interests of California and the welfare of its citizens, or, in lieu thereof, of such provisions therein continuing in force the said "mutual agreement," which has in the past been referred to by the Federal authorities as our shield and protector, and

WHEREAS, Our people have been led to believe and to hope that there would be no surrender of our rights in the premises; therefore, be it

Resolved, That the Assembly of the State of California earnestly urges the President of the United States to withdraw said treaty from further consideration by the Senate of the United States; *provided*, that proper protection is not provided for by said treaty as herein requested; be it further

Resolved, That we appeal to the Senate of the United States, in the name of the people of the State of California, to withhold and refuse its assent to a compact fraught with so much danger to our citizens, to our industrial development and to our civilization, be it further

Resolved, That our Senators in Congress be instructed, and our Representatives in Congress requested, to use all honorable means to prevent the ratification of said treaty, unless by proper amendment the rights of our people are fully therein protected; be it further

Resolved, That the Governor be requested to immediately telegraph a copy of these resolutions to the President, the respective Houses of Congress and to our Senators and Representatives in Congress.

FREEMAN,
Chairman.
BOHNETT
HAMILTON
CHANDLER
KEHOE
YOUNG.

Resolution read, and on motion of Mr. Freeman, adopted.

THIRD READING OF BILLS.

Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112 of the Political Code of the State of California, and to add two new sections to said Code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 991 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Crosby, Denegri, Feeley, Fitzgerald, Gaylord, Gerdes, Gull, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Mott, Polesley, Preisler, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232—An Act authorizing and directing the construction of one cottage for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

During the third reading of the bill Mr. Slater moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 4, Section 1, of the printed bill, after the word "constructing" strike out the words "two cottages".

Motion carried.

The Speaker appointed Mr. Slater as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 232 with instructions, do now report that the instructions of the Assembly have been carried out.

SLATER, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

Assembly Bill No. 581—An Act to provide for the furnishing of three cottages at the Sonoma State Home, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 581 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Crosby, Cunningham, Denegri, Feeley, Gaylord, Gerdes, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Slater, Smith, Sutherland, Telfer, Tibbitts, Williams, Wylie, and Mr. Speaker—50

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called and the Assembly constitutional amendment adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbitts, Williams, Wilson, Wylie, and Mr. Speaker—58.

NOES—None.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 2.

A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and eleven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Section 7, of Article IX of the Constitution of the State of California shall be amended to read as follows:

Section 7. The Governor, the Superintendent of Public Instruction, the President of the University of California, and the Professor of Pedagogy therein and the principals of the State Normal Schools, shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt a uniform series of text-books for use in the common schools throughout the State. The State Board may cause such text-books when adopted, to be printed, and published by the Superintendent of State Printing, at the State Printing Office; and when so printed and published, to be distributed and sold at the cost price of printing, publishing and distributing the same. The text-books, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever, and said State Board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 85 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cunningham, DeNegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Schmitt, Slater, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 86 passed by the following vote.

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 88 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbitts, Walsh, Wilson, Wyllie, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 92—An Act to provide for the painting inside and outside of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 92 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Gull, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbitts, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 93 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Gull, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 90—An Act to provide for the construction of dams for water supply, at the Veterans' Home of California, located at

Yountville, Napa County, California, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 90 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Sutherland, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company "C" at the Veterans' Home of California, located at Yountville, Napa County, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 94 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Cattell, Crosby, Cunningham, Denegri, Feeley, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion, at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 955 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Crosby, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Slater, Stevenot, Sutherland, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 494 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hamilton, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Walsh, Wyllie, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 70 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Cattell, Chandler, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Sutherland, Walsh, Williams, Wyllie, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

During the third reading of the bill, Mr. Slater moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, of the printed bill as amended, strike out all of line 3, and insert in lieu thereof the following: "1956. Field officers of a regiment, the coast artillery corps, separate battalion not part of a regiment, or squadron shall".

Also: On page 1, Section 1, line 12, of the printed bill as amended, strike out the "comma" after the word "list" and insert in lieu thereof the following: "and staff officers,".

Motion carried.

The Speaker appointed Mr. Slater as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 918, with instructions, do now report that the instructions of the Assembly have been carried out.

SLATER, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint, with a rush order, reëngrossment, and on file for passage.

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 980 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Flint, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Malone, McDonald, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Stevenot, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—45

NOES—Messrs. Bishop, Callaghan, Crosby, Cunningham, Denegri, Fitzgerald, Freeman, Hayes, Jones, Lyon of Los Angeles, Maher, McGowen, Nolan, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, and Smith—20.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At twelve o'clock M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 833 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Crosby, Cunningham, Denegri, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Griffiths gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 980 was this day passed.

Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for the investigation of its prevalence, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 821 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Crosby, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 829—An Act prohibiting the unnecessary wasting of natural gas into the atmosphere; providing for the capping or otherwise closing of wells from which natural gas flows; and providing penalties for violating the provisions of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 829 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Crosby, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Malone, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Sutherland, Telfer, Walsh, Williams, Wilson, and Young—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 992—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 992 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Slater, Smith, Sutherland, Telfer, Walsh, Williams, Wilson, and Young—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1141—An Act to amend the Political Code of the State of California, by amending Section 2154 relating to officers and employees of state hospitals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1141 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Cunningham, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of

Modesto, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Slater, Smith, Stevenot, Telfer, Walsh, Williams, Wilson, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 883 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Smith, Sutherland, Walsh, Williams, Wilson, Young, and Mr. Speaker—53.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 541—An Act to prevent the importation of neat cattle for dairy or breeding purposes affected with tuberculosis into the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 541 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bliss, Bohnett, Butler, Cattell, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rogers of Alameda, Ryan, Sbragia, Schmitt, Stevenot, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 542—An Act to prevent the importation of horses, mules and asses affected with glanders into the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 542 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Malone, McDonald, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rogers of Alameda, Ryan, Sbragia, Schmitt, Smith, Stevenot, Walsh, Williams, Wilson, Wyllie, and Mr Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and fifteen minutes P. M., Hon H. G. Cattell, Speaker pro tem. of the Assembly in the chair.

Senate Bill No. 189—An Act to amend section fifteen of an Act entitled "An Act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties and incorporated towns, under the superintendence of the State Bureau of Vital Statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration, and fixing penalties for the violation of this Act," approved March 18, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 189 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Walsh, Williams, and Wyllie—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make an appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 514 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Brown, Cattell, Clark, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Sutherland, Walsh, Williams, Wilson, and Wyllie—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 513—An Act to provide for the construction of a swing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 513 passed by the following vote:

AYES—Messrs. Beatty, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Clark, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Maher, McGowen, Mendenhall, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, and Wyllie—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 74 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Clark, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Gull, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polesley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, and Wyllie—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

GOVERNOR'S MESSAGE.

On motion of Mr. Bohnett, the following message from the Governor was read and ordered printed in the Journal:

EXECUTIVE OFFICE, STATE OF CALIFORNIA,
SACRAMENTO, February 23, 1911.

To the Legislature of the State of California:

Last night I transmitted to the President of the United States, and the others to whom the matter was directed, the preamble and resolution adopted yesterday by the Senate relating to the contemplated treaty with Japan. This morning I am in receipt of the following telegram from the President:

"THE WHITE HOUSE, WASHINGTON, D. C., 23-11.

Governor H. Johnson, Sacramento, California.

Have the resolutions transmitted by you. The treaty and the assurances from Japan as to the continuance of the present arrangement are exactly such as you approved when the Secretary of State and I explained them to you here. Will you not explain this to the two houses of your Legislature to prevent action by reason of misunderstanding.

W. H. TAFT.

In explanation of this telegram, I convey to you that in December, while in Washington, in conversation with the President, and subsequently with Secretary Knox, I stated that, in my opinion, the people of the State of California desired Japanese exclusion. The President and the Secretary declared the existing arrangement with Japan accomplished this purpose, and that such arrangement would be

continued in the future. I deemed the mode of accomplishing this was for the Federal Government alone; but that if accomplished, our people would be satisfied.

In response to the telegram of the President, which I have quoted, I have this day wired him as follows:

"February 23, 1911.

The President, Washington, D. C.

Have your telegram of this date. In Washington it was explained by you and Secretary Knox to me that the arrangement existing between our government and Japan gave to us exclusion, and it was this desideratum I stated was desired by our people. Am I at liberty to make the statement to the press and the Legislature that the assurances and understanding with Japan are the same as heretofore existed and under which we have been assured exclusion has resulted I have refrained thus far from making any public statement and will not do so except with your permission. There seems to be a belief here that the contemplated treaty will alter the arrangements and assurances that have heretofore existed. If this belief is unfounded, I should be very glad to do what is possible to correct the impression, and would greatly appreciate any statement you may wire me for transmission to our Legislature."

HIRAM W. JOHNSON,
Governor of California "

I have also received this morning the following telegram from Senator Perkins:

"WASHINGTON, D. C., February 23, 1911.

His Excellency H. W. Johnson, Governor, Sacramento, California.

I am in receipt of the resolutions passed by the Senate of the State of California protesting against the ratification of the proposed treaty with Japan and will submit them to the Senate to-day for consideration in connection with the treaty. The present treaty is for twelve years while the provisions of the proposed treaty is for six months, cancellation provisions in treaty in our favor. Secretary State informs us Japanese Government gives every assurance that there will be no immigration Japanese labor into United States. Think treaty will meet approval of our people when its provisions are understood

GEO. C. PERKINS "

And the following telegram from Senator Flint:

"WASHINGTON, D. C., February 23, 1911

Hon Hiram Johnson, Governor of California, Sacramento, California.

I understand from the statements made by you to me when you were here that the continuance of the present arrangements for excluding Japanese laborers would in your opinion be satisfactory to the people of California. The treaty with the diplomatic notes assures the continuance of the agreement between the two nations to exclude laborers and in my opinion it is desirable that the treaty should be promptly ratified.

FRANK P. FLINT."

In reply to Senator Flint, I have wired the following:

"February 23, 1911.

Hon Frank P. Flint, Senate Chamber, Washington, D. C.

When in Washington I was assured that the existing arrangement with Japan assured exclusion and this I stated was in my opinion the desideratum wished by the people of the State of California. I understand from your telegram that under the new treaty the same understanding exists between our Government and Japan, which results in exclusion. Is this correct?

HIRAM W. JOHNSON,
Governor of California "

I am just in receipt of the following telegram from the President:

"THE WHITE HOUSE, WASHINGTON, D. C., 23-11.

Hon Hiram W. Johnson, Sacramento, California

Telegram received. If treaty is ratified as proposed by me, arrangements and assurances that have heretofore existed in respect to Japanese immigration will more certainly secure existing status than the old treaty and you are at liberty to say so on my authority."

WM. TAFT."

I transmit this telegraphic correspondence of to-day to you, so that you may be fully advised. The correspondence speaks for itself and the assurances of the President seem to me definite and conclusive.

Respectfully submitted,

HIRAM W. JOHNSON,
Governor of California.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

During the third reading of the bill Mr. McGowen moved that the Speaker appoint a select committee of one to amend the bill as follows:

"SEC. 3. This Act shall take effect and be in force from and after its passage."

Motion carried.

The Speaker appointed Mr. Gowen as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 73, with instructions, do now report that the instructions of the Assembly have been carried out.

McGOWEN, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make an appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 520 passed by the following vote:

AYES—Messrs. Beckett, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Sbragia, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, and Wyllie—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 379 passed by the following vote:

AYES—Messrs. Beckett, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Sbragia, Slater, Smith, Telfer, Tibbits, Walsh, Williams, Wilson, and Wyllie—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 658 passed by the following vote:

AYES—Messrs. Beckett, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Sbragia, Slater, Smith, Telfer, Tibbits, Williams, Wilson, Wyllie, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 659—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 659 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Clark, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gerdes, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Tibbits, Williams, Wilson, Wyllie, and Young—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 661—An Act to provide the equipping and furnishing the new training school building on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 661 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Butler, Callaghan, Cattell, Clark, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Tibbits, Walsh, Wilson, Wyllie, and Young—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of

the female department at the Stockton State Hospital, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 518 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Tibbits, Williams, Wilson, and Young—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 80—An Act to amend Section 3793 of the Political Code of the State of California, relating to the seizure and sale of personal property by the assessor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 80 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Coghlan, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffiths, Guill, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Williams, and Wilson—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 436—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 436 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Tibbits, Williams, and Wilson—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILL.

Mr. Held asked for and was granted unanimous consent to withdraw Assembly Bill No. 566.

Bill withdrawn and ordered stricken from the file.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 141—An Act providing for an appropriation of \$750 for the purpose of buying material to rebuild slaughterhouse at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 141 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Coghlan, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Held, Hinkle, Jasper, Jones, Joel, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Tibbits, Williams, and Wilson—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The special order heretofore set for this day was taken up for consideration.

The question being the motion by Mr. Coghlan to rescind the amendments of Assembly Bill No. 869 as amended February 18, 1911.

A vote was taken, and the motion carried.

SPEAKER IN THE CHAIR.

At three o'clock and thirty minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

SECOND READING OF SENATE BILLS.

Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish by state or county.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 638—An Act to amend Section 626c of the Penal Code of the State of California, relating to the protection and preservation of game birds.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 740—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be known as Section 626p, relating to the protection of beaver.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 356—An Act to authorize and regulate the possession, use, transportation and sale of trout by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 253—An Act to repeal Section 632b3, sometimes designated as Section 632(3) of the Penal Code of California, relative to and prohibiting the use of salmon and steelhead roe as bait.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 241—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four "a," providing for the formation of religious corporations.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 10, after the word "any", insert the following: "church,".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 44, on page 2, of the printed bill, strike out the word "six", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 2.

In line 47, on page 2, of the printed bill, strike out the period after the word "work", and insert in lieu thereof a comma and add the following: "*provided*, that in cities and counties one or more local day or evening institutes of not less than two hours each may be held on not less than three different dates during the year."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 298—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 300—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 116—An Act to add a new section to the Political Code, to be numbered section thirty-eight hundred and four a, relating to the cancellation of erroneous assessments.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 359—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be

numbered 752*a*, 752*b*, 852*a* and 852*b* thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

Bill read second time, and ordered on file for third reading.

SECOND READING OF BILL.

Assembly Bill No. 507—An Act to amend Section 4234 of the Political Code of the State of California, relating to the compensation of officers of counties of the fifth class and their assistants and deputies.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title of said Act by striking out the figures "4234", and insert in lieu thereof the figures "4235".

Amendment adopted.

AMENDMENT No. 2.

Amend the title of said Act by striking out the word "fifth", and inserting in lieu thereof the word "sixth".

Amendment adopted.

AMENDMENT No. 3.

Amend Section 1, line 1, page 1, of printed bill, by striking out the figures "4234", and insert in lieu thereof the figures "4235".

Amendment adopted.

AMENDMENT No. 4.

Amend line 3, Section 1, page 1, of printed bill, by striking out the figures "4234", and inserting in lieu thereof the figures "4235". Also by striking out the word "fifth", and inserting in lieu thereof the word "sixth".

Amendment adopted.

AMENDMENT No. 5.

Amend Subdivision 2, Section 1, page 2, of printed bill, by striking out the words "shall receive the sum of", in line 35, and inserting in lieu thereof a comma after the word "sheriff".

Amendment adopted.

AMENDMENT No. 6.

Amend Subdivision 3, page 3, of printed bill, by striking out all of line 56, and inserting in lieu thereof the words "be appointed by such recorder and shall be paid".

Amendment adopted.

AMENDMENT No. 7.

Amend Subdivision 4, Section 1, page 3, of printed bill, by striking out the word "assistance" in line 85, and inserting in lieu thereof the word "assistants". Also by striking out the word "author" in said line 85, and inserting in lieu thereof the word "auditor".

Amendment adopted.

AMENDMENT No. 8.

Amend Subdivision 4, page 3, Section 1, by striking out the comma and the word "and" in line 87, and all of lines 88 and 89 and the words "the work performed" in line 90, and insert in lieu thereof the following: "*provided*, that a verified statement showing in detail the amounts paid and the persons to whom and the purpose for which such compensation has been paid for such additional assistants, as aforesaid, shall be filed with the county clerk, and the auditor shall certify thereon to the correctness of said claim".

Amendment adopted.

AMENDMENT No. 9.

Amend Subdivision 5, Section 1, page 4, of printed bill, by striking out the word "and" in line 96, and the word "clerk" in line 97; also by striking out the words "positions are", and inserting in lieu thereof the words "position is"; also by striking out of lines 99 and 100 the following: ", and a warrant clerk at a salary of fifteen hundred dollars per annum"; also in line 100, strike out the word "salaries", and insert in lieu thereof the word "salary", also in line 101, strike out the words "and the warrant clerk".

Amendment adopted.

AMENDMENT No. 10.

Amend Subdivision 6, Section 1, page 4, of printed bill, as follows: Strike out the word "seventeen" in line 114, and insert in lieu thereof the word "twelve"; also in line 115, strike out the period after the word "aggregate" and insert in lieu thereof the following: "; provided, that the tax collector shall file with the county auditor a verified statement showing in detail the amount paid, the persons to whom and the purpose for which such payments were made.", also insert the word "and" in line 116, after the comma following the word "assistants".

Amendment adopted.

AMENDMENT No. 11.

Amend subdivision 8, Section 1, page 5, of printed bill, by striking out the word "assistance" in line 151, and inserting in lieu thereof the word "assistants". Also by striking out the words "one thousand" in line 153 and inserting in lieu thereof the words "six hundred".

Amendment adopted.

AMENDMENT No. 12

Amend subdivision 9, Section 1, page 6, of printed bill, by striking out the words "forty-two" in line 169, and inserting in lieu thereof the words "thirty-six". Also strike out the word "deputies" in line 172, and insert in lieu thereof the word "deputy". Also strike out of line 176 the words "one chief deputy district attorney", all of line 177, and the words "dollars per annum" in line 178; also strike out of said line 178 the words "to be known" and the words "as the juvenile court deputy district attorney" in line 179. Also strike out all after the semicolon in line 181, all of lines 182, 183, 184 and the words "per annum" in line 185.

Amendment adopted.

AMENDMENT No. 12½.

In line 186, strike out the word "fifteen", and insert in lieu thereof the word "eighteen". Also, after the semicolon following the word "duties" in line 193, insert the following: "provided further, that the county detective shall file with the county auditor a verified statement showing in detail the amount paid, and the persons to whom and the purpose for which such payments were made". Also strike out the period after the word "interested" in line 202, and insert in lieu thereof the following: "provided further, that the district attorney shall file with the county auditor a verified statement showing in detail the amount paid and the person to whom and the purpose for which such payments were made".

Amendment adopted.

AMENDMENT No. 13.

Amend subdivision 10, Section 1, page 7, of printed bill, by striking out the word "assistant" in line 213, and inserting in lieu thereof the word "assistants". Also, in line 204, page 6, strike out the word "person", and insert in lieu thereof the word "officer". Also by inserting a comma after the word "inquests" in line 216.

Amendment adopted.

AMENDMENT No. 14.

Amend subdivision 13, Section 1, page 8, of printed bill, by striking out the comma after the word "field", and the words "and said surveyor" in line 259. Also all of lines 260, 261, 262, 263 and the words "twelve hundred dollars per annum" in line 264. Also strike out the word "nine" in line 268, and insert in lieu thereof the word "fifteen". Also strike out the words "and all" in line 268; also all after the period following the word "books" in line 270, all of lines 271 and 272.

Amendment adopted.

AMENDMENT No. 15.

Amend subdivision 14, Section 1, page 8, of printed bill, by striking out the words "seven and eight hundred" in line 274, and inserting in lieu thereof the words "nine hundred and two thousand, three hundred".

Amendment lost.

AMENDMENT No. 16.

Amend subdivision 15, Section 1, page 9, of printed bill, by striking out the words "seven and eight hundred" in line 291, and inserting in lieu thereof the words "nine hundred and two thousand, three hundred". Also, in line 300, strike out the comma and the words "provided that the board of", all of lines 301, 302 and the words "and constables jointly" in line 303. Also strike out the word "however" in line 309, and insert in lieu thereof the word "further". Also, after the word "constables" in line 310, insert the words "in townships". Also, by inserting a comma after the word "inhabitants" in line 311, also by inserting a comma after the word "located" in line 312.

Amendment lost.

AMENDMENT No. 17.

Amend Section 1, page 10, of the printed bill, by adding a new section to be numbered and to read as follows: "20 In townships containing twenty thousand or more inhabitants the board of supervisors shall furnish the justice of the peace and the constables of such township an office, to be occupied by such justice and constables jointly."

Amend by striking out all of Section 3.

Amendment adopted.

By Mr. Bliss:

AMENDMENT No. 18.

Amend subdivision 14, Section 1, page 8, of the printed bill, by striking out the words "seven and eight hundred" in line 274, and insert in lieu thereof the words "nine hundred and one thousand, and between twenty-two hundred and twenty-four hundred."

Amendment adopted.

AMENDMENT No. 19.

Amend subdivision 15, Section 1, page 9, of the printed bill, by striking out the words "seven and eight hundred", in line 291, and insert in lieu thereof the words "nine hundred and one thousand, and between twenty-two hundred and twenty-four hundred"; also strike out the comma and the words "provided that the board of" in line 300, all of lines 301, 302, and the words "and constables jointly" in line 303. Also strike out the word "however" in line 309, and insert in lieu thereof the word "further"; also after the word "constables," in line 310, insert the words "in townships", also by inserting a comma after the word "inhabitants" in line 311. Also by inserting a comma after the word "located" in line 312.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b, relating to the power of the boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the thirty-ninth session of the Legislature of the State of California during the sixty-first fiscal year.

An Act making an appropriation for the pay of the officers and employees of the Assembly of the thirty-ninth session of the Legislature.

An Act to amend an Act entitled "An Act to create a preserve for crabs within Eel River and the entrance thereto and Humboldt and Trinidad bays and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes," approved March 13, 1909, by amending sections one and two thereof so as to extend the limits of the said preserve and make it apply to clams also.

CHANDLER, Chairman.

The question being on the adoption of the report.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Brown moved a call of the House.

Motion carried.

Time, four o'clock and ten minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—55

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and twelve minutes P. M., further proceedings under the call of the House was dispensed with, on motion of Mr. Brown.

The roll of absentees was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following Assembly concurrent resolution, herewith return the same with the recommendation that the author be permitted to introduce it. The title of said Assembly concurrent resolution is as follows: Relative to approving five certain amendments to the charter of the city of San Diego, which were adopted and approved at a special election held therein February 14, A. D. 1911.

CHANDLER, Chairman.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Sbragia, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Brown: Assembly Bill No. 1545—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b, relating to the power of boards of supervisors and giving such boards such authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Cogswell: Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the thirty-ninth session of the Legislature of the State of California during the sixty-first fiscal year.

Bill read first time, and referred to Committee on Contingent Expenses and Accounts.

By Mr. Cogswell: Assembly Bill No. 1547—An Act making an appropriation for the pay of the officers and employees of the Assembly for the thirty-ninth session of the Legislature.

Bill read first time, and referred to Committee on Contingent Expenses and Accounts.

By Mr. Kehoe: Assembly Bill No. 1548—An Act to amend an Act entitled "An Act to create a preserve for crabs within Eel River and the entrance thereto and Humboldt and Trinidad bays, and the waters of the Pacific Ocean adjacent thereto, and to regulate the taking of crabs from such preserve for commercial purposes," approved March 13, 1909, by amending sections one and two thereof so as to extend the limits of the said preserve and make it apply to clams also.

Bill read first time, and referred to Committee on Fish and Game.

By Mr. Hinkle: Assembly Concurrent Resolution No. 22—Approving five certain amendments to the charter of the city of San Diego, which were adopted and approved at a special election held therein February 14, A. D. 1911.

Resolution read, and referred to Committee on Municipal Corporations.

LEAVE OF ABSENCE.

Mr. Maher asked for and was granted leave of absence for Friday, February 24, 1911.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Mr. Kehoe, the Assembly was declared adjourned until ten o'clock A. M., February 24, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Friday, February 24, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Steycot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hayes, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Slater, the Hon. William F. Cowan and Willard B. Flint of Santa Rosa were granted the privilege of the floor of the Assembly for the day.

Through the courtesy of Mr. Slater, the Hon. James P. Hickey, of Covington, Ky., was granted the privilege of the floor of the Assembly for the day.

Through the courtesy of Mr. McGowen, Mr. Van Vranken was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Coghlan, Mr. Wm. Finnigan was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Bohnett, Mr. Willis Harmer was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Polsley, Mr. Jewel Boggs was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Hinshaw, Mr. M. P. Goodrich was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Ryan, Mr. Andrew Gallagher and M. R. Clancy were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Hayes, Mr. N. E. Conklin was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Williams, Mr. Caspar Hodgson was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Lamb, Mr. J. Brown was granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 468—An Act to amend section seven hundred thirty-nine of the Political Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto, to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove action brought against it, from the state courts to the courts of the United States.

Also: Senate Bill No. 477—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Also: Assembly Bill No. 186—An Act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one, and sixteen hundred and sixty-five of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies.

Also: Assembly Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, relating to the exemption of property from taxation, to be known as section one and one quarter of article thirteen of the Constitution of the State of California.

Also: Senate Constitutional Amendment No. 2—A resolution proposing to the people of the State of California an amendment to Section 14, Article XI of the Constitution of the State of California.

Also: Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article VI thereof, to be numbered Section 4½, relating to appeals in criminal cases.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

SUTHERLAND, Chairman.

The above constitutional amendments ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission, to have power to regulate and control the business of furnishing certain commodities and performing certain services to or for the public, and to that end amending section twenty-two of article twelve, and repealing section twenty-three of article twelve of the Constitution of the State of California.

Also: Assembly Constitutional Amendment No. 13—A resolution to propose to the

people of the State of California, an amendment to Section 18, Article 20, relative to the employment of females in the handling and sale of intoxicating liquors.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they be adopted as amended.

SUTHERLAND, Chairman.

The above Assembly constitutional amendments ordered on file for adoption

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 1329—An Act to add six new sections to the Political Code of the State of California, relating to weights and measures—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

DENEGRI, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Senate Bill No. 558—An Act to provide for the purchase of an automobile for the Governor of the State of California, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DENEGRI, Chairman.

The above reported bill ordered on file for second reading.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School

Also: Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Also: Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Also: Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Also: Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Also: Senate Bill No. 38—An Act to appropriate money to erect a building for the training department at the San Jose State Normal School.

Also: Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Also: Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Also: Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Also: Senate Bill No. 143—An Act providing an appropriation of \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 1253—An Act to add a new section to the Penal Code of

California, to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 1272—An Act to add a new section to the Penal Code of California to be known as section five hundred and two *a*, relating to larceny of real estate.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

SCHMITT, Acting Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR SPEAKER Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 1228—An Act to add a new section to the Political Code of the State of California to be known as section twenty-three hundred and twenty-nine, relating to forbidding the employment of the inmates of state institutions in the manufacture or production of articles for the use of state officers or officers or employees of state institutions.

Also: Assembly Bill No. 1229—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of state institutions in the manufacture or production of articles for the use of state officers, or the officers and employers (employees) of state institutions."

Also: Assembly Bill No. 1230—An Act to add a new section to the Political Code of the State of California to be known as section nine hundred and eighty-eight, relating to the payment of premiums on official bonds.

Also: Assembly Bill No. 1231—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies."

Also: Assembly Bill No. 1232—An Act to add a new section to the Political Code of the State of California to be known as section thirty-five hundred and seventy-five, relating to forfeiture of title to lands sold by the State.

Also: Assembly Bill No. 1233—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for state lands where a fraudulent title was sought to be obtained thereto."

Also: Assembly Bill No. 1234—An Act to add a new section to the Political Code of the State of California to be known as section forty-two hundred and twenty-one, relating to markings of Government survey.

Also: Assembly Bill No. 1235—An Act to repeal an Act entitled "An Act to further perpetuate the markings of the government survey."

Also: Assembly Bill No. 1238—An Act to add three new sections to the Political Code of the State of California, to be known as sections six hundred and eighty-six, six hundred and eighty-seven, and six hundred and eighty-eight, providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Also: Assembly Bill No. 1239—An Act to repeal an Act entitled "An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof."

Also: Assembly Bill No. 1240—An Act to add a new section to Chapter XII, Title II, Part IV of the Political Code of the State of California, to be known as section forty-three hundred and twenty-six, relating to charges of city justices and constables against counties.

Also: Assembly Bill No. 1242—An Act to add a new section to Article III, Chapter III, Title VI, Part III of the Political Code of the State of California, to be known as section twenty-eight hundred and eighty-two, relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof.

Also: Assembly Bill No. 1243—An Act to repeal an Act entitled "An Act relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof."

Also: Assembly Bill No. 1244—An Act to add a new section to the Political Code of the State of California, to be known as section six hundred and eighty-nine, prohibiting the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity and on consent of the Governor, Secretary of State and Attorney General.

Also: Assembly Bill No. 1245—An Act to repeal an Act entitled "An Act to prohibit the creation of debts against the State in excess of appropriations made by law except in cases of actual necessity and on consent of the Board of Examiners."

Also: Assembly Bill No. 1248—An Act to add a new section to the Penal Code of California, to be known as section two hundred and forty-seven, making an attempt to kill or commit an assault upon the President or Vice-President of the United States, the Governor of any state or territory, or any United States justice or judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Also: Assembly Bill No. 1249—An Act to add a new section to the Penal Code of California to be known as section seventy-nine, relating to school officers and teachers acting as agents.

Also: Assembly Bill No. 1250—An Act to add a new section to the Penal Code of California to be known as section seventy-eight, relating to the prevention of irregular issuance of teachers' certificates.

Also: Assembly Bill No. 1251—An Act to add a new section to the Penal Code of California to be known as section four hundred and twenty-two, relating to disturbing schools or school meetings.

Also: Assembly Bill No. 1252—An Act to repeal sections eighteen hundred sixty-seven, eighteen hundred sixty-eight, eighteen hundred sixty-nine, and eighteen hundred and seventy of the Political Code of the State of California.

Also: Assembly Bill No. 1254—An Act to repeal an Act entitled "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California."

Also: Assembly Bill No. 1255—An Act to add a new section to the Penal Code of California to be known as section six hundred and fifty-three *e*, regulating the use of illuminating gas, and providing a penalty for the violation thereof.

Also: Assembly Bill No. 1256—An Act to repeal an Act entitled "An Act to regulate the use of illuminating gas."

Also: Assembly Bill No. 1257—An Act to add a new section to the Penal Code of California to be known as section two hundred and ninety-six, relating to the injury or destruction of property in cemeteries.

Also: Assembly Bill No. 1258—An Act to add two new sections to the Penal Code of California to be known as sections five hundred and ninety-six *a* and five hundred and ninety-six *b*, relating to the unlawful administering of drugs to animals on exhibition.

Also: Assembly Bill No. 1259—An Act to repeal an Act entitled "An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other live stock, except for medicinal purposes, and making the same a misdemeanor."

Also: Assembly Bill No. 1260—An Act to add a new section to the Penal Code of California to be known as section seven hundred twenty-eight, providing for the appointment of policemen on cars or boats of railroad and steamship companies.

Also: Assembly Bill No. 1261—An Act to repeal an Act entitled "An Act to provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars or boats of railroad and steamship companies."

Also: Assembly Bill No. 1262—An Act to add a new section to the Penal Code of California to be known as section six hundred and forty-eight *b*, relating to advertising on the American flag.

Also: Assembly Bill No. 1263—An Act to repeal an Act entitled "An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor."

Also: Assembly Bill No. 1264—An Act to add three new sections to the Penal Code of California to be known as sections three hundred and seventy-four *b*, three hundred and seventy-four *c*, and three hundred and seventy-four *d*, preventing the spread of contagious diseases among animals.

Also: Assembly Bill No. 1265—An Act to repeal an Act entitled "An Act to prevent the spread of contagious diseases among animals."

Also: Assembly Bill No. 1266—An Act to add a new section to the Penal Code of California to be known as section seven hundred and twenty-one, relating to authorizing and requiring boards or commissions having the management and control of paid police force to grant the members thereof yearly vacations.

Also: Assembly Bill No. 1267—An Act to repeal an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid police force to grant the members thereof yearly vacations."

Also: Assembly Bill No. 1268—An Act to add a new section to the Penal Code of California to be known as section seven hundred and seventy-three, relating to the intoxication of officers.

Also: Assembly Bill No. 1269—An Act to repeal an Act entitled "An Act relating to the intoxication of officers."

Also: Assembly Bill No. 1273—An Act to repeal an Act entitled "An Act to more fully define the crime of larceny."

Also: Assembly Bill No. 1274—An Act to add a new section to the Penal Code of California to be known as section three hundred and seventy-four *a*, relating to contagious or infectious diseases among domestic animals.

Also: Assembly Bill No. 1275—An Act to repeal an Act entitled "An Act to prevent the spread of contagious or infectious diseases among domestic animals."

Also: Assembly Bill No. 1276—An Act to amend section five hundred and ninety-seven of the Penal Code of California, relating to cruelty to animals.

Also: Assembly Bill No. 1277—An Act to repeal an Act entitled "An Act to prohibit the use of the bristle bur, tack bur, or other like devices, on horses or other animals in this State."

Also: Assembly Bill No. 1278—An Act to amend section five hundred sixty-four of the Penal Code of California, relating to false statements by officers of corporations.

Also: Assembly Bill No. 1279—An Act to repeal an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State."

Also: Assembly Bill No. 1280—An Act to amend section seventy-four a of the Penal Code of California, relating to the protection of labor and wages of employees on public works.

Also: Assembly Bill No. 1281—An Act to repeal an Act entitled "An Act to protect the wages of labor and the salaries and fees of subordinate officers."

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

SCHMITT, Acting Chairman

The above reported bills ordered on file for second reading.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolution No. 21—Relative to adjournment *sine die*—have had the same under consideration, and with regard to the status of the general appropriation and tax levy, and respectfully report the same back and recommend that it be not adopted.

COGSWELL, Chairman.

The above Assembly concurrent resolution ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 961—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Debris Commissioner', and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all Acts or parts of Acts amendatory thereof, by amending Sections 1, 14, 2, 3, 7, 9, 11, 17 and 19 thereof and by adding a new section thereto to be numbered Section 6a, relating to the officers and employees of the Department of Engineering, their powers, duties and salaries—have had the same under consideration, and respectfully report the same back and recommend that it do pass

COGSWELL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1002—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2135c relating to arrest, hearing and commitment of inebriates and drug habitues, to a

state hospital for the insane—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to Judiciary Committee

COGSWELL, Chairman.

The above reported bill re-referred to Committee on Judiciary
ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital including boilers, and conduits and all necessary equipment, and to make appropriation for the same—have had the same under consideration, and respectfully report the same back and recommend that it do pass and be re-referred to the Committee on Engrossment and Enrollment for comparison with Assembly Bill No. 689.

McGOWEN, Chairman.

The above reported bill ordered on file for second reading, and re-referred to Committee on Engrossment and Enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 1026—An Act making an appropriation for the erection and construction of a dormitory for the accommodation of female employees at the Sonoma State Home.

Also: Assembly Bill No. 1027—An Act making an appropriation for furnishing and equipping a dormitory for the accommodation of female employees at the Sonoma State Home—have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to the Committee on Ways and Means

McGOWEN, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients—have had the same under consideration, and respectfully report the same back and recommend that it do pass

McGOWEN, Chairman.

The above reported bill ordered on file for second reading.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1207—An Act to amend Section 4243 of the Political Code, relating to salaries and fees of officers in counties of the fourteenth class, and to amend Section 4243a of said Code, relating to fees and mileage of jurors in counties of the fourteenth class—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1295—An Act to amend Section 4273 of the Political Code of the State of California, relating to the salaries and fees of the county officers of the forty-fourth class—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

ROGERS of Alameda, Chairman

The above reported bill ordered on file for second reading.

ON MANUFACTURES AND INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Manufactures and Internal Improvements, to whom was referred Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California, and authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures and defining the powers and duties of such officers—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CUNNINGHAM, Chairman.

The above reported bill ordered on file for second reading.

ON CONSERVATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Conservation, to whom was referred Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it be adopted as amended.

CLARK, Chairman

The above Assembly constitutional amendment ordered on file for adoption.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 306—An Act to amend Sections 1196, 1197, 1205, and 1211 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

YOUNG, Chairman

The above reported bill ordered on file for second reading.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, CALIFORNIA.
Friday, February 24, 1911

MR. SPEAKER: Your Committee on Washington's Birthday Celebration, appointed pursuant to Assembly Concurrent Resolution No. 13, beg leave to report that, in conjunction with the committee appointed by the Senate, they have incurred and hereby report bills aggregating the sum of one hundred and ninety-five (195) dollars; that one half of said sum, under the terms of said resolution, is payable out of the Contingent Fund of the Senate and one half thereof out of the Contingent Fund of the Assembly. We therefore respectfully recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Assembly for the sum of ninety-seven and 50-100 (97.50) dollars, payable out of the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same, being in payment of the Assembly's portion (one half) of the expenses incurred by your Committee for the Washington's Birthday Exercises, which were held on Wednesday evening, February 22, 1911, in the Assembly Chamber, an itemized account of which is as follows:

Printing programs -----	\$12 50
Orchestra, (including piano rental) -----	30 00
Decorations -----	35 00
Plants -----	5 00
Veterans' Fife and Drum Corps -----	5 00
Rental of chairs -----	2 50
Labor -----	7 50

Total ----- \$97 50

BLISS, Chairman

The above report referred to Committee on Contingent Expenses and Accounts.

SENATE MESSAGES.

The following messages from the Senate were taken up and read.

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty, relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

Also: Senate Bill No. 1188—An Act relating to the Panama-Pacific International Exposition Commission of the State of California and defining its powers and duties.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on February 22, 1911, adopted Senate Joint Resolution No. 10—Relative to the establishment of a parcels post.

Also: Senate Joint Resolution No. 18—Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as a case of urgency:

Senate Bill No. 1232—An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents and to provide for the compensation and expenses thereof.

Also: Senate Bill No. 714—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

Also: Senate Bill No. 1191—An Act to add a new section to the Penal Code to be numbered Section 907, relating to the duties of grand juries.

Also: Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926a, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

Also: Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 1170 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 1188 read first time, and referred to Committee on Engrossed and Enrolled Bills.

Senate Joint Resolution No. 10 read, and referred to Committee on Federal Relations.

Senate Joint Resolution No. 18 read, and referred to Committee on Federal Relations.

Senate Bill No. 1232 read first time, and referred to Committee on Contingent Expenses and Accounts.

Senate Bill No. 112 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 714 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 1191 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 1192 read first time, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 1193 read first time, and referred to Committee on Revision of Criminal Procedure.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 10—Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Assembly concurrent resolution ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed as amended, Assembly Bill No. 141—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds—and respectfully requests your honorable body to concur in the Senate amendments to said Assembly Bill No. 141.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 141?"

On page 1, Section 1, line 3, strike out the word "Section".

Also: Strike out all of lines 6, 7, 8, on page 1 of printed bill, and insert in lieu thereof the following: "bonds of this State or bonds of the United States, or bonds of any county, city and county, city, town, school district or irrigation district".

Also: Strike out of line 12, page 1, the word "districts" in each instance where it occurs, and insert in lieu thereof in each instance the word "district".

The roll was called, and Senate amendments to Assembly Bill No. 141 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bhiss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowan, Mott, Mullally, Nolan, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Shragia, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Bill ordered to enrollment.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following request for permission to introduce bill was filed:

By Mr. Cronin:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act regulating the placing and maintaining of lights on boats.

CRONIN
Member Twentieth District.

Referred to Committee on Introduction of Bills.

MOTION.

Mr. Schmitt moved that the Committee on Introduction of Bills be instructed to report back this day his request for permission to introduce bill relative to International Exposition at Turin, Italy.

Motion carried.

ACTION RESCINDED.

Mr. Freeman moved that the action of the Assembly in adopting Senate Joint Resolution No. 1, on February 21, 1911, be rescinded.

Motion carried.

MOTION.

Mr. Freeman moved that Senate Joint Resolution No. 1 be taken up for consideration.

Motion carried.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 1.

Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

During the consideration of the Senate joint resolution, the following amendment was submitted by the committee:

On page 2, line 11, strike out the comma after the word "people", and all following to the end of line 14, and insert in lieu thereof a period.

Amendment adopted.

Senate joint resolution ordered to reprint, and on file for adoption.

MOTION.

Mr. Bohnett moved that when the Assembly adjourn this day it do so until ten o'clock A. M. of Saturday, February 25, 1911.

AMENDMENT.

Mr. Coghlan moved to amend the motion by making the time of reconvening ten o'clock and thirty minutes A. M. of Monday, February 27, 1911.

Roll call regularly demanded.

The roll was called, and amendment adopted by the following vote:

AYES—Messrs Beatty, Bliss, Callaghan, Clark, Coghlan, Crosby, Cunningham, Feeley, Fitzgerald, Gaylord, Gerdes, Griffiths, Hinkle, Hunsbaw, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mott, Muillally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Smith, Stevenot, Tibbits, Walsh, and Wilson—38.

NOES—Messrs. Beckett, Beunuk, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Flint, Freeman, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Jasper, Kehoe, Polsky, Preisker, Rosendale, Sutherland, Williams, Wyllie, Young, and Mr Speaker—27

The question being on the original motion as amended.

A vote was taken and the motion adopted.

NOTICE OF MOTION TO RECONSIDER CONTINUED.

Mr. Griffiths moved that his notice of motion to reconsider the vote whereby Assembly Bill No. 980 was passed be continued until Tuesday, February 28, 1911.

Motion carried.

LEAVE OF ABSENCE.

On motion of Mr. Guill, leave of absence was granted Mr. Mendenhall for the day.

THIRD READING OF BILLS.

Assembly Bill No. 178—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Assembly Bill No. 691—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital, including outside fire hydrants, connections, hose brackets, hose, chemical fire extinguishers, chemical and water engine, and all necessary apparatus for protection in case of fire, and to make appropriation for the same.

Assembly Bill No. 694—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital, and making an appropriation therefor.

Assembly Bill No. 695—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department, at the Stockton State Hospital, and connecting passageway, and to make an appropriation for the same.

On motion of Mr. McGowen, Assembly Bills Nos. 178, 691, 694, and 695 were withdrawn and ordered stricken from the file.

Assembly Bill No. 40—An Act to amend Section 8 of an Act entitled "An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act."

During the third reading of the bill, Mr. Wyllie moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all after the words "An Act", and insert in lieu thereof the following:
To form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, and making an appropriation therefor, and repealing all Acts in conflict herewith.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The several counties of this State are divided and classified into agricultural districts as follows to wit:

1. The counties of San Francisco, San Mateo, Santa Cruz, Santa Clara, San Benito and Monterey shall constitute Agricultural District Number One.

2. The counties of El Dorado, Amador, San Joaquin, Calaveras, and Tuolumne shall constitute Agricultural District Number Two.

3. The counties of Santa Barbara, Ventura, and San Luis Obispo shall constitute Agricultural District Number Three.

4. The counties of Riverside, Orange, San Bernardino, Alpine, Mono, and Inyo shall constitute Agricultural District Number Four.

5. The county of San Diego shall constitute Agricultural District Number Five.

6. The county of Los Angeles shall constitute Agricultural District Number Six.

7. The county of Imperial shall constitute Agricultural District Number Seven.

8. The counties of Kings, Tulare, and Kern shall constitute Agricultural District Number Eight.

9. The counties of Fresno and Madera shall constitute Agricultural District Number Nine.

10. The counties of Stanislaus, Mariposa, and Merced shall constitute Agricultural District Number Ten.

11. The counties of Alameda and Contra Costa shall constitute Agricultural District Number Eleven.

12. The counties of Sacramento, Yolo, Solano, and Napa shall constitute Agricultural District Number Twelve.

13. The counties of Placer, Sierra, Nevada, Sutter, Yuba, Butte and Plumas shall constitute Agricultural District Number Thirteen.

14. The counties of Colusa, Tehama and Glenn shall constitute Agricultural District Number Fourteen.

15. The counties of Siskiyou, Shasta, Modoc, Lassen and Trinity shall constitute Agricultural District Number Fifteen.

16. The counties of Del Norte and Humboldt shall constitute Agricultural District Number Sixteen.

17. The counties of Mendocino, Lake, Sonoma and Marin shall constitute Agricultural District Number Seventeen.

SEC. 2. Any fifty (50) or more persons resident of a majority of the counties embraced within any of the above districts may form an association for the purpose of holding fairs, expositions or exhibitions of all of the industries and industrial enterprises, resources and products of every kind or nature of the district in which they are organized, or of the State, with a view of improving, exploiting, encouraging and stimulating the same.

SEC. 3. The officers of such association shall consist of eight (8) directors to be appointed by the Governor of the State of California, who shall constitute a district board of agriculture for said district. No two directors shall be appointed from any one county unless the number of counties constituting such district should be less than eight (8), in which case one director at least shall be chosen from each county constituting the district.

SEC. 4. After the formation of an agricultural association within any of the districts above constituted in accordance with the provisions of this Act and notice of such formation to the Governor, the Governor shall thereupon appoint eight (8) resident citizens of such district as members of the district board of agriculture for said association according to the provisions of the preceding section. The term of office of such directors shall be four (4) years from and after the date of their appointment, and until their successors are appointed and qualified; *provided, however*, that of the first board of directors appointed by the Governor, the members thereof shall meet at some place within the district within twenty (20) days after their appointment, and shall classify themselves by lot into four (4) classes of two (2) members each. The term of office of the first class shall expire at the end of the first year, the second class at the end of the second year, the third class at the end of the third year, and the fourth class at the end of the fourth year, as hereinabove provided; *provided, further*, that thereafter all succeeding appointments shall be for four (4) years from and after the date of their appointment and qualification, and until their successors are appointed and qualified; *provided*, that in cases where the boundaries of any agricultural district heretofore formed and now existing under the provisions of law, are not changed by this Act, the agricultural association heretofore established therein shall be continued in force and be an agricultural association under this Act, and all officers of any such association now in office under such law shall continue to hold office for the term for which they were appointed. After said members of said board of directors shall have so classified themselves by lot, they shall notify the Governor of the State of such classification.

SEC. 5. Each association so formed, organized or continued is hereby declared and hereby recognized as a state institution and shall be known and designated as a district agricultural association, and by the numbers, respectively, hereinabove given thereto, and by such name and style shall have perpetual succession, shall have power to contract; to sue and to be sued, to have a seal, to purchase, to hold and to lease real estate and personal property, and may sell, lease, beautify and dispose of the same, and do any and all acts and things necessary to carry out the objects and purposes for which said associations are formed, and the board of directors so appointed and qualified shall have the exclusive control and management of such institution for and in the name of the State, and shall have possession and care of all the property of the association, and shall fix the term of office and the appointments of the secretary and treasurer and determine their salaries and duties. Such board shall also have the power to make all necessary by-laws, rules and regulations for the government of the association and the management of its public, industrial and financial affairs. It may provide for an annual fair, exposition or exhibition by the association of all industries and products in the district or State at such time as they by a majority vote may determine upon, and at the place each year in each of their districts respectively, which may be selected, chosen or designated as herein-after provided, *provided*, that the State shall in no event be liable for any premiums offered or rewards made or on account of any contract made by any district board

of agriculture or agricultural association, *provided, further*, that any such agricultural association having a speedway or race course upon any lands owned or leased by it or under its control shall maintain the same for the purpose of holding speed contests and training and speeding horses thereon.

SEC. 6. No sum appropriated by the State for aid to the district agricultural associations herein provided for and created, or for any of them, shall be used for the payment of purses or premiums for speed contests, but shall be used exclusively for the payment of premiums upon bona fide exhibits of agricultural, horticultural, viticultural and mechanical products, or of manufactures, or mining or forestry products, and for the payment of premiums upon exhibits of domestic live stock and dairy products.

SEC. 7. It is further provided that no sum appropriated by the State in aid of the district agricultural associations herein provided for, or for any of them, shall be available or can be obtained or collected by any such association in any case where betting or gambling of any kind is allowed upon the grounds, or premises controlled or used by said association, nor shall any intoxicating malt, vinous or spirituous liquors or beverages be permitted to be sold upon any grounds used by or occupied or under the control of any district agricultural association created hereby and receiving aid or support from the State of California.

SEC. 8. The board of directors of the district agricultural associations created hereby and each of such board, in preparing their premium lists and in the offering of premiums for the annual fairs, exhibitions and expositions to be given by them as required hereby, shall classify the premiums to be offered for exhibits of agricultural, horticultural, viticultural and mechanical products, or of manufactures, or mining or forestry products, or live stock and dairy products in the same way as the same are offered and classified by the State Board of Agriculture in the same department, so that the classes shall be uniform for the state fair, and each of the district agricultural association fairs, provided for herein; *provided*, that such uniformity need not extend to the amount of the premiums to be offered.

SEC. 9. No free passes shall be issued by the board of directors of the district agricultural association herein provided for, or by any of them, to the grounds of such associations during the fairs, exhibitions or expositions to be held by them, except to bona fide exhibitors and accredited newspaper correspondents, and all other persons shall be admitted thereto only upon paid admissions to be uniformly and equally assessed.

SEC. 10. The place wherein each of the agricultural districts herein provided for, the annual fair, exhibition or exposition hereby required shall be held, located or conducted, shall be agreed to, determined upon, fixed, found and established each year as follows: Immediately after the appointment of the directors of the agricultural district they shall meet and proceed to select some place in each of the agricultural districts herein provided for and hereby created, at which place the annual fairs, exhibitions or expositions of such district shall thereafter be held. They shall select each year the place which in view of all the circumstances they deem the best and fittest for the location and holding of such annual fair, exhibition or exposition, *provided*, that in case more than one place in each district is fitted for the holding of such annual fair, they shall take their turn alphabetically, and the directors shall hold the fairs in that order. No place shall be selected by such directors as the place for holding such fair, exhibition or exposition, unless and until adequate and sufficient grounds and buildings at such place are given or leased, or secured to the district agricultural association of that district, free of charge or cost, if such district association has been organized. If it has not been organized at the time of such selection, the gift or lease of such buildings and grounds must be secured to be given and bound to be given to such district association free of charge or cost as soon as the same shall become organized. As soon as said directors shall have determined upon the place each year in such district which they so deem best for the holding of such fair, exhibition or exposition, and shall have secured free of charge to the agricultural association for said district the gift or lease of adequate and sufficient buildings and grounds, they shall thereupon designate said place as the place where, in said district, the agricultural association organized therein and therefor shall hold its annual fair, exhibition or exposition, and shall immediately notify the Governor of such selection and designation.

SEC. 11. All sums of money appropriated by the State for the support of the district agricultural associations herein provided for shall be paid to said associations and collected by them in the same manner in which sums now provided for the support of the State Board of Agriculture, or State Agricultural Society, are paid to and collected by it.

SEC. 12. The sum of seventy thousand (70,000) dollars is hereby appropriated for the purposes of this Act, said sum to be available during the sixty-fourth fiscal year and to be apportioned as follows:

- For aid to agricultural district number one, five thousand (5,000) dollars;
- For aid to agricultural district number two, five thousand (5,000) dollars;
- For aid to agricultural district number three, four thousand (4,000) dollars;
- For aid to agricultural district number four, five thousand (5,000) dollars;
- For aid to agricultural district number five, four thousand (4,000) dollars;
- For aid to agricultural district number six, five thousand (5,000) dollars;

For aid to agricultural district number seven, one thousand five hundred (1,500) dollars;

For aid to agricultural district number eight, five thousand (5,000) dollars.

For aid to agricultural district number nine, five thousand (5,000) dollars.

For aid to agricultural district number ten, three thousand (3,000) dollars;

For aid to agricultural district number eleven, five thousand (5,000) dollars.

For aid to agricultural district number twelve, five thousand (5,000) dollars;

For aid to agricultural district number thirteen, five thousand (5,000) dollars;

For aid to agricultural district number fourteen, two thousand (2,000) dollars;

For aid to agricultural district number fifteen, three thousand five hundred (3,500) dollars.

For aid to agricultural district number sixteen, two thousand (2,000) dollars.

For aid to agricultural district number seventeen, five thousand (5,000) dollars;

SEC. 13 All Acts and parts of Acts in conflict with this Act are hereby repealed.

Motion carried.

The Speaker appointed Mr. Wyllie as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 40, with instructions, do now report that the instructions of the Assembly have been carried out.

WYLLIE, Select Committee

Report of select committee and amendment adopted

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

During the third reading of the bill Mr. Clark moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, strike out the portion of line 9, after the word "appropriated" and all of lines 10 and 11, and insert in lieu thereof the following "for a longer period than twenty-five years, except by a municipal corporation, other than an irrigation district or a lighting district, or by an irrigation district when such electricity, electrical or other power is for use and distribution only within its own limits, and as subsidiary to and mainly for the purpose of serving and carrying out irrigation, or by a lighting district when such electricity, electrical or other power is for use and distribution only within its own limits"

Motion carried.

The Speaker appointed Mr. Clark as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 788, with instructions, do now report that the instructions of the Assembly have been carried out.

CLARK, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

Assembly Bill No. 872—An Act placing dependent children under the protection of public authority, and providing for the regulation of all corporations or societies engaged in caring for dependent children.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 872 passed by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Fitzgerald, Flint,

Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mott, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 198—An Act to amend Section 2181 of the Civil Code of the State of California defining what shall be considered baggage or luggage to be carried by common carriers and prescribing the method of preparing such baggage for shipment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 198 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Slater, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 903—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 903 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, McDonald, McGowen, Mott, Rosendale, Ryan, Sbragia, Slater, Stevenot, Sutherland, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—Messrs. Brown and Preisker—2

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 961—An Act to amend ‘An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled ‘An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,’ approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled ‘An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said

officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, by amending Sections 1, 1½, 2, 3, 6, 7 and 17 thereof, and by adding a new section thereto to be numbered Section 20½, relating to the officers and employees of the Department of Engineering, their powers, duties and salaries.

Mr. Chandler moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 961 considered.

Mr. Chandler moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No 961, and do now report the same back, and recommend that it do pass

HEWITT, Chairman.

Mr. Chandler moved the adoption of the report.

Motion carried.

SPECIAL ORDER SET.

On motion of Mr. Polsley, the consideration of Assembly Bill No. 961 was made a special order for Wednesday, March 1, 1911, at eleven o'clock A. M.

SECOND READING OF BILLS.

Assembly Bill No. 191—An Act to amend section six hundred and thirty-seven *a* of an Act entitled “An Act to amend section six hundred and thirty-seven *a* of the Penal Code of California and to add thereto three new sections to be numbered six hundred and thirty-seven *f*, six hundred and thirty-seven *d*, and six hundred and thirty-seven *c*, all relating to protection of wild birds other than game birds and their nests and eggs, approved April 16, 1909.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1340—An Act to amend Section 3513 of the Political Code, relating to the non-payment of principal and interest for state lands.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1342—An Act to amend Section 3659 of the Political Code, relating to the deputy of the Register of the State Land Office in relation to lands sold by the State.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1344—An Act to repeal Sections 3444, 3496 and 3501 of the Political Code, relating to affidavit for purchase of state lands, when applicant is a female.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1346—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1347—An Act to amend Section 3408 of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason; providing a method for the sale at public auction of indemnity certificates or scrip entitling the owner to have selected for him government lands in lieu thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1348—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1349—An Act providing for the conveyance by quitclaim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1350—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lieu selections, in accordance with the provisions of Section 3406 of the Political Code.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 653^{zc} thereof, relating to the terms of office of directors in non-profit coöperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1059—An Act to amend the Civil Code of the State of California by adding thereto a new section to be numbered and known as Section 405^a, relating to agents of foreign corporations.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 7, after the word "correct", insert the following: "residence and".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 13, strike out the words "post office", and insert in lieu thereof the following: "residence and business address, including street and number".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 14, strike out the word "address".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 219—An Act to amend an Act defining and regulating the business of banking, by adding a new section thereto to be numbered Section 33^a.

During second reading of bill, the following amendment was submitted by the committee:

In line 9, Section 1, of the printed bill, strike out the period, and insert after the word "held" the following: "or in any other gambling game prohibited by law."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 884—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 21 thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend title by inserting in line 4 thereof, after the figures "21", the following: "of Article 1".

Amendment adopted.

AMENDMENT No. 2.

Insert in line 1, of page 1, of the printed bill, after the figures "21", the following: "of Article 1".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 951—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six, sixty-one and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act authorizing the investment and re-investment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909, by amending Section 1 thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

During second reading of bill, the following amendment was submitted by the committee:

In line 3, on page 1, of the printed bill, strike out the word "Section".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 944—An Act to amend Section 1548 of the Political Code, relating to binding of school documents; postage, expressage, printing, etc., for school superintendents.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 3, on page 1, of the printed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No. 2.

In line 6, on page 1, of the printed bill, strike out the word "printing" and the comma following it.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 945—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent of schools.

During second reading of bill, the following amendment was submitted by the committee:

In line 3, on page 1, of the printed bill, strike out the word "Section".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 811—An Act to add a new section to the Penal Code of California, to be numbered 306, relating to the advertisement of medicines and medical treatment and providing for violations thereof.

On motion of Mr. Lyon of San Francisco, bill re-referred to Committee on Judiciary.

Assembly Bill No. 291—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and

government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the fifth class.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1008—An Act to validate the organization and incorporation of municipal corporations.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1009—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State, power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1526—An Act to authorize the legislative body of a municipality of the fifth class to create a water system district within its boundaries, provide a system of water bonds for the construction of a water system therein and to provide for the payment of said bonds.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 2, strike out the words "of the fifth class, incorporated under the laws of this State", and insert in lieu thereof the following: "municipal corporations".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and eradication of thrip and similar diseases infesting the horticultural industry of Santa Clara and adjoining counties.

Bill re-referred to Committee on Ways and Means.

Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1351—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 940—An Act to create a system of fire wardens to prevent and suppress forest fires, providing for their appointment and compensation, creating a forest fire fund, providing for coöperation with the State on the part of the counties and private owners of timber land in fire protection, declaring certain acts a nuisance and making the expense of the abatement thereof a lien, and providing for the enforcement of such lien, and making an appropriation for the purpose of carrying out the provisions of this Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 3, line 1, of the printed bill, strike out the words "employés of", and insert in lieu thereof "assistants to"; and strike out "board of forestry" and insert "forester".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 3, line 5, of the printed bill, strike out "employés", and insert in lieu thereof "such assistants".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 3, line 6, of the printed bill, strike out "of the State Board of Forestry".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 6, line 2, of the printed bill, after the word "of" insert "any person discovering the same to immediately notify the district firewarden and"; and before the word "fire" (warden) insert the word "district".

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 6, line 3, of the printed bill, after "warden" insert "within whose district the fire is discovered shall"; and strike out the word "to".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 6, line 5, of the printed bill, strike out the word "other".

Amendment adopted.

AMENDMENT No. 7.

On page 2, Section 6, line 11, of the printed bill, after the period after the word "law" insert "If for any reason the district firewarden is unable to promptly reach the fire or to perform the duties herein imposed upon him, he shall designate one of said deputy firewardens to take his place; and if for any reason the said district firewarden does not designate such deputy firewarden the said duties of said district firewarden shall be performed by the deputy firewarden first attending the fire".

Amendment adopted.

AMENDMENT No. 8.

On page 3, Section 6, line 19, of the printed bill, strike out the word "any", and insert "an" in lieu thereof; and strike out the words "of the firewarden".

Amendment adopted.

AMENDMENT No. 9.

On page 3, Section 7, line 5, of the printed bill, strike out the word "area", and insert "lands" in lieu thereof; and strike out the word "patrol" and insert "protection measures" in lieu thereof.

Amendment adopted.

AMENDMENT No. 10.

On page 3, Section 7, line 6, of the printed bill, strike out the words "and fires shall be fought".

Amendment adopted.

AMENDMENT No. 11.

On page 3, Section 7, line 8, of the printed bill, strike out the semicolon after the word "fighting" and in lieu thereof insert a period; and strike out the words "and shall state the number of patrols to be appointed, who shall receive appointment as special firewardens from the State Board of Forestry and shall have all the powers

and duties of such as provided in Section 8 of this Act", and insert in lieu thereof the following: "For the purpose of carrying out the provisions of such agreement the State Board of Forestry shall appoint special firewardens to be named by the person, corporation or association with whom such agreement is made, who shall have charge, under the State Board of Forestry, of all matters of fire protection upon said lands; and the authority of the district firewardens appointed under Section 4 of this Act in whose district or districts the land described in such agreement is made shall not extend over the land embraced in such agreement so long as an effective system of fire protection is maintained under the provisions of said agreement. The appointment of any such special firewardens shall be revokable at the pleasure of the State Board of Forestry and shall be revoked at the request of the person, corporation or association upon whose nomination said appointment was made, *provided*, that if for any reason said appointment is revoked, said person, corporation or association shall immediately nominate another special firewarden, and said Board of Forestry shall appoint the same."

Amendment adopted.

AMENDMENT No. 12.

On page 3, Section 8, line 5, of the printed bill, strike out the words "who shall possess the same qualifications demanded by this Act for the district firewardens and".

Amendment adopted.

AMENDMENT No. 13.

On page 3, Section 8, line 7, of the printed bill, insert before the period after the word "authority", the words "as the deputy firewardens".

Amendment adopted.

AMENDMENT No. 14.

On page 4, Section 10, line 6, of the printed bill, strike out the word "approaching", and insert "threatening" in lieu thereof

Amendment adopted.

AMENDMENT No. 15.

On page 5, Section 11, line 13, of the printed bill, strike out after the word "the" the words "property on which said nuisance has been abated in pursuance of this Section", and insert in lieu thereof the words "lands so burned, the amounts to be prorated among the owners of said lands according to their acreage".

Amendment adopted.

AMENDMENT No. 16.

On page 5, Section 11, line 16, of the printed bill, strike out the period after the word "unpaid", and insert in lieu thereof a semicolon with the following: "*provided*, that no such lien shall be filed or accrue upon the land of any person, firm, corporation or association which maintains a protective system established under agreement with the State Board of Forestry as specified in Section 7 of this Act".

Amendment adopted.

AMENDMENT No. 17.

On page 6, Section 13, line 3, of the printed bill, insert after the word "correctness" the words "and reasonableness".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 679—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter, and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1, page 2, line 15, place a comma after the word "depot".

Amendment adopted.

AMENDMENT No. 2.

In Section 2, page 2, line 20, after the word "cows", insert the word "hogs".

Amendment adopted.

AMENDMENT No. 3.

In Section 2, page 2, line 11, after the word "If", insert the letter "a".

Amendment adopted.

AMENDMENT No. 4.

In Section 5, page 5, line 8, of the printed bill, strike out the words "and in the same building".

Amendment adopted.

AMENDMENT No. 5.

In Section 8, page 6, lines 5 and 6, strike out the words "state, county and".

Amendment adopted.

AMENDMENT No. 6.

In Section 9, page 6, line 5, strike out the word "designated", and insert the word "designed".

Amendment adopted.

AMENDMENT No. 7.

In Section 11, page 7, line 8, strike out the word "of" and insert the word "or".

In Section 10, page 7, line 13, after the word "resemble", insert the word "yellow".

In Section 10, page 7, line 21, after the word "character", insert the word "free".

In Section 11, page 8, line 30, strike out the period after the word "butter", and insert the words ", or cheese, as the case may be".

Amendment adopted.

AMENDMENT No. 8.

In Section 13, page 9, line 7, strike out the figure 18, and insert figure 11.

In Section 19, page 10, line 10, strike out the word "the".

Amendment adopted.

AMENDMENT No. 9.

In Section 20, page 11, line 10, strike out the word "not", and insert the word "now".

Amendment adopted.

AMENDMENT No. 10.

In Section 22, page 12, line 20, after the word "resemble", insert the word "yellow".

Amendment adopted.

AMENDMENT No. 11.

In Section 26, page 14, line 1, after the word "State", insert the word "dairy".

Amendment adopted.

AMENDMENT No. 12.

In Section 28, page 17, line 26, after the word "written", strike out the word "or"; in line 27, strike out the word "or", and insert "of".

Amendment adopted.

AMENDMENT No. 13.

In Section 29, page 17, line 8, after the word "solids", strike out the five periods.

Amendment adopted.

AMENDMENT No. 14.

In Section 29, page 17, line 11, strike out the words "nine and twenty-five hundredths (9.25)", and in lieu thereof insert the words and figures "eight and eight-tenths (8.8)".

Amendment adopted.

AMENDMENT No. 15.

In Section 29, page 19, line 63, after the word "water", strike out the comma and insert a period.

Amendment adopted.

AMENDMENT No. 16.

In Section 29, page 19, strike out all of lines 64 and 65.

Amendment adopted.

AMENDMENT No. 17.

In Section 31, page 20, strike out all of line 3, and insert in lieu thereof the words "sold, marketed, delivered or peddled, shall leave the name".

In Section 31, page 20, line 4, before the word "address", insert the word "and".

In Section 31, page 20, line 4, after the word "plainly", strike out the word "printed", and insert in lieu thereof the word "painted".

Amendment adopted.

AMENDMENT No. 18.

In Section 40, page 25, line 2, strike out the word "and", and insert the words "or of".

Amendment adopted.

AMENDMENT No. 19.

In Section 43, page 27, line 51, strike out the word "such", and insert the word "the".

In Section 43, page 27, line 51, strike out the words "that are", and insert in lieu thereof the word "required".

Amendment adopted.

AMENDMENT No. 20.

In Section 44, page 27, line 6, strike out the word "district", and insert the word "county".

Amendment adopted.

AMENDMENT No. 21.

In Section 46, page 27, line 1, strike out the word "this", and insert the word "the".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1286—An Act to add a new section to the Penal Code of the State of California to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1118—An Act giving and granting to the city of San Diego the right to grant to the State of California certain lands in Balboa Park for the use of a State Agricultural College and Forestry School in San Diego, California.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 9, strike out the figures "1915", and insert in lieu thereof the following: "1914".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1491—An Act to add to the Political Code a new section to be numbered 1874*b*, relating to the publishing, printing and distributing of school text-books.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after line 3, on page 1, of the printed bill, and insert in lieu thereof the following:

1874*b*. In compiling or causing to be compiled or adopted a uniform series of school text-books the State Board of Education by and through the Text-book Committee may instead of causing the same to be printed by the State Printer, contract with the publisher of the book adopted, for the printing, publishing and distributing of such books, providing that the price fixed or bid by the publisher is less than the estimated cost of printing, publishing and distributing the same by the Superintendent of State Printing, or they may have the printing, publishing and distributing done by contract in the following manner. They shall estimate the number of each kind of books required to be printed during any one year and shall direct the Text-book Committee to advertise for thirty days in three daily newspapers, one of which is published in the city of San Francisco, one in the city of Sacramento and one in the city of Los Angeles, for sealed bids for proposals to print, publish and deliver such books to the office of the State Printer in Sacramento, which bids shall be opened at twelve o'clock M. on the day appointed, in the presence of the Text-book Committee and at least two other members of the State Board of Education, which Text-book Committee and members of the State Board of Education shall constitute a board to award the contract to the lowest and best responsible bidder. No bid shall be considered unless accompanied by a certified check in a sum equal to ten per cent of the bid, payable to the Governor for the use of the people of the State of California, and conditioned that the bidder receiving the awarded contract will within twenty days enter into a bond in the sum of twenty-five thousand dollars (\$25,000) with some responsible surety company, or with two or more sureties to be approved by the Governor of the State, that he will faithfully perform the conditions of such contract. The board shall have the right to reject any and all bids; *provided, however*, that in all contracts let under any call for sealed bids, as herein provided, all printing and publishing shall be done in the State of California.

SEC. 2 All school books supplied as in this Act provided shall be furnished to the public school children of the State at the contract cost with the cost of distribution added, said cost to be ascertained and fixed by the State Board of Education in the same manner in which the said board fixed the cost in the case of school books printed in the State Printing Office.

SEC. 3. The State Board of Education shall notify the Superintendent of State Printing of all contracts made by said board for the printing and delivery of school books as in this Act provided, and it shall be the duty of said Superintendent of State Printing to present to the State Board of Examiners for audit all claims incurred in pursuance of this Act, the same as if such claims had arisen from the printing of the books in the State Printing Office. The State Board of Examiners shall authorize the payment of said claims out of the State School Book Fund, the Controller shall draw his warrant, and the State Treasurer shall pay the same.

SEC. 4. In the event that the person, firm or corporation with whom the contract is made for the printing of a series of books shall not be the regular publisher or owner of the copyright of said series, then the State Board of Education shall be authorized to enter into a contract with the publisher, or owner of the royalty, for the right to print the books and for the delivery of the stereotype or electrotype plates to the person, firm or corporation contracting to do the printing.

SEC. 5. All Acts or parts of Acts in conflict with this section are hereby repealed.

SEC. 6. This Act shall take effect and be in force on and after its passage.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1200—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to the accounts and accounting of the Board of State Harbor Commissioners.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1, page 1, line 1, of the printed bill, before the words "a new section", insert "Section 1".

Amendment adopted.

AMENDMENT No. 2.

In Section 1, page 1, line 8, of the printed bill, strike out the word "revenue", and insert in lieu thereof the word "income".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1095—An Act to amend an Act entitled "An Act to provide for health and development supervision in the public schools of California," approved April 15, 1909, by adding thereto a new section relating to the duties of teachers in schools where no examining staff is employed.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies, to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops and bakeries and for the issuance of licenses for such business and for the sanitary conditions of bakeshops and bakeries.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "bakeshops", in the fourth line of the title, strike out the word "and", and insert a comma.

Amendment adopted.

AMENDMENT No. 2.

After the word "bakeries", in line 4, of the title, insert a comma, and the words "and restaurants, cafés, hotels and confectioneries."

Amendment adopted.

AMENDMENT No. 3.

After the word "bakeries", in the sixth line of the title, insert a comma before "restaurants, cafés, hotels and confectioneries."

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, line 6, after the word "bakery", insert the words "and bakeshops".

Amendment adopted.

AMENDMENT No. 5.

After the word "shall", in line 6, page 1, Section 1, strike out the word "not".

Amendment adopted.

AMENDMENT No. 6.

After the word "cafés", in line 7, page 1, of the printed bill, strike out the word "boarding houses", and insert in lieu thereof the words "confectioneries and".

Amendment adopted.

AMENDMENT No. 7.

In line 8, page 1, Section 1, of the printed bill, strike out the word "such", and insert in lieu thereof the word "food".

Amendment adopted.

AMENDMENT No. 8.

After the word "used" in line 8, page 1, strike out all the balance of said line, all of lines 8 and 9, and insert in lieu thereof "by the public".

Amendment adopted.

AMENDMENT No. 9.

After the word "office", in line 3, page 2, Section 2, strike out the words "for the term of four years", and insert in lieu thereof the words "at the pleasure of the Governor".

Amendment adopted.

AMENDMENT No. 10.

In line 9, Section 2, page 2, after the word "which", strike out the balance of said line and all of line 10 and line 11 to the word "and", and insert in lieu thereof "food or confections are prepared for consumption by or for sale to the public."

Amendment adopted.

AMENDMENT No. 11.

On page 3, Section 3, line 48, after the word "high", insert "all confectioneries and materials used in the manufacture of confection shall be pure, clean and sanitary".

Amendment adopted.

AMENDMENT No. 12.

On page 4, line 3, Section 6, after the word "meal", insert the words "or confections", and strike out the comma.

Amendment adopted.

AMENDMENT No. 13.

On page 4, Section 8, line 6, after the word "prepared", insert the words "or any confectionery where confections are prepared".

Amendment adopted.

AMENDMENT No. 14.

On page 4, Section 10, line 2, after the word "bakery", insert a comma, and the words "confectionery, restaurant, hotel or café".

Amendment adopted.

AMENDMENT No. 15.

On page 5, Section 11, line 9, after the word "Act", insert the following: "The said inspector and his deputies shall file with the Secretary of State each month a detailed statement of all places inspected, arrests made, or other official acts performed, and the amount expended by said inspectors for traveling expenses, showing for what purpose and to whom said expense money was paid, or any other information that may be required by the Governor. Said statement shall be sworn to before any officer authorized to administer an oath under the laws of this State and said statement shall state that it is a full, true and correct report".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 265—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto to be numbered three hundred and seventy-four *a*, relating to the loading of vessels with garbage or other refuse with intent to dump the same

upon the waters bordering upon the State of California, and dumping garbage thereon.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1, page 1, line 6, strike out the words "or animal".

Amendment adopted.

AMENDMENT No. 2.

In Section 1, page 1, line 9, strike out the words "or non-navigable".

Amendment adopted.

AMENDMENT No. 3.

In Section 1, page 2, line 13, strike out the words "or non-navigable".

Amendment adopted.

AMENDMENT No. 4.

In Section 1, page 2, line 18, strike out the words "or animal".

Amendment adopted.

AMENDMENT No. 5.

In Section 1, page 2, line 22, strike out the words "or non-navigable".

Amendment adopted.

AMENDMENT No. 6.

In Section 1, page 2, line 24, strike out the period after "misdemeanor", and add in lieu thereof the following: "*provided, however,* that this Act shall not be construed to affect the discharge of any sewer system."

Amendment adopted.

AMENDMENT No. 7.

Strike out all of Section 2, and insert in lieu thereof the following: "Sec. 2. This Act shall take effect on and after May 1st, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 759—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts or parts of Acts in conflict with this Act.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 759 considered.

Mr. Bohnett moved that the committee do now rise and report that it be re-referred to Committee on Ways and Means.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 759, and do now report the same back, and recommend that it be re-referred to Committee on Ways and Means.

HEWITT, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried.

Bill read second time, and re-referred to Committee on Ways and Means

Assembly Bill No. 511—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations and providing for the recall, initiative and referendum.

Bill read second time, and ordered to engrossment and third reading.

RECESS.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Bohnett, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

NOTICE OF MOTION TO RECONSIDER.

Mr. Bliss gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 872 was this day passed.

THIRD READING OF SENATE BILLS.

Senate Bill No. 740—An Act to amend the Penal Code of the State of California, by adding a new section thereto to be known as Section 626*p*, relating to the protection of beaver.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 740 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Cattell, Chandler, Coghlan, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowen, Mott, Preisker, Randall, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Sutherland, Tibbitts, Williams, Wilson, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 356—An Act to authorize and regulate the possession, use, transportation and sale of trout by persons engaged in the business

of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 356 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Coghlan, Cronin, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowen, Mott, Preisker, Randall, Rutherford, Ryan, Sbragia, Schmitt, Slater, Sutherland, Tibbits, Williams, Wilson, and Mr. Speaker—45.

NOES—Mr. Rosendale—1.

TITLE AMENDED.

The following amendment to title was submitted by Mr. Bohnett:

In line 2 of the title, after the word "trout", insert the following: "or other fish".

Amendment adopted.

Title as amended read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Kehoe gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 356 was this day passed.

Senate Bill No. 253—An Act to repeal Section 632b3, sometimes designated as Section 632 (3) of the Penal Code of California, relative to and prohibiting the use of salmon and steelhead roe as bait.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 253 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cronin, Farwell, Feeley, Gaylord, Griffin of Modesto, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mott, Preisker, Randall, Rosendale, Rutherford, Ryan, Schmitt, Slater, Sutherland, Telfer, Tibbits, Williams, Wilson, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 241—An Act to repeal section six hundred and three of the Civil Code, relating to religious corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 241 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mott, Preisker, Randall, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 359—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752*a*, and 752*b*, 852*a* and 852*b* thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

On motion of Mr. Coghlan, bill re-referred to Committee on Municipal Corporations.

Senate Bill No. 116—An Act to add a new section to the Political Code, to be numbered section thirty-eight hundred and four *a*, relating to the cancellation of erroneous assessments.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 116 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Held, Jasper, Joel, Judson, Lamb, Lynch, McGowen, Mott, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 736—An Act to amend Section 3823 of the Political Code, relating to duties of the county assessor in collecting taxes on personal property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 736 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Hamilton, Hayes, Held, Hinkle, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Mott, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Mr. Speaker—45.

NOES—Mr. Bishop—1.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Schmitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 736 was this day passed.

SECOND READING OF SENATE BILLS.

Senate Bill No. 603—An Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months, requiring the labeling thereof by all persons selling or offering the same for sale, empowering and directing the State Board of Health to make rules and regulations to carry this Act into effect and fixing penalties for the violation of the same, or any of the provisions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 360—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations and providing for the recall, initiative and referendum.

During second reading of bill, the following amendments were submitted by the committee.

AMENDMENT No. 1.

On page 2, Section 1, line 12, of the printed bill, strike out the words "thirty-three", and insert in lieu thereof the words "twenty-five".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 27, of the printed bill, strike out the words "great register", and in lieu thereof insert the words "records of registration".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 29, insert a comma after the word "council" and the following words: "board of trustees or other governing body".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, line 40, after the word "council" insert a comma.

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 1, line 40, of the printed bill, after the word "trustees" insert the words "or other governing body".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 1, line 41, after the word "council" insert a comma.

Amendment adopted.

AMENDMENT No. 7.

On page 2, Section 1, line 41, of the printed bill, after the word "trustees" insert the words "or other governing body".

Amendment adopted.

AMENDMENT No. 8.

On page 3, Section 1, line 54, of the printed bill, strike out the two words "any person", also all of lines 55 and 56 and as much of line 57 as is a part of the sentence stricken out, to and including the word "nomination".

Amendment adopted.

AMENDMENT No. 9.

On page 3, Section 1, line 62, of the printed bill, strike out the word "as".

Amendment adopted.

AMENDMENT No. 10.

On page 3, Section 1, line 64, of the printed bill, strike out the word "the" also all of lines 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74, and in line 75, the word "vacant"; and in lieu thereof insert the following:

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office,)" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been

nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "no," said incumbent shall continue in said office. If a majority shall vote "yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected, for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Amendment adopted.

AMENDMENT No. 11.

On page 3, Section 1, line 78, of the printed bill, strike out the words "If the incumbent receives the", also all of line 79, and in line 80, the word "office".

Amendment adopted.

AMENDMENT No. 12.

On page 4, Section 2, line 27, of the printed bill, strike out the word "twenty", and insert in lieu thereof the word "fifteen".

Amendment adopted.

AMENDMENT No. 13.

On page 5, line 42, Section 2, of the printed bill, strike out the word "personal".

Amendment adopted.

AMENDMENT No. 14.

On page 5, Section 2, line 44, of the printed bill, before the word "trustees", insert the words "board of".

Amendment adopted.

AMENDMENT No. 15.

On page 6, Section 3, line 16, of the printed bill, insert after the word "board" the following words: "of trustees".

Amendment adopted.

AMENDMENT No. 16.

On page 6, Section 3, line 18, of the printed bill, after the word "board" insert the following words: "of trustees".

Amendment adopted.

AMENDMENT No. 17.

On page 6, Section 3, line 19, of the printed bill, after the word "board", insert the following words: "of trustees".

Amendment adopted.

AMENDMENT No. 18.

On page 6, Section 3, line 31, of the printed bill, after the word "board", insert the following words: "of trustees".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

RULES SUSPENDED.

Mr. Bohnett moved that the rules be suspended for the purpose of offering motions and resolutions.

The roll was called and rules suspended by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Farwell, Fitzgerald, Flint, Griffin of

Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Lamb, Lynch, McGowen, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—46.

NOES—None.

RE-REFERENCE OF BILLS.

On motion of Mr. Bohnett, Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty, relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties—was recalled from the Committee on Commerce and Navigation, and referred to Committee on Engrossed and Enrolled Bills for the purpose of comparison with Assembly Bill No. 1511.

MOTION.

Mr. Held moved that Assembly Bill No. 1207 be taken up for second reading.

Motion carried.

SECOND READING OF BILL.

Assembly Bill No. 1207—An Act to amend Section 4243 of the Political Code, relating to salaries and fees of officers in counties of the fourteenth class, and to amend Section 4243a of said Code, relating to fees and mileage of jurors in counties of the fourteenth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of the first line of the title the numerals "4243", and insert in lieu thereof "4253".

Amendment adopted.

AMENDMENT No. 2

Strike out all of the title after the word "the" in the second line thereof, and insert in lieu thereof the words "twenty-fourth class".

Amendment adopted.

AMENDMENT No. 3.

On page 1, line 1, Section 1, of the printed bill, strike out the numerals "4243", and insert in lieu thereof "4253".

Amendment adopted.

AMENDMENT No. 4.

In line 3, Section 1, page 1, of the printed bill, strike out the numerals "4243", and insert in lieu thereof "4253", and in the same line strike out the word "fourteen", and insert in lieu thereof the word "twenty-four".

Amendment adopted.

AMENDMENT No. 5.

On page 2, strike out beginning with the word "except" in line 47, all to the end of said page 2.

Amendment adopted.

AMENDMENT No. 6.

On page 3, line 69, of the printed bill, strike out the comma after the word "annum" and all the balance of said line 69, and all of line 70, and insert a period after the word "annum" and the following: "It shall be his duty to visit and

examine each school in his county at least once a year, and for every school so visited he shall receive seven dollars as traveling expenses, and for every school not so visited the board of supervisors must, after proof thereof, deduct ten dollars from his salary."

Amendment adopted.

AMENDMENT No. 7.

On page 4, line 92, of the printed bill, strike out the following: "(salaries and mileage of supervisors)", and insert in lieu thereof the word "supervisors".

Amendment adopted.

AMENDMENT No. 8.

On page 4, line 93, of the printed bill, strike out the word "twelve", and insert in lieu thereof the word "six".

Amendment adopted.

AMENDMENT No. 9.

On page 4, line 94, of the printed bill, strike out the word "forty", and insert in lieu thereof the word "twenty".

Amendment adopted.

AMENDMENT No. 10.

On page 4, line 96, of the printed bill, strike out the word "forty", and insert in lieu thereof the word "twenty".

Amendment adopted.

AMENDMENT No. 11.

On page 4, line 97, of the printed bill, strike out the word "performances", and insert in lieu thereof the word "performance".

Amendment adopted.

AMENDMENT No. 12.

On page 4, line 99, of the printed bill, strike out the word "twelve", and insert in lieu thereof the word "six".

Amendment adopted.

AMENDMENT No. 13.

On page 4, line 100, of the printed bill, after the word "commissioner", insert the following: "The board of supervisors shall be entitled to employ a clerk at a compensation to be fixed by said board which shall not exceed one hundred dollars per month."

Amendment adopted.

AMENDMENT No. 14.

On page 4, line 108, of the printed bill, strike out "(fees)".

Amendment adopted.

AMENDMENT No. 15.

On page 5, line 123, of the printed bill, strike out the words "this (the)" and insert in lieu thereof the word "the".

Amendment adopted.

AMENDMENT No. 16.

On page 5, line 127, of the printed bill, strike out the following: "(Disbursements.)"

Amendment adopted.

AMENDMENT No. 17.

On page 5, lines 133 and 134, of the printed bill, strike out the following: "(Determining population)".

Amendment adopted.

AMENDMENT No. 18.

On page 5, Section 2, of the printed bill, strike out the following. "Sec. 2. Section 4243a of the Political Code is hereby amended to read as follows:"

4243a. In counties of the fourteenth class, grand" and being all of lines 1 and 2 of said Sec. 2 and line 3 to and including the word "grand", and insert in lieu thereof the following: "16. Grand".

Amendment adopted.

AMENDMENT No 19.

On page 5, line 14, Section 2, of the printed bill, strike out the period after the word "established", and insert in lieu thereof the following: ", except as provided in Section 4253 of the Political Code the officers named in said section shall receive no other or further compensation whatsoever for the services required of them by law or by virtue of their offices."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith return the same with the recommendation that the author be not permitted to introduce it. The bill is as follows:

An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition to be held in the city of Turin, kingdom of Italy, in the year 1911.

CHANDLER, Chairman.

SPECIAL ORDER SET.

On motion of Mr. Schmitt, the consideration of the above report was made a special order for Monday, February 27, 1911, at eleven o'clock and thirty minutes A. M.

RULES SUSPENDED.

Mr. Coghlan moved that the rules be suspended for the purpose of introducing committee reports out of order.

The roll was called, and rules suspended by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Coghlan, Cogswell, Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Jasper, Joel, Judson, Lamb, Lynch, McGowen, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Sutherland, Telfer, Tibbits, Williams, Wilson, and Mr. Speaker—40.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No 20—Relative to the charter of the city of Pomona—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

COGLAN, Chairman.

Assembly concurrent resolution ordered on file for adoption.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER. Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 75—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and be re-referred to the Committee on Ways and Means.

ROGERS of Alameda, Chairman.

Above reported bill re-referred to Committee on Ways and Means.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment compared Assembly Bill No. 1506—An Act relating to the Panama-Pacific International Exposition Commission of the State of California and defining its powers and duties—with

Senate Bill No. 1188—An Act relating to the Panama-Pacific International Exposition Commission of the State of California and defining its powers and duties—and report that the same are identical.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly Bills:

Assembly Bill No. 736—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for the same.

Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and appropriate money therefor

Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendment relating to elections in such sanitary districts

Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

Assembly Bill No. 27—An Act making an appropriation for the care and custody of the custom house at Monterey, California.

Assembly Bill No. 892—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees of the Controller's office and the salaries paid to such employees.

Assembly Bill No. 1381—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city, or town, and granting to said board of supervisors, town council, board of aldermen, or other legislative body the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city or town.

Assembly Bill No. 1379—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Assembly Bill No. 1377—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Assembly Bill No. 225—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 468—An Act to amend Section 513 of the Code of Civil Procedure of the State of California relating to exception to sureties and proceedings thereon, or on failure to except.

Assembly Bill No. 1366—An Act to amend section one thousand four hundred and ninety-four of the Code of Civil Procedure of the State of California relating to claims against the estates of decedents, and interest thereon

Assembly Bill No. 477—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending Section 114 thereof, and by adding three new sections thereto to be numbered 114a, 114b and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund, and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Assembly Bill No. 1884—An Act to recognize and declare valid all proceedings in Consolidated Reclamation District No. 812.

Assembly Bill No. 1503—An Act to amend Section 3466 of the Political Code of the State of California, relating to reclamation districts and to the collection of unpaid assessments in reclamation districts

Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of such hotel.

Assembly Bill No. 1511—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties

Assembly Bill No. 224—An Act authorizing the regents of the University of California to hold farmers' institutes and making an appropriation therefor

Assembly Bill No. 1065—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California

Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties and to make said Act applicable to such districts.

Assembly Bill No. 1297—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages.

Assembly Bill No. 1030—An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for violation of this Act

Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory Building at Whittier, and making an appropriation therefor.

Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor

Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California

Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Peixotto, C. C. McDougall, A. J. Hechtman, and James Rolph Jr., against the State of California, and making an appropriation therefor

Assembly Joint Resolution No. 7—Relative to the pending treaty with Japan.

Assembly Constitutional Amendment No. 46—A resolution to propose to the people of the State of California an amendment to section eighteen of article four of

the Constitution of the State of California, in relation to the impeachment of state officers and judges.

Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section fourteen of article six thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the Superior Courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerk, and also relating to the duties and compensation of such officers.

Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

ADJOURNMENT.

At three o'clock and twenty minutes P. M., on motion of Mr Bohnett, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Monday, February 27, 1911. }

At ten o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polesy, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—72.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Slater, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion of Mr. Fitzgerald, leave of absence was granted Mr. Callaghan for the day.

On motion of Mr. Hinkle, leave of absence was granted Mr. Judson for the day.

On motion of Mr. Rogers of Alameda, leave of absence was granted Mr. Rutherford for the day.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Monday, February 20, Tuesday, February 21, Wednesday, February 22, Thursday, February 23, and Friday, February 24, were approved as corrected by the Minute Clerk.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Randall, Messrs. F. K. McCarver and W. A. Rennie were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Griffin, Mr. J. W. Ashley was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Kehoe, Mr. M. Kuhn was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Wilson, Capt. B. B. Tuttle was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Hayes, Mr. J. J. Conlin was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon, Mr. M. Craig was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Clark, Mr. Arthur M. Ellis was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Hinkle, Mr. E. E. Neal was granted the privilege of the floor of the Assembly for this day.

PETITIONS.

The following petition was received and filed:

By Mr. Lyon of Los Angeles:

Petition from the Cooper Ornithological Club of Berkeley, relative to the protection of birds

By Mr. Randall:

The following petition was presented by Mr. Randall, and, on motion, ordered printed in the Journal:

LOS ANGELES, CAL., February 9, 1911.

Mr. C. H. Randall, Sacramento, California:

DEAR MR. RANDALL: At a meeting of the Civic Association of Los Angeles, held February 7, 1911, the following resolution was unanimously adopted:

Resolved, That the Civic Association of Los Angeles urges the defeat of Assembly Bill No. 191, withdrawing protection from the meadow larks.

(MISS) FLORENCE HOWLAND MILLS,
Corresponding Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSERVATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911

MR. SPEAKER Your Committee on Conservation, to whom was referred Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters, and providing for the leasing of lands uncovered by the recession of the

waters of such lakes and streams—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

CLARK, Chairman.

The above reported bill ordered on file for second reading.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 1541—An Act to repeal an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901—have had the same under consideration, and respectfully report the same back and recommend that it do pass

CROSBY, Chairman.

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Also: Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 10—Relative to the establishment of a parcels post—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FREEMAN, Chairman.

The above Senate joint resolution ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 8—Relative to national forests situated within the State of California, and requesting the War Department of the United States to station and maintain Federal troops in such national forests during certain months—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FREEMAN, Chairman

The above Senate joint resolution ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 18—Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tnolumne River for domestic and municipal purposes—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FREEMAN, Chairman

The above Senate joint resolution ordered on file for adoption.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Education, to whom was re-referred Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds"—have had the same under consideration, and respectfully report the same back, without any modifications and again recommend that it do pass as originally reported out to the Assembly.

WYLLIE, Chairman.

Bill read second time, and ordered to engrossment and third reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 858—An Act to amend Section 1521 of the Political Code, relating to the powers and duties of the State Board of Education—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 927—An Act to add a new section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be numbered 1752, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town—have had the same under consideration, and respectfully report the same back with the following committee substitute therefor:

Committee Substitute for Assembly Bill No. 927—An Act to amend section 1729 of the Political Code of the State of California, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town, and recommend that the committee substitute do pass.

WYLLIE, Chairman.

The question being on the adoption of the committee substitute.

A vote was taken, and the committee substitute adopted.

Committee substitute ordered on file for second reading, and Assembly Bill No. 927 withdrawn.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No. 1168—An Act to add a new section to the Penal Code of the State of California, to be numbered 382a, forbidding the advertisement of any misbranded, mislabeled or adulterated food, liquor, drug, medicine or remedy.

Also Assembly Bill No. 1169—An Act to add a new section to the Penal Code of the State of California, to be numbered 382b, forbidding the publication, circulation or distribution of advertisements of any food, liquor, drug, medicine or remedy, which advertisements shall be false or misleading.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

HINSHAW, Chairman.

The above reported bills ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred Senate Bill No. 1232—An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

Also Assembly Bill No. 1747—An Act making an appropriation for the pay of the officers and employees of the Assembly for the thirty-ninth session of the Legislature.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

STEVENOT, Chairman.

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911

MR. SPEAKER Your Committee on Contingent Expenses and Accounts, to whom was referred Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the thirty-ninth session of the Legislature of the State of California during the sixty-first fiscal year—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

STEVENOT, Chairman.

The above reported bill ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 1046—An Act to regulate the loading and unloading of vessels—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, February 24, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on February 21, 1911, passed Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 718 read first time, and referred to Committee on State Hospitals and Asylums.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following request for permission to introduce bill was filed:

By Mr. Cronin:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying Assembly Concurrent Resolution—Relative to approving the charter of the city of Vallejo, county of Solano, State of California.

CRONIN,

Member Twentieth District

Referred to Committee on Introduction of Bills.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Gerdes:

WHEREAS, There have been reported to the Committee on State Prisons and Reformatory Institutions certain irregularities at the various prisons; and

WHEREAS, It is necessary, in order to enable said committee to intelligently act on such matters, that said committee visit the state prison at Folsom;

Said committee now, through the chairman thereof, applies to this Assembly for leave of absence for the members of said committee hereinafter designated; that the occasion and necessity for visiting said prison at Folsom are as above stated, that the names of the committeemen designated by the chairman for the purpose aforesaid are as follows, to wit: Messrs. Gerdes, Bishop, Cattell, Cunningham, Harlan, Lynch, Rogers, Stevenot and Telfer; and application is hereby made to this Assembly for a leave of absence for the above named members of said committee for the day of Thursday, March 2, 1911; therefore, be it now

Resolved, That the above named members of said Committee on State Prisons and Reformatory Institutions be and they are hereby granted leave of absence on Thursday, March 2, 1911.

GERDES, Chairman.

Resolution read, and referred to Committee on Rules and Regulations.

By Mr. Wyllie:

Resolved by the Assembly, That the Superintendent of Public Instruction be requested to furnish to the Assembly at the earliest possible moment the following information:

First—The number of teachers allowed on last school census to each county in the State under the present law;

Second—The number of teachers that would be allowed each county if the law as proposed by Assembly Bill No. 367 were in effect;

Third—The number of teachers employed in each county at present or when last reports were received;

Fourth—The amount of money apportioned by the Superintendent of Public Instruction to each county from State School Fund, January 10, 1911;

Fifth—The gain or loss to each county if the same apportionment had been made under the provisions of Assembly Bill No. 367;

Sixth—The total cost of taking the school census in each county as nearly as he can estimate;

Seventh—The total average daily attendance in each county;

Eighth—The total amount per pupil in average daily attendance paid by each county per year for maintaining elementary schools;

Ninth—The amount per pupil in average daily attendance paid to each county in the State by the State;

Tenth—The tax rate of each county for elementary schools;

Eleventh—The average high school tax rate in each county;

And be it further

Resolved, That the State Printer be instructed to print 500 copies of the same and charge the expense thereof to the printing account of the Assembly.

Resolution read, and, on motion, adopted.

NOTICES OF MOTION TO RECONSIDER WITHDRAWN

Mr. Schmitt asked for, and was granted, unanimous consent to withdraw his notice of motion to reconsider the vote whereby Senate Bill No. 937 was passed

Mr. Bliss asked for, and was granted, unanimous consent to withdraw his notice of motion to reconsider the vote whereby Assembly Bill No. 872 was passed.

NOTICE OF MOTION TO RECONSIDER CONTINUED

Mr. Gerdes moved that his notice of motion to reconsider the vote whereby Assembly Bill No. 1023 was passed be continued for one week.

Mr. Coghlan moved as an amendment, that the notice of motion to reconsider be continued until Friday, March 3, 1911.

Amendment adopted.

The question reverting to the original motion as amended.

A vote was taken and the motion carried

THIRD READING OF BILLS.

Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 615 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnert, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Fairwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowan, Mendenhall, Mott, Mullally, Polesley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 616 passed by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 288 passed by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Willie, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 27—An Act making an appropriation for the care and custody of the Custom House at Monterey, California

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 27 passed by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of

taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendment relating to elections in such sanitary districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 989 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinshaw, Jasper, Jones, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 736—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco, and to make appropriation for same.

Mr. Walsh asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 736.

Bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1153 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Hinkle, Hinshaw, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1154 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall,

Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1143 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission, to have power to regulate and control the business of furnishing certain commodities and performing certain services to or for the public, and to that end amending section twenty-two of article twelve, and repealing section twenty-three of article twelve of the Constitution of the State of California.

During the consideration of the constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Strike out all of the caption or title, after the word "to" in line 2, of said caption or title, and in lieu of the matter stricken out, insert the following: "Section twenty-two of article twelve of the Constitution of the State of California, creating a railroad commission and defining its powers and duties."

Amendment adopted.

AMENDMENT NO. 2.

Strike out all of the resolution following the word "proposes" in line 5, and insert in lieu thereof the following: "that section twenty-two of article twelve of the Constitution of the State of California be amended so as to read as follows:

"Section 22. There is hereby created a railroad commission which shall consist of three members and which shall be known as the Railroad Commission of the State of California. The commissioners shall be appointed by the Governor, *provided*, that the commissioners in office at the time this section takes effect shall serve out the term for which they were elected. Upon the expiration of the terms of the commissioners now in office, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder, one of whom shall be appointed to hold office until January 1, 1917, one until January 1, 1919, and one until January 1, 1921. Whenever a vacancy in the office of commissioner shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The Legislature shall fix the salary of the commissioners, but pending such

action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The Legislature shall have the power, by a two-thirds vote of all members elected to each House, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said railroad commission and no person owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of railroad commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission and the act of the majority of said commissioners shall be the act of said commission, but the powers conferred upon the commission are also conferred upon each of the said commissioners when such commissioner shall be designated by a majority of the commissioners to perform any of the duties or exercise any of the powers conferred upon said commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates established by said commission than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies; to hear and determine complaints against railroad and other transportation companies; to issue subpoenas and all necessary process and send for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the railroad commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the railroad commission in this constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this constitution.

The provisions of this section shall not be construed to repeal in whole or in part any existing law not inconsistent herewith, and the 'Railroad Commission Act, of this State approved, February 10, 1911, shall be construed with reference to this constitutional provision and any other constitutional provision becoming operative concurrently herewith. And the said Act shall have the same force and effect as if the same had been passed after the adoption of this provision of the constitution and of all other provisions adopted concurrently herewith."

Amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for adoption

SPECIAL ORDER.

The hour of eleven o'clock and thirty minutes A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

The question being on the motion to adopt the report of the Committee on Introduction of Bills, relative to bill providing for an exhibit at the International Exposition at Turin, Italy.

Mr. Schmitt moved to amend the report.

POINT OF ORDER.

Mr. Bohnett rose to the following point of order: "That the matter was not open to amendment."

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

The roll was called, and report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Farwell, Flint, Guill, Hamilton, Held, Hinshaw, Jasper, Lamb, Lyon of Los Angeles, Mendenhall, Mott, Preisker Rogers of Alameda, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Willie Young, and Mr. Speaker—31.
NOES—Messrs. Brown, Coghlan, Cronin, Crosby, Cunningham, Denegri, Feeley, Freeman, Gaylord, Griffiths, Hayes, Jones, Kennedy, Maher, Malone, McDonald, McGowen, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, and Tibbits—26.

NOTICE OF MOTION TO RECONSIDER.

Mr. Held gave notice that on the next legislative day he would move a reconsideration of the vote whereby the report of the Committee on Introduction of Bills was this day adopted.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California, an amendment to Section 18, Article 20, relative to the employment of females in the handling and sale of intoxicating liquors

During the consideration of the Assembly constitutional amendment, the following amendment was submitted by the committee:

Strike out all that is contained in the printed amendment after the semicolon following the word "profession" on line 9, of the printed amendment, and in lieu of the matter stricken out, insert the following: "*provided, however, that the selling, or handling, by women, of intoxicating liquors, in a saloon, theatre, resort or other place of amusement where intoxicating liquors, or intoxicating drugs are sold, drank, or given away, shall not be considered a lawful business, vocation, or profession, within the meaning of this section.*"

Mr. Polsley offered as a substitute the following:

In line 10, Section 18, of printed bill, strike out the word "women", and substitute the word "females".

Also: After the word "theater", in line 11, Section 18, of printed bill, insert the word "resort", and in the same line strike out the word "other".

Also. In line 12, Section 18, of the printed bill, after the word "place", insert the words "of amusement".

Motion to adopt the substitute lost.

The question being on the adoption of the committee amendment, a vote was taken and the amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for adoption.

SECOND READING OF BILL.

Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients.

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 241 passed by the following vote.

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Brown, Butler, Cattell, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Griffin of Modesto, Hamilton, Hayes, Held, Hinkle, Jasper, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, and Mr. Speaker—47.

NOES—Messrs. Bennink, Clark, Freeman, Griffiths, Hinshaw, Jones, Maher, Rosendale, and Schmitt—9.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James, McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Denison, Edgar D. Piexotto, C. C. McDougall, A. J. Hechtman, and James Rolph, Jr., against the State of California and making an appropriation therefor.

Mr. Schmitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 1149 considered.

Mr. Schmitt moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

GENTLEMEN The Committee of the Whole have under consideration Assembly Bill No. 1149, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Schmitt moved the adoption of the report.

Motion carried.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1149 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gavlord, Gerdes, Griffiths, Guill, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Maloue, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 7—Relative to the pending treaty with Japan.

During the consideration of the Assembly joint resolution the following substitute was offered by the committee:

COMMITTEE SUBSTITUTE FOR ASSEMBLY JOINT RESOLUTION No. 7

Relative to the pending treaty with Japan

WHEREAS, The President of the United States and his Majesty, the Emperor of Japan, did on March 21, 1895, enter into a treaty of commerce and navigation which was proclaimed the 21st day of March, 1895, and is now the existing convention between the United States and the Japanese Empire, and

WHEREAS, The Japanese Government has upon representations made by the President of the United States subsequent to the ratification of said treaty, acknowledged the necessity and adopted the policy of restricting an immigration to this country of its subjects of the laboring class, and is now enforcing regulations of its own for that purpose, and

WHEREAS, The people of California are greatly desirous of securing recognition by treaty of the restriction of immigration to our shores of such Japanese subjects in order that the principle thus established may receive the formal sanction of both high contracting parties and the relations of peace and amity now existing between said governments may be strengthened; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That the Legislature of the State of California hereby expresses its entire confidence in our Federal Government, and earnestly urges the treaty making power of the United States to obtain by treaty, in permanent and definite form, an assurance to the people of this country that such immigration will continue to be effectively restricted and controlled

Committee substitute lost.

SPECIAL ORDER SET.

On motion of Mr. Polsley, the consideration of Assembly Joint Resolution No. 7 was made a special order for Monday, March 6, 1911, at eleven o'clock A. M.

Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 221 passed by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—61.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 222 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Mullally, Preisker, Randall, Rimlinger, Rogers of San Francisco, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 225 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Clark, Coghlan, Cogswell, Crosby, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF INTENTION TO MOVE TO AMEND RULES.

Mr. Coghlan gave notice that on the next legislative day he will move to amend Assembly Standing Rule No. 78 as follows, to wit:

By striking out and abolishing all of said rule.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 832—An Act authorizing levee districts of the State to incur a bonded indebtedness for the purpose of building, constructing, or repairing levees of the district, or for excavating and constructing ditches or canals for such districts; or for the purpose of acquiring rights of way for any such levees, ditches, or canals, or for any and all of said purposes.

Assembly Bill No. 799—An Act to validate the consolidation of certain school districts into one school district, and validate and approve certain bonds authorized by such school districts.

Assembly Bill No. 604—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653e, relating to blacklisting.

Assembly Bill No. 747—An Act to amend Section 2714 of the Political Code, relating to the construction, repair and maintenance of bridges.

And were presented to the Governor February 24, at two o'clock P. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills: Assembly Bill No. 719—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an Act entitled 'An Act creating a commissioner of public works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing for the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof, approved March 11, 1907.

Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-five and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

Assembly Bill No. 836—An Act to amend Chapter 107 of the General Laws of the State of California, entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets," etc., approved March 6, 1909.

Assembly Bill No. 1182—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system and to that end amending Section 443 of the Political Code of the State of California and adding a new section to the Political Code of the State of California to be numbered Section 462, relating to the public schools and creating a fund for their support.

Assembly Bill No. 1203—An Act to amend section eleven hundred eighty-eight of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Assembly Bill No. 717—An Act authorizing and empowering unincorporated, benevolent or fraternal societies to purchase, receive, manage and sell real estate without incorporating.

Assembly Bill No. 841—An Act to amend sections twelve hundred and forty-five, twelve hundred and forty-six and twelve hundred and forty-eight of the Civil Code of the State of California, relating to proceedings on execution against homesteads.

Assembly Bill No. 232—An Act authorizing and directing the construction of two cottages for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

And report that the same have been correctly reengrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Assembly Bill No. 1011—An Act to add a new section to the Political Code to be numbered 4264a, relating to and fixing the compensation of grand and trial jurors in the counties of the thirty-fifth class.

Assembly Bill No. 1078—An Act to amend section ten of the Code of Civil Procedure of the State of California, relating to holidays.

Assembly Bill No. 446—An Act to add a new section to the Code of Civil Procedure of California, to be known as section six hundred sixty-seven a, relating to vesting of title without the necessity of a conveyance upon a judgment in certain actions.

Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Assembly Bill No. 15—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Assembly Bill No. 1107—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county foresters, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1906.

Assembly Bill No. 1079—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code relating to the powers of boards of supervisors relating to roads.

Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments.

Assembly Bill No. 1193—An Act to add a new section to the Political Code of the State of California, to be designated and numbered three hundred and thirty-one, relating to the appointment to office of relatives by state officers and judges.

Assembly Bill No. 1081—An Act to amend section five hundred ninety-six of the Penal Code, relating to the poisoning of animals or bees.

Assembly Bill No. 240—An Act to amend section one of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and as amended by Act approved March 20, 1905, relating to age of school children.

Assembly Bill No. 448—An Act to amend section five hundred and ninety-nine of the Civil Code of California, relating to what may be provided for in their by-laws, ordinances, constitutions, or articles of incorporations, by corporations for purposes other than profit.

Assembly Bill No. 447—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure of California relating to foreclosure suits.

Assembly Bill No. 159—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School, and for the purchase of dormitory and school furniture for said school.

Assembly Bill No. 1090—An Act to regulate the sale and use of hat pins.

Assembly Bill No. 1123—An Act to add a new section to the Political Code to be known as section two thousand, eight hundred and ninety-six, relating to public ferries.

Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public.

Assembly Bill No. 442—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to taxation of costs in the appellate courts.

Assembly Bill No. 292—An Act to amend Section 1031 of the Code of Civil Procedure of the State of California.

Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Assembly Bill No. 965—An Act to amend Sections 2322, 2322b, 2322c, 2322d and 2322e of the Political Code of the State of California, said sections relating to orchards, trees, vines or plants of any variety infested with diseases or scale insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or noxious weeds, and to the eradication of insect pests and diseases, and to the appointment and removal of a county horticultural commissioner in the several counties of the State, prescribing his duties and powers and fixing his compensation and term

of office, also providing for a State Board of Horticultural Examiners, prescribing the duties of said board and providing for examinations to be taken by persons desiring to qualify for position as county horticultural commissioner, providing for the dividing of the several counties of the State into districts by the respective county horticultural commissioners, and providing for the appointment of deputy commissioners, local inspectors and quarantine guardians, prescribing their duties and powers and fixing their compensation.

Assembly Joint Resolution No. 12—Relating to a more strict enforcement of the immigration laws.

Assembly Bill No. 191—An Act to amend section six hundred and thirty-seven *a* of an Act entitled "An Act to amend section six hundred and thirty-seven *a* of the Penal Code of California and to add thereto three new sections to be numbered six hundred and thirty-seven *f*, six hundred and thirty-seven *d*, and six hundred and thirty-seven *c*, all relating to protection of wild birds other than game birds and their nests and eggs, approved April 16, 1909.

Assembly Bill No. 1340—An Act to amend Section 3513 of the Political Code, relating to the non-payment of principal and interest for state lands.

Assembly Bill No. 1342—An Act to amend Section 3659 of the Political Code, relating to the duty of the register of the state land office in relation to lands sold by the State.

Assembly Bill No. 1344—An Act to repeal Sections 3444, 3496, and 3501 of the Political Code, relating to affidavit for purchase of state lands, when applicant is a female.

Assembly Bill No. 1346—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof.

Assembly Bill No. 1348—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands.

Assembly Bill No. 1350—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lieu selections, in accordance with the provisions of Section 3406 of the Political Code.

Assembly Bill No. 1349—An Act providing for the conveyance by quitclaim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

Assembly Bill No. 1534—An Act to add a new section to the Civil Code to be known as Section 653*c* thereof, relating to the terms of office of directors in non profit co-operative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time.

Assembly Bill No. 951—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six, sixty-one, and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act authorizing the investment and re-investment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909, by amending Section 1 thereof.

Assembly Bill No. 291—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the other officers of municipalities of the fifth class.

Assembly Bill No. 1008—An Act to validate the organization and incorporation of municipal corporations.

Assembly Bill No. 1009—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State, power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Assembly Bill No. 1351—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

Assembly Bill No. 1286—An Act to add a new section to the Penal Code of the State of California to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Assembly Bill No 1328—An Act to provide for the reporting of occupational diseases.

Assembly Concurrent Resolution No. 21—Relative to adjournment *sine die*.

Assembly Constitutional Amendment No 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, relating to the exemption of property from taxation, to be known as section one and one quarter of article thirteen of the Constitution of the State of California.

Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies.

Assembly Concurrent Resolution No. 20—Approving the charter of the city of Pomona, county of Los Angeles, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 16th day of February, 1911

Assembly Bill No. 1347—An Act to amend Section 3408d of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason, providing a method for the sale at public auction of indemnity certificates of scrip entitling the owner to have selected for him government lands in lieu thereof

And report that the same have been correctly engrossed.

RANDALL, Chairman.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 73 passed by the following vote:

AYES—Messrs Beatty, Beckett Bishop, Bohnett, Cattell, Clark, Coghlan, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Kehoe, Kennedy, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisler, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbitts, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 586—An Act to amend the Penal Code by adding a new section thereto to be numbered five hundred and seventy-three, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations and prescribing a penalty therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 586 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Gaylord, Gerdes, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 16—Relative to the cession by the United States to the State of California of certain lands adjacent to Deadman's Island, in the county of Los Angeles, State of California.

The question being on the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 16 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bohnett, Butler, Cartell, Chandler, Clark, Coghlan, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—54.

NOES—None.

Senate joint resolution ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No 16

Relative to the cession by the United States to the State of California of certain lands adjacent to Deadman's Island, in the county of Los Angeles, State of California

WHEREAS, By an Act of the Legislature of the State of California entitled "An Act relinquishing to the United States of America the title of this State to certain lands," approved March 9, 1897, the State of California granted all its right and title in and to the parcels of land extending from high water mark out to three hundred yards below low water mark, lying adjacent and contiguous to such lands of the United States in the State of California as lie upon tidal waters and are held, occupied or reserved for military purposes or defense, lying adjacent and contiguous to any island, the title to which is in the United States, or which island is reserved by the United States for any military or naval purpose or for defense, were granted, released and ceded to the United States of America, under certain terms, conditions and reservations expressed in said Act; and

WHEREAS, The title to Deadman's Island, a certain island situate in the waters of the Pacific Ocean, and being within the boundaries of the city of Los Angeles, in Los Angeles County, State of California, is in the United States, and by said Act there was granted to the United States a certain tract of land consisting of tide and submerged land surrounding said island, which said tract of land is bounded by a line distant three hundred yards out beyond low water mark at all points where the boundaries of said island touch high water mark; and

WHEREAS, Said Deadman's Island is situated on the easterly side of the main entrance channel to that portion of Los Angeles harbor formerly known as the inner harbor of San Pedro, and said tract of land surrounding said island and so granted to the United States includes a certain parcel of submerged land situated in the city of Los Angeles, in the county of Los Angeles, State of California, more particularly described as follows

Beginning at the point of intersection of the northerly boundary line of said tract of land so granted to the United States with the harbor line established by the United States and the westerly side of said channel said point being at or near station number sixteen of said harbor line; thence southeasterly along said harbor line to station ZZ thereof, thence continuing southeasterly from said station ZZ of said harbor line in a straight line to the point of intersection of the southerly boundary line of said tract of land so granted to the United States, with the said harbor line, which said last mentioned point is at or near station number fifteen of

said harbor line, thence northwesterly, northerly and northeasterly along the westerly boundary line of said tract of land to the point of beginning, and

WHEREAS, Said parcel of land above described is one thousand eight hundred and seventy-five feet, more or less, in length along the said channel and adjacent thereto, and has a maximum width of three hundred and sixty feet, more or less, and contains approximately eleven acres of land, and said parcel of land lies adjacent to other tide and submerged lands wholly under public ownership and control, lying on the westerly side of said channel; and

WHEREAS, The said city of Los Angeles has incurred a bonded indebtedness of three million dollars for the purpose of developing and improving said Los Angeles harbor, including that portion of the lands and waters thereof adjacent to said parcel of land, by the construction of docks, wharves and warehouses upon the water front of said city, the same to be owned and operated by said city, by the operating and construction of public streets and highways to the navigable waters of said harbor, and by the construction of slips, canals and other waterways, and it is now proposed to expend the proceeds of said bonds for said purposes, and said parcel of land is so situated that it is urgently required for the construction and maintenance of public docks, wharves, slips and other commercial appliances appurtenant thereto for the accommodation of commerce in said Los Angeles harbor, and for the purpose of providing the necessary frontage for and access to the same upon and from said channel and the other navigable waters of said harbor, and the use of said parcel of land for said purposes is necessary in order that the said lands adjacent to said channel on the westerly side thereof may be adequately used for the purposes aforesaid, in order to properly develop and improve said harbor for commercial purposes; and

WHEREAS, Said parcel of land, by reason of its location and irregular shape, is not required or suitable for any of the purposes specified in said Act, and the United States has never used and does not now use the same for any of said purposes, or for any other purpose; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly That the Legislature of the State of California memorializes the Congress of the United States to cede to the State of California that certain parcel of land situated in the city of Los Angeles, county of Los Angeles, State of California, hereinbefore referred to and more particularly described as follows

Beginning at the point of intersection of the northerly boundary line of said tract of land so granted to the United States with the harbor line established by the United States on the westerly side of said channel, said point being at or near station number sixteen of said harbor line; thence southeasterly along said harbor line to station ZZ thereof; thence continuing southeasterly from said station ZZ of said harbor line in a straight line to the point of intersection of the southerly boundary line of said tract of land so granted to the United States, with the said harbor line, which said last mentioned point is at or near station number fifteen of said harbor line; thence northwesterly, northerly and northeasterly along the westerly boundary line of said tract of land to the point of beginning.

For use for the construction and maintenance of public docks, slips and wharves, and other commercial appliances appurtenant thereto, for the accommodation of commerce in said Los Angeles harbor; and that the government of the United States and the Secretary of War be requested not to use said parcel of land for any of the purposes specified in said Act, or for any other purpose; and be it further

Resolved, That the State of California will accept the cession and transfer from the government of the United States of said parcel of land last above described, to be held for public purposes, to wit: for the construction and maintenance of public docks, slips and wharves, and other commercial appliances appurtenant thereto, for the accommodation of commerce in Los Angeles harbor, and be it further

Resolved, That the State of California hereby offers to grant and relinquish to the United States its right and title to such other lands in, upon or adjacent to the waters of said harbor, in addition to the lands heretofore granted to the United States, as shall be selected by the United States for military purposes or defense, or for such other purposes as the government of the United States may require; and be it further

Resolved, That upon the passage of this resolution, the Secretary of the Senate be directed to forward a copy thereof to the Secretary of War and to the Senators and Representatives of the State of California, in Congress, requesting them to present the resolution to the Senate and House of Representatives.

Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 299 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bohnett, Butler, Cattell, Chandler, Coghlan, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hamilton, Hayes, Hinkle, Hinshaw, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Nolan, Preisker, Randall, Rumlenger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 298—An Act to amend Section 1562 of the Political Code relating to teachers' institutes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 298 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rumlenger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 300—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 300 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumlenger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

The question being on the adoption of the Senate joint resolution.

The roll was called, and the Senate joint resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley,

Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—59

NOES—None.

Senate joint resolution ordered transmitted to the Senate.

SENATE JOINT RESOLUTION NO. 1.

Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

WHEREAS, The Legislature of twenty-seven states have recently at various times adopted memorials and resolutions favoring the election of United States Senators by popular vote, and

WHEREAS, The National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of the proposed change in the method of electing United States Senators, which were rejected by the Senate, and

WHEREAS, Article five of the Constitution of the United States provides that Congress, on the application of the Legislatures of two thirds of the several states, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of California that the United States Senators should be elected by a direct vote of the people, therefore, be it

Resolved, That the Legislature of the State of California favors the adoption of an amendment to the Constitution of the United States which shall provide for the election of United States Senators by popular vote, and joins with the other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in article five of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this joint resolution and application to Congress for the calling of a convention be sent to the Secretary of State of each state of the United States, and that a similar copy be sent to the President of the United States Senate and the Speaker of the House of Representatives.

SECOND READING OF SENATE BILLS.

Senate Bill No. 468—An Act to amend section seven hundred thirty-nine of the Political Code of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 477—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 558—An Act to provide for the purchase of an automobile for the Governor of the State of California, and to make an appropriation for the same.

Bill read second time, and re-referred to Committee on Ways and Means.

Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and scaling thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; to prevent the sale of goods, wares and merchandise by false weight or measure; authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures and to define the powers and duties of such sealers; to provide penalties for violation of the provisions of this Act relating to the foregoing and for the admission in evidence of copies of the State's standard of weights and measures furnished under the provisions of this Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 8, Section 16, line 44, after the word "in" insert the word "this".

Amendment adopted.

AMENDMENT No. 2.

On page 8, Section 16, line 44, strike out the words "fourteen of this Act".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 306—An Act to amend Sections 1196, 1197, 1205 and 1211 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 10, of the printed bill, after the word "law", omit the period and insert a comma, followed by the words "together with the names certified by the Secretary of State to have received in the respective parties, the highest number of votes for United States Senator."

Amendment adopted.

AMENDMENT No. 2.

On page 3, line 11, of the printed bill, omit the word "officers" and place in lieu thereof the word "offices".

Amendment adopted.

AMENDMENT No. 3.

On pages 3 and 4, of the printed bill, omit lines 10 to 33, inclusive, and insert in lieu thereof the following:

"The order in which the list of candidates for any office shall appear upon the ballot which shall be determined as follows:

(a) If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator in Congress, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; *provided, however*, that the names of candidates for the office of electors for President and Vice-President shall be arranged in groups as presented in the several certificates of nomination, and the voter may vote for the whole of such group by stamping one cross (X) at the right of such group.

If the office is that of Representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on, and thereafter for each succeeding assembly district in which such candidates are to be voted on the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

In certifying to each county clerk or registrar of voters the list of names as required in Section 23 of the Primary Election Law the Secretary of State shall certify and transmit the list of candidates for each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of State Senator or Assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the Secretary of State in accordance with the above provisions, and as certified and transmitted by him to each county clerk or registrar of voters.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of Representative in Congress or State Senator or Assemblyman, the county clerk of such county or the registrar of voters of such city and

county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; *provided*, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of State Senator or Assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order."

Amendment adopted.

AMENDMENT No. 4.

On page 4, line 36, of the printed bill, omit the words "by lot".

Amendment adopted.

AMENDMENT No. 5.

On page 4, line 41, of the printed bill, after the word "officers", insert the words "and school offices".

Amendment adopted.

AMENDMENT No. 6.

On page 4, of the printed bill, line 50, omit the words "above the list of"; also omit lines 51, 52, 53, 54, 55, 56, and the first three words and the period following, in line 57. In place of the above, substitute the following:

"Each group of candidates to be voted on shall be headed by the designation of the office and the words 'Vote for One' or 'Vote for Two' or more, according to the number to be elected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy faced Gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words 'Vote for One' or 'Vote for Two' or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line."

Amendment adopted.

AMENDMENT No. 7.

On page 4, line 67, of the printed bill, after the word "offices", insert the words "and school officers".

Amendment adopted.

AMENDMENT No. 8.

On page 5, line 84, of the printed bill, at the end of subdivision 4, add the following:

Each series of the lists of candidates for the several offices shall be headed by the word "State", "Congressional", "Legislative", "County", or "Municipal" or other proper general classification, as the case may be, printed in heavy faced Gothic capital type, not smaller than twelve point, each such word being separated from the names of the candidates beneath by a three point line.

Amendment adopted.

AMENDMENT No. 9.

On page 5, line 87, of the printed bill, omit the word "one-eighth", and insert in lieu thereof "one-twelfth".

Amendment adopted.

AMENDMENT No. 10.

On page 8, line 186, of the printed bill, omit the word "The" at the beginning of the line and insert in lieu thereof "Except as to the order of the names of candidates, the".

Amendment adopted.

AMENDMENT No. 11.

On the printed ballot, pasted between pages 8 and 9 of the printed bill, make the following changes.

(1) Reduce the width of the printed lines to one twelfth of an inch, as provided for in Amendment No. 8.

(2) Strike out the word "For" before the title of each office, and print the title of the office and the words "vote for one", etc., as is provided in Amendment No. 6.

(3) Under "Superintendent of Public Instruction," omit the words "Democrat", "People's Party", "Prohibition", and "Socialist", opposite the names of the respective candidates.

(4) Omit the words "Superintendent of State Printing", and place in lieu thereof the words "United States Senator".

(5) Above the space entitled "Governor", insert the word "State"; above the space entitled "United States Senator", insert the word "Congressional"; above the space entitled "State Senator", insert the word "Legislative"; above the space entitled "For Judges of the Superior Court", insert the word "County"; all as provided in Amendment No. 8.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 1188—An Act relating to the Panama-Pacific International Exposition Commission of the State of California and defining its powers and duties.

Bill read second time, and ordered on file for third reading.

RECONSIDERATION.

Senate Bill No. 356—An Act to authorize and regulate the possession, use, transportation and sale of trout by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

In accordance with notice previously given, Mr. Kehoe moved that the vote whereby Senate Bill No. 356 was passed be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Kehoe, the question of reconsideration was set for Wednesday, March 1, 1911, immediately after the completion of the Senate file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

Assembly Joint Resolution—Relative to instructing our representatives in the Senate of the United States to support a certain measure pending before that body relative to the granting of pensions.

Also: An Act regulating the placing and maintaining of lights on boats.

Also: Assembly Concurrent Resolution—Approving the charter of the city of Vallejo.

CHANDLER, Chairman.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Biss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Hayes, Held, Hinkle, Hushaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Luch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Shragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—61

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Bishop: Assembly Joint Resolution No. 17—Relative to instructing our Representatives in the Senate of the United States to support a certain measure pending before that body relative to the granting of pensions.

Resolution read, and referred to Committee on Federal Relations.

By Mr. Cronin: Assembly Bill No. 1549—An Act regulating the placing and maintaining of lights on boats.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also. Assembly Concurrent Resolution No. 23—Approving the charter of the city of Vallejo.

Resolution read, and referred to Committee on Municipal Corporations.

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and forty-three minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1376 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Young—62

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1379—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1379 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Young—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1381—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city, or town, and granting to said board of supervisors town council, board of aldermen, or other legislative body the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city or town.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1381 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Young—52.

NOES—Messrs. Cunningham and Mullally—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1366—An Act to amend section one thousand four hundred and ninety-four of the Code of Civil Procedure of the State of California, relating to claims against the estates of decedents, and interest thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1366 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, Mott, Mullally, Nolan, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California.

During the third reading of the bill, Mr. Wilson moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the comma in line 9, page 1, of the printed bill, insert the following: "or assessment levied and collected".

Also: After the word "and" in line 13, page 1, of the printed bill, insert the word "it".

Motion carried.

The Speaker appointed Mr. Wilson as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1452, with instructions, do now report that the instructions of the Assembly have been carried out.

WILSON, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1384—An Act to recognize and declare valid all proceedings in consolidated Reclamation District No. 812.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1384 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, McDonald, Mott, Mulhally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of such hotel.

SPECIAL ORDER SET.

On motion of Mr. Smith, the consideration of Assembly Bill No. 490 was made a special order for Tuesday, February 28, 1911, at three o'clock P. M.

Assembly Bill No. 224—An Act authorizing the regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 224 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Smith, Sutherland, Williams, Wilson, Wyllie, and Young—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1065—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1065 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Gaylord, Gerdes, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, McDonald, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimplinger, Rogers of Alameda, Rosendale, Schmitt, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, and Young—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1030—An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for the violation of this Act

During the third reading of the bill, Mr. Williams moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 6, strike out all of Section 1 following the word "operator", on line 6, page 1, Section 1, and insert in lieu thereof the following: "to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least eight consecutive hours off duty."

Motion carried.

The Speaker appointed Mr. Williams as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1030, with instructions, do now report that the instructions of the Assembly have been carried out.

WILLIAMS, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Concurrent Resolution No. 20—Approving the charter of the city of Pomona, county of Los Angeles, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 16th day of February, 1911.

The question being on the adoption of the Assembly Concurrent Resolution,

The roll was called, and Assembly Concurrent Resolution No. 20 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, Mendenhall, Mott, Mullally, Polsley, Randall, Rimplinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, and Wyllie—57.

NOES—None.

Assembly concurrent resolution ordered transmitted to the Senate

ASSEMBLY CONCURRENT RESOLUTION NO. 20.

Approving the charter of the city of Pomona, county of Los Angeles, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 16th day of February, 1911.

WHEREAS, The city of Pomona, a municipal corporation of the county of Los Angeles, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) inhabitants, and

WHEREAS, At a special election duly held in said city on the 3d day of November, 1910, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city, and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Pomona; and

WHEREAS, Said charter was on the 3d day of January, 1911, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said city of Pomona, and the other copy with the county recorder of the said county of Los Angeles and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Pomona Daily Review" and in the "The Pomona Progress", each being a daily newspaper of general circulation in said city of Pomona, and the said charter being published as aforesaid for a period of more than twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Pomona to the qualified electors of said city of Pomona at a special election, previously duly called and therein held on the 16th day of February, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Pomona, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole, excepting that a majority of said qualified electors voting at said election voted in favor of the ratification of the alternative proposition, which alternative proposition was thereafter chosen and substituted for Section 80, Article XV of said proposed charter; and

WHEREAS, Said board of trustees, after canvassing said returns, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER OF THE CITY OF POMONA PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED NOVEMBER 3D, 1910, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA.

CHARTER OF THE CITY OF POMONA.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

SECTION 1 The municipal corporation now existing, and known as the city of Pomona, shall remain and continue a body politic and corporation in name and in fact by the name of the city of Pomona, and by such name shall have perpetual succession.

SEC 2 The city of Pomona shall remain vested with, and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES AND WARDS OF THE CITY.

SEC 3. The boundaries of the city of Pomona shall be as follows

Commencing at the southeast corner of the Pomona Tract, according to the plat of said tract recorded in the recorder's office, in and for said county of Los Angeles, thence running northeasterly along the line of the township of San Jose to the N. E. corner of lot 24 of the "Northeast Pomona Tract;" thence westerly along the dividing line between lots as platted to the S. W. corner of lot 29 of the "Loop and

Meserve Tract;" thence northerly along the dividing line between lots as platted to the S. W. corner of lot 14 of the "Loop and Meserve Tract;" thence west to the S. W. corner of lot 13 of the "Loop and Meserve Tract;" thence northerly on the dividing line between lots as platted, to the northeast corner of lot 6 of the "Loop and Meserve Tract;" thence westerly along the north line of said "Loop and Meserve Tract" to the northwest corner of lot 1 of said tract; thence south to the north line of Cucamonga avenue; thence along said line to and along the north line of the Mud Springs county road, so called, to a point opposite the northwest corner of the "Vejar Tract," so called, thence southwesterly along the west line of said "Vejar Tract," so called, to the north line of the "Alvarado Tract," so called; thence westerly along said line of said "Alvarado Tract" westward to a point which would be intersected by an extension of the west line of lots 227, 228 and 229 of the "Pomona Tract;" thence running southeasterly along such extension of said line to the southwest corner of lot 229 of the "Pomona Tract;" thence south $1\frac{1}{2}$ degrees east to a point of intersection with extended south line of blocks E. F. G. and H; thence easterly to and along the south line of said blocks E. F. G. and H to the east line of San Jose township; thence northerly along said township line to the point of beginning.

SEC. 4. The city of Pomona is hereby divided into four wards, which shall be designated respectively, the first ward, the second ward, the third ward, and the fourth ward; and are described as follows:

First Ward—All that portion of the city lying west of the center line of Garey avenue and north of the center line of the right of way of the main line of the Southern Pacific railroad.

Second Ward—All that portion of the city lying west of the center line of Garey avenue and south of the center line of the right of way of the main line of the Southern Pacific railroad.

Third Ward—All that portion of the city lying east of the center line of Garey avenue and south of the center line of the right of way of the main line of the Southern Pacific railroad.

Fourth Ward—All that portion of the city lying east of the center line of Garey avenue and north of the center line of the right of way of the main line of the Southern Pacific railroad.

SEC. 5. The boundaries of the said wards may at any time hereafter be changed by ordinance passed by a four-fifths vote of the council, *provided*, said wards shall be kept as nearly equal in population as possible; and *provided further*, that such change shall not be made more than once in two years and shall be made at least ninety days before any general municipal election.

ARTICLE III.

GENERAL PROVISIONS RELATING TO OFFICERS.

SEC. 6. The elective officers of the city shall be, a mayor, four councilmen, a city auditor, who shall be ex officio city clerk, a city attorney, a city assessor, who shall be ex officio tax collector and treasurer, a police judge, a president of the board of education and four members of the board of education, all of whom shall be elected at the general municipal election, on a general ticket, from the city at large, but one councilman and one member of the board of education shall be nominated from each of the four wards of the city by the electors of the ward and shall be a resident of the ward from which he is nominated.

The following officers shall be appointed by the council: a chief of police, a city engineer, a street superintendent, five trustees of the public library, a health officer, a chief of the fire department, a park superintendent, a building inspector and such other officers as the council shall, under this charter, have power to create, and the council shall combine the office of city engineer and street superintendent whenever it shall deem it advisable so to do.

SEC. 7. The council shall consist of the mayor and four councilmen, each of whom—including the mayor—shall have the right to vote on all questions coming before the council.

The board of education shall consist of the president of the board, who shall be nominated from the city at large, and four members, nominated from their respective wards, each of whom—including the president—shall have the right to vote on all questions coming before the board.

SEC. 8. To be eligible for the office of mayor, councilman, auditor, attorney, assessor, or police judge a person must be a citizen of the United States, a qualified elector of the city of Pomona, and shall have resided in such city for at least three years next preceding the date of such election.

SEC. 9. To be eligible for the office of president or member of the board of education the person must be a citizen of the United States, of the age of twenty-one years, and shall have resided in the city of Pomona for at least three years next preceding the date of such election.

SEC. 10. The mayor, auditor, attorney, assessor, police judge and president of the board of education shall each hold office for a term of two years from and after the first Monday after their election, and until their successors are elected and

qualified *provided* that the term of office of all said officers elected at the first election under this charter shall be one year and eleven months.

SEC 11. The four councilmen and four members of the board of education shall each hold office for a term of four years from and after the first Monday after their election and until their successors are elected and qualified, *provided*, that the councilmen and members of the board of education first elected under this charter shall, at their first meeting, so classify themselves by lot that two councilmen and two members of the board of education shall hold office for one year and eleven months and two of them for three years and eleven months.

SEC 12. In case any councilman or any member of the board of education shall change his residence from the ward from which he was nominated, his office shall immediately become vacant and shall be filled as directed in this charter, *provided*, however, that in case the boundaries of any ward are changed, no councilman or member of the board of education, whose residence is thereby included within a different ward from that from which he was nominated shall lose his office by reason of such change. And *provided also*, that neither the mayor nor president of the board of education shall forfeit his office by reason of any change of his residence within the city limits.

SEC 13. If a vacancy shall occur in the office of mayor, councilman, auditor, attorney, assessor, or police judge, the council shall appoint a person to fill such vacancy; but such appointee, if a councilman, must be a resident of the ward from which the former councilman was nominated, and such appointee shall hold office, subject to the provisions of the recall, only until the next regular election.

SEC 14. If a vacancy shall occur in the office of president or member of the board of education, the board of education shall appoint a person to fill such vacancy, but such appointee shall hold office, subject to the provisions of the recall, only until the next regular election, and unless such appointee be the president of the board the person appointed must be a resident of the ward from which the former member was nominated.

SEC 15. Officers and employees of the city, before entering upon the discharge of their official duties, shall give and execute to the city such official bonds as may be required by general law, this charter, or by ordinance of the city. All such official bonds must be given by some lawfully authorized and approved surety company, and the city shall pay the premium therefor *provided*, that the premium paid shall not exceed one-half of one per cent per annum, and, *provided further*, that if the council deems the premium charged to be excessive, then in that event the council may accept bonds with approved personal sureties.

SEC 16. Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office, and all bonds must be approved by the council, after first being approved as to form by the city attorney.

The approval of the official bonds must be endorsed thereon and signed by the officers approving the same. All bonds, when approved, shall be filed with the auditor, except the bond of the auditor, which shall be filed with the mayor. All the provisions of any law of this state, relating to official bonds, not inconsistent with this charter, shall be complied with.

The mayor shall execute an official bond to the city in the sum of \$5,000, and each councilman, in the sum of \$2,000; and the council shall fix the amount of bonds and the method of their approval to be required of other officers and employees.

SEC 17. The council may at any time, by ordinance, change the penal sum of any official bond.

SEC 18. Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the constitution of this state, and shall file the same with the city clerk.

SEC 19. The mayor shall receive an annual salary of \$1,200, payable in equal monthly installments.

Each councilman shall receive an annual salary of \$300, payable in equal monthly installments.

Except where such power is herein given to other boards of the city, the council shall fix, by ordinance, the salary of all other officers herein created or hereafter created by ordinance, whose salaries are not herein fixed or otherwise provided for.

SEC 20. The salary of an elective officer may be changed by ordinance of the council, but such ordinance must be adopted at least sixty days previous to an election at which such officer is to be elected, and shall not take effect until the regular time for taking office after such election.

SEC 21. If any member of the council or of any board or commission of the city shall absent himself from the city for more than thirty days consecutively, or if any other officer of the city shall absent himself from his office for more than ten days consecutively, without the consent of the council in every case, his office shall thereupon be declared vacant by the council. The council must not grant leave of absence to any officer, except for the purpose of attending to official business, for a longer period than sixty days; *provided*, that such permit may be renewed if good and sufficient reason exists therefor.

SEC 22. Whoever, being a city officer or being in nomination for or while seeking nomination or appointment for any city office, shall use or promise to use,

whether directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the city or any nomination or increase of salary, upon the condition that his vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or upon any corrupt condition, shall be deemed guilty of a misdemeanor. And every person found guilty of such misdemeanor as aforesaid, shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than one year, or to both said fine and said imprisonment, in the discretion of the court. If the person convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the city.

SEC. 23. No officer or employee of the city shall become a party worker or solicitor in any city election, except in his own behalf. A violation of any of the provisions of this section shall be sufficient cause for his removal from office.

SEC. 24. All officers and members of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpoenas, to compel by subpoena the attendance of witnesses, the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board or commission or to answer any question which any officer, or a majority of such board or commission shall decide to be proper and pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have the power to take the proceedings in that behalf provided by the general laws of this state. The chief of police must, on request of such officer, or of any member of such board or commission, personally serve such subpoena, or detail a police officer or police officers to serve the same.

ARTICLE IV.

THE MAYOR.

SEC. 25. The mayor shall see that all city ordinances are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government, and shall see that all contracts made with the city are faithfully performed.

SEC. 26. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of the temporary absence or disability of both the mayor and vice-president, the council shall elect one of its members to be mayor pro tempore. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

SEC. 27. The mayor shall annually and from time to time give the council information relative to the affairs of the city, and recommend to its consideration such matters as he may deem expedient.

SEC. 28. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control. He shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall, after making written recommendations to the council and receiving its approval, cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any person, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

SEC. 29. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE V.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

SEC. 30. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to five departments, as follows:

1. Department of public works, which department shall be assigned to the mayor.
2. Department of finance and revenue.
3. Department of fire and health.
4. Department of police.
5. Department of public supplies.

SEC. 31. The council shall determine and assign the duties of the several departments, subject to the provisions of the preceding section: shall prescribe the powers and duties of officers and employees, may assign particular officers and employees to one or more of the departments: may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

SEC. 32. The council at its first regular meeting after the election of its members, shall designate by majority vote one councilman to be commissioner of finance and revenue, one to be commissioner of fire and health, one to be commissioner of police, and one to be commissioner of public supplies. If the council is unable to agree, the mayor shall have authority to make such designation. The council may change such designation by ordinance whenever it determines that the public service will be benefited thereby.

SEC. 33. All appointive officers may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more such officers.

SEC. 34. The council shall have power to appoint such other officers and deputies as the needs of the city may require and prescribe the duties pertaining thereto.

SEC. 35. The council shall employ, for a stipulated compensation, a competent public accountant who shall examine, at least once each year, the books, records and reports of all officers and employees who receive or disburse city moneys; and the books, records and reports of such officers and departments as the council may direct, and make duplicate reports thereof, and present one to the mayor, and file one with the city clerk. One of said yearly examinations shall be made just prior to the expiration of the official term of office. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise, all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

SEC. 36. Each department, board and commission shall annually, on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

SEC. 37. The council shall provide for the publication, in pamphlet form or otherwise, of the annual reports of the mayor and of the several departments, boards and commissions.

SEC. 38. No member of the council, except the commissioner of public supplies, who may be the purchasing agent of the city, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys, or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

SEC. 39. No councilman or other city officer shall be interested, directly or indirectly, in any contract to which the city is a party, or made by any officer of the city in behalf of the city. Any violation of this section shall be a misdemeanor, and upon conviction thereof, besides the penalties that may be imposed by a court of competent jurisdiction, the council shall declare the office vacant, and any person convicted of a violation of this section shall be forever disqualified from holding any office under this charter. Nor shall any officer of the city be a surety on any bond given to the city, or to any person for the benefit of the city.

SEC. 40. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

ARTICLE VI.

THE COUNCIL.

SEC. 41. The council shall be the governing body of the municipality. It shall exercise the corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the constitution of the state.

SEC. 42. A majority of the members of the council shall constitute a quorum for the transaction of business at any meeting, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

SEC. 43. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

SEC. 44. The council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

SEC. 45. All legislative sessions of the council, whether regular or special, shall be open to the public.

SEC. 46. The council shall judge of the qualifications of its members and of all election forms and determine contested elections of all city offices. The council shall establish rules for the conduct of its proceedings and punish any member or any other person for disorderly behavior at any meeting and shall cause the city clerk to keep a correct journal of all proceedings, and shall cause the ayes and noes to be taken and entered on the journal on the final action upon the appointment or removal of officers, the granting of franchises, making of contracts, auditing bills, ordering work to be done or supplies furnished, disposing of or leasing city property, the passage of any ordinance, the ordering of assessments for street improvements, or building of sewers, or upon any other act that may involve the payment of money, or the incurring of a debt by the city, and upon the payment of the salaries of the municipal officers; and in all other cases upon the call of any member.

SEC. 47. The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of Pomona as follows:"

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least three members of the council.

SEC. 48. No ordinance for any purpose shall be passed by the council on the day of its introduction, nor within five days thereafter nor at any other than a regular or an adjourned regular meeting.

No resolution or order for the payment of money shall be passed at any other time than at a regular meeting or an adjourned regular meeting.

No resolution or ordinance granting and franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

SEC. 49. All resolutions and ordinances shall be signed by the mayor and attested by the city clerk and before taking effect, all ordinances shall be published at least once in a newspaper published in said city, or posted in at least three public places therein for a period of ten days.

SEC. 50. A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication or posting of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication or posting of an ordinance in the usual way.

SEC. 51. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

ARTICLE VII.

POWERS OF THE CITY AND OF THE COUNCIL.

SEC. 52. Without denial or disparagement of other powers held under the constitution and laws of the state, the city of Pomona shall have the right and power:

1. To purchase, lease or receive such real estate and personal property within and without the limits of said city as may be necessary or proper for municipal purposes, and to operate, lease, control, dispose of and convey the same for the benefit of the city.

2. To erect and maintain buildings for municipal purposes.

3. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind.

4. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading-rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, charitable institutions, jails, houses of correction and farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, and all other public buildings, places, works and institutions.

5. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within or without the city, and to supply therefrom or purchase and supply the city and its inhabitants and also persons, firms and corporations outside the city, with water, gas and electricity.

6. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, cable, electric or other railways, and transportation service of any kind.

7. To sell gas, water, electric current and all products of any public utility operated by the city.

8. To acquire by purchase, condemnation or otherwise, within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility or to provide for and effectuate any other public purpose, and to sell, convey, encumber and dispose of the same for the common benefit.

9. To lease to corporations or individuals for the purpose of maintenance and operation any public utility owned by the city.

10. To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and to do all acts necessary to carry out the purpose of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust be unconditional.

11. To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor, *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

12. To raise money by a special tax, in addition to the annual tax levy provided in Section 119 of this charter. To authorize such special tax, the provisions of Article XXI, relating to the initiative, or of Article XXII, relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding six per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all for any permanent municipal improvement and the money so raised may be expended each year after the same is collected and available.

13. To sue and defend in all courts and places and in all matters and proceedings.

SEC. 53. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the state, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

SEC. 54. As the legislative organ of the city, the council, subject to the provisions and restrictions of this charter, shall have power:

1. To pass ordinances not in conflict with the constitution of this state or of the United States or the provisions of this charter.

2. To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

3. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts, as provided for in this charter, and appoint necessary election officers.

4. To prescribe fines, forfeitures and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed one thousand dollars or one year's imprisonment, or both.

5. To cause persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.

6. To provide for the summary abatement of any nuisance at the expense of the person or persons creating, causing, committing or maintaining such nuisance.

7. To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

8. To establish and maintain a fire alarm and police telegraph or telephone system, and manage and control the same, with the right to use the poles placed in the streets by public utility companies, whether such right has been set forth and reserved in their franchise or not.

9. To regulate or prohibit the manufacture, keeping and use of gasoline, benzine, distillate, powder, dynamite, fireworks and other explosive materials and substances.

10. To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

11. To regulate the use of steam engines, gas engines, steam boilers, and electric motors and other machinery, and to prohibit their use in such localities as in the judgment of the council would endanger public health or safety, and to require the use of safety appliances.

12. To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

13. To regulate the construction of and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in

and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat, or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations.

14. To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires

15. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate the carrying on of manufactories liable to cause fire, to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

16. To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein.

17. To regulate the speed of railroad trains, engines and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates, bells or vaueducts at all such street crossings as the council may deem proper, to require street cars and local trains to be provided with fenders or other appliances for the better protection of the public, to prohibit the making up of railroad trains on any of the streets or street crossings of the city; to regulate the speed with which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

18. To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets and to require their removal.

19. To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds from the sidewalk opposite thereto; and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

20. To require or provide by ordinance for the removal from property, lands or lots all weeds, rubbish or any other material which may endanger or injure neighboring property, or the health, safety or welfare of the residents of the vicinity, and to make the cost thereof a lien and charge upon such lots or lands, and to make provisions for the enforcement of such lien by the sale of such lots or lands, or otherwise.

21. To require by ordinance the owners of real property fronting upon any street, lane, alley or other public place in which there are, or in which it is proposed to be constructed, sewer, water or gas, or other mains or conduits, to connect to the property line of their several premises therewith, or to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected and to make provisions for the enforcement of such lien by the sale of property or otherwise.

22. To regulate, license or prohibit the construction and use of billboards and signs.

23. To regulate and prevent the running at large of dogs, to provide for the destruction of vicious dogs, and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

24. To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large

25. To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in clean and healthful condition.

26. To provide for the care of the sick and the helpless and to make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

27. To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit

the same to be violated in any building or upon any premises owned or controlled by them, to make regulations for the suppression of disagreeable, offensive and injurious noises.

28. To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products, soda water and other drinks, candies and all other confectionery products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

29. To provide for and regulate the inspection of all dairies, and other places where a cow or cows are kept, either within or without the city limits, that offer for sale or sell any of their products in the city; also to provide for the inspection of slaughter houses, vegetable and fruit gardens whose products are sold in the city.

30. To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

31. To regulate the construction, repair and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

32. To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

33. To license for purposes of regulation and revenue all and every kind of business not prohibited by law, ordinance or this charter, to be transacted or carried on in the city; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

34. To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and regulate the charges of such hacks, public carriages, express wagons and other public vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

35. To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed, and to regulate the sale and quality of all oils and gasoline and provide for the testing thereof.

36. To regulate the use, distribution, quality, pressure and sale of water, gas, electric lights and power and other light and power within the city, and to fix and determine the price thereof; and to provide for the inspection and connection of all matters used in the measurements of said commodities.

37. To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements, to prevent and prohibit all descriptions of gambling and fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance and the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

38. To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights and all offensive, immoral, indecent and disorderly conduct and practices in the city.

39. To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

40. To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

41. To fix the fees and charges for all official services not otherwise provided for in this charter.

42. To provide for the lease of any lands or other property now or hereafter owned by the city, but all leases shall be made at public auction to the highest responsible bidder at the highest monthly rent, after publication of notice thereof for at least one week, stating explicitly the time and conditions of the proposed lease; *provided*, that the council may in its discretion reject any and all bids.

43. To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

44. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

45. To provide for the execution of all trusts confided to the city.

46. To provide by ordinance for the planting, maintenance, or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom; and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

47. To build and repair bridges; to establish lay out, alter, keep open, close, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city; to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish or change the grades thereon; to grade, pave, macadamize, gravel and curb the same, in whole or in part, and to construct

gutters, culverts, sidewalks and crosswalks thereon or on any part thereof; to cause to be planted, set out and cultivated, shade trees therein; and generally, to manage and control all such highways and places, and in the exercise of the powers herein granted, to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement.

48. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in Articles XXI and XXII.

49. To construct, establish and maintain mains and sewers

50. To prohibit the diversion or drainage into a public sewer of any refuse or waste material from gas works, chemical works or refineries or other sources destructive to the use of sewer pipe or conduit, and to prohibit the diversion or drainage into any public sewer of any matter that will render the sewerage unfit for irrigation

51. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system and in case of default on the part of such owners to cause such work to be done and the cost thereof to be made a lien against such property.

52. To form, out of any territory within said city, storm water districts, and provide that the real estate in each district so formed be assessed to pay the expenses of constructing storm drains and acquiring rights of way therefor, for the purpose of diverting, conducting and caring for storm water and protecting property therein from injury therefrom, *provided* no such district shall be formed if a protest, signed by the owners of two thirds in assessed value of all the real property in such proposed district as it appears on the assessment roll as assessed for city purposes, be filed before the final passage of the resolution or ordinance providing for the formation thereof.

53. To provide for the lighting of the streets, alleys, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

54. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplies to the city or to the inhabitants thereof, and to prescribe the quality of the service.

55. To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them

56. To require every railroad to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the tracks occupied by the company, and to sprinkle the same

57. To permit the laying down of spur or side tracks and running cars thereon for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks not to be used as a main line or a part thereof, and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

58. To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, alleys, highways and public places in the city

59. To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets, alleys and public places, and to require the filing of charts and maps of such pipes and conduits.

60. To establish and maintain a general employment bureau or agency.

61. To establish when deemed advisable a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

62. To establish when deemed advisable a civic art commission, a park commission, a playground commission and a commission of public charities and such other

commissions as may be deemed advisable, and to appoint commissioners on said commissions, to serve without compensation, with such powers and duties as may be fixed by the council.

63. To provide by ordinance a fund from which the expenses of all necessary matters of public entertainment and advertisement shall be met

64. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

65. To exercise such other powers as are now or may be hereafter granted by the legislature to the municipalities within the state, unless the exercise of such power is contrary to the provisions of this charter; to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not; and to enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or of any of the provisions of this charter.

66. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

67. In the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this state where applicable and where not inconsistent with any express provision of this charter shall prevail and shall be followed.

ARTICLE VIII.

CITY AUDITOR AND EX OFFICIO CITY CLERK.

SEC. 55. The city auditor shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all of the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and shall prescribe the method of keeping the books and accounts of the city subject to the approval of the council.

He shall keep a complete set of books, in which he shall set forth in a plain and business-like manner every money transaction of the city, so as to show at all times the state of each fund, from what source the money was derived, and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

He shall, on application of any person indebted to the city holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated, and forthwith notify the city treasurer of such apportionment or appropriation. He shall make out, sign and deliver to the proper officer all licenses other than building permits.

He shall report to the council at the regular meeting of each month, and oftener if required by the council, the condition of each fund in the city treasury and also the receipts and disbursements.

He shall make and present a report to the council at the meeting in the second week of July of each year, showing all financial business transactions of the city for the preceding year ending the 30th day of June last.

He shall audit and approve all demands against the city before payment and keep a complete record of the same.

He shall, on or before the first day of August in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1), the revenue from other sources than taxation, (2) the itemized expenditures, (3), the itemized amounts necessary to be raised by taxation for each fund.

He shall extend the tax roll and charge the total amount of the taxes to the tax collector, delivering the roll to him not later than September 15th of each year.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

CITY CLERK.

SEC. 56. The city auditor shall be ex officio city clerk and as such city clerk shall have the custody of, and be responsible for, all books, papers, records and archives belonging to the city, not in actual use by other officers, or elsewhere by special provision committed to their custody.

He shall be present at each meeting of the council, and keep a record of its proceedings.

He shall keep separate books in which respectively he shall record all ordinances and contracts and official bonds.

He shall keep all the books properly indexed, and open to public inspection when not in actual use.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

ARTICLE IX.

CITY ATTORNEY.

SEC. 57. It shall be the duty of the city attorney to prosecute on behalf of the city all criminal cases arising upon violations of the provisions of this charter and city ordinances, and to attend to all suits, matters and things in which the city may be legally interested: *provided*, the council shall have control of all litigation of the city and may employ other attorneys to take charge of any such litigation, or to assist the city attorney therein.

He shall give his advice or opinion in writing, whenever required by the mayor or council, and shall do and perform all such things touching his office as may be required of him by the council.

He shall approve, by endorsement in writing, the form of all official or other bonds required by this charter, or by ordinance of the council, before the same are submitted to the council for final approval, and no such bonds shall be approved by the council without such approval by the city attorney.

He shall approve by endorsement in writing the form of all ordinances, resolutions and the drafts of all contracts before the same are entered into on behalf of the city.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

ARTICLE X.

CITY ASSESSOR AND EX OFFICIO TAX COLLECTOR AND TREASURER.

SEC. 58. It shall be the duty of the city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such a time as may be prescribed by ordinance of said city, either now in force or which may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at twelve o'clock meridian on the first Monday of March next preceding.

Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as shall be provided for by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at twelve o'clock meridian on the first Monday of March next preceding.

It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes, and he shall immediately deposit the taxes so collected with the city treasurer, together with the auditor's certificate therefor.

He shall make up the tax roll showing the valuation of all taxable property and the total thereof and deliver the same to the auditor not later than August 1st of each year.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

CITY TAX COLLECTOR.

SEC. 59. The assessor shall be ex officio city tax collector, and as such tax collector he shall receive and collect all city taxes, general and special, and other branches of the city's revenue not otherwise provided for by this charter or by ordinance.

He shall keep proper books, showing all moneys collected by him as tax collector; he shall also keep a book which shall contain a record of every deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which said book shall be properly indexed and shall be at all suitable times subject to public inspection.

He shall make daily deposits with the city treasurer of all moneys received by him in his capacity as tax collector, together with the proper certificate of the auditor.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

CITY TREASURER.

SEC. 60. The city assessor shall also be ex officio city treasurer, and as such city treasurer he shall receive and keep all moneys that shall come to the city by taxation or otherwise, and to pay the same out on demands legally audited in the manner hereinafter provided; and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt when payable.

He shall receive no money into the city treasury unless accompanied by the certificate of the city auditor provided for in Section 55 hereof.

He shall issue receipts in duplicate to all persons paying money into the treasury.

He shall make a report at the close of each business day to the auditor, showing all moneys received during the day, together with the number of each receipt given by him therefor, and what account and from whom received and to what fund applied.

He shall, on or before the seventh day of each month, make out and present to the council a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the council.

He shall perform such other duties as shall be required of him by this charter or by ordinance.

SEC. 61. The mayor, city attorney, city auditor, the commissioner of finance and revenue, or any special committee appointed by the council, separately or collectively, and with the aid of an accountant selected by such officer or committee, shall have the right and power to examine the books of the treasurer at all times; and the mayor, auditor, or commissioner of finance and revenue shall also have the right to inspect and count all public moneys under the treasurer's control, or on deposit elsewhere.

ARTICLE XI.

POLICE JUDGE.

SEC. 62. The judicial power of the city shall be vested in a police court, consisting of one police judge. Said police court shall have jurisdiction concurrently with the justice's court of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture, prescribed for the breach of any city ordinance, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violations of any ordinance. In all civil actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dollars, the trial must be by the court, in civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of the city is over fifty dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by laws for justices' courts in like cases, and appeals may be taken to the superior court of the county in which the city is situated, from all judgments of said police court in like manner and with a like effect as in cases of appeals from justices' courts.

SEC. 63. The police judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations, and take and certify acknowledgments. He shall be entitled to charge and receive for his services such fees as are or may be allowed by law to justices of the peace for like services, except that for his services in criminal prosecution for violation of ordinances he shall be entitled to receive only such monthly salary as the council shall by ordinance prescribe.

SEC. 64. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call in a justice of the peace residing in the city, to act in his place and stead; or if there be no justice of the peace residing in the city, or if all those so residing are likewise disqualified, then he may call in any justice of the peace residing in the county in which the city is situated.

ARTICLE XII.

POLICE, FIRE AND HEALTH DEPARTMENTS

SEC. 65. The police department of the city of Pomona shall consist of a chief of police and such officers and policemen as shall, from time to time, be fixed and determined by the council.

SEC. 66. The chief of police shall enforce the execution of all the laws and ordinances within the jurisdiction of the city; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against the law or public authorities in the lawful exercise of their functions, he shall have the powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the city of Pomona, and every citizen shall also lend aid when required for the arrest of offenders in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by the police court or judge or other legal authority of said city. Unless otherwise provided by ordinance, he shall receive from the auditor all licenses, collect the same and make weekly deposits with the treasurer together with the auditor's certificate of all funds of the city collected by him. He shall, at the end of each month, file with the auditor a statement of the money so collected and an affidavit stating that the money so paid is all the funds that he has collected or received during the preceding month. He shall have charge of the city prison and prisoners and of any chain gang which may be established by the council. He shall devote his entire time to the discharge of the duties of his office, and subject to the

commissioner of police and such rules and regulations as the council may prescribe, shall have control of the police force. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city or by law or the provisions of this charter.

SEC. 67. The council, subject to the provisions of this charter shall have power to organize the police department and make all necessary rules and regulations for its efficient administration, ordain penalties for violation thereof, establish the number of its members and the amount of their salaries, including that of the chief of police, and do all other acts necessary to the efficient equipment and operation of the police department of the city.

FIRE DEPARTMENT.

SEC. 68. The fire department of the city of Pomona shall consist of a chief and such number of officers and men of the department as the council shall, from time to time, fix and determine.

SEC. 69. The chief of the fire department shall, subject to the commissioner of fire and health and such rules and regulations as the council may prescribe, have entire control of the department. He shall have power to suspend or remove, subject to the approval of the commissioner of fire and health, any member of the fire department for disobedience of any lawful order, for the violation of rules and regulations of the department, and for neglect of duty or for conduct unbecoming a member of the force. He shall be charged with the especial duty of superintending the extinguishment of fires that endanger the municipality or destroy its property and he shall take measures to guard and protect all property imperiled thereby. In addition to the duties in this charter specified, he shall discharge all duties required of him by the ordinances of the city.

SEC. 70. The council, subject to the provisions of this charter, shall have power to organize the fire department and change the same, make all necessary rules and regulations for its efficient administration, ordain penalties for violations thereof, establish the number of its members and the amount of their salaries, including that of the chief of the fire department, and do all other acts necessary to the efficient equipment and operation of the fire department of the city.

HEALTH DEPARTMENT.

SEC. 71. The council shall appoint a competent person who shall be a licensed physician, to be health officer, who shall, subject to the commissioner of fire and health, have such powers and perform such duties as are granted or imposed by the general laws of the State or by ordinance, including the powers of a police officer in matters pertaining to his office.

SEC. 72. The city engineer, superintendent of streets, park superintendent and building inspector, subject to the mayor as commissioner of public works, shall perform such duties as the council may prescribe by ordinance.

ARTICLE XIII.

BOARD OF EDUCATION.

SEC. 73. The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the State, and is hereby vested with all the powers and charged with all the duties provided by this charter and by the general laws of the State for city boards of education.

SEC. 74. The board of education shall appoint a secretary, who may or may not be one of their own number, and shall prescribe the duties and fix the salary of such secretary.

SEC. 75. The board of education shall meet at such times and at such places as may be designated by resolution of said board. The board shall provide the manner in which special meetings shall be called.

SEC. 76. Three members of the board shall constitute a quorum, and the affirmative votes of three members shall be necessary to pass any measure, but a less number than three may adjourn from day to day and compel the attendance of absent members in such manner as the board may prescribe.

SEC. 77. The board of education may determine the rules of its proceedings, but all meetings of the board shall be public.

SEC. 78. The board of education shall appoint a superintendent of schools and fix his compensation.

SEC. 79. The superintendent of schools shall be the executive officer of the board of education and he shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of the principals and teachers shall be given through him. He must examine all plans for the construction or reconstruction of school buildings and report in writing to the board any objections he may find thereto. He shall have supervision of the course of instruction and of the discipline and conduct of the schools.

SEC. 80. The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools.

SEC. 81 The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

SEC. 82 The board of education shall, at the end of each quarter, file with the auditor an itemized report and the council may in its discretion provide for the publication of such reports, together with other reports of the city officials and boards.

SEC. 83 The board of education shall annually file with the council a duplicate copy of its report to the county superintendent of schools which shall give a careful estimate of the whole amount of money to be received from the state and county for the support of the public schools in the city, together with a careful estimate of the amounts, specifying in detail the objects thereof, required for the adequate support of all departments of the public school system for the ensuing year in addition to the state and county funds.

ARTICLE XIV.

PUBLIC LIBRARY.

SEC. 84 The public library and reading room, known as the Pomona public library, is hereby continued in existence and shall be under the management of a board of five trustees, who shall be appointed by the council. The first board of trustees under this charter shall, at their first meeting, so classify themselves by lot that three of their number shall go out of office at the expiration of two years and two at the expiration of four years, otherwise their term of office shall be for four years. They shall organize by electing one of their number president and some suitable person as secretary, who shall act and hold office at the pleasure of the board.

SEC. 85 The position of trustee shall be one of honorary trust without salary, or compensation, and all appointments made by them shall be without regard to politics, and irrespective of sex. Said library trustees shall not be less than twenty-five years of age, and must have been residents of said city at least one year prior to their appointment.

SEC. 86 The board shall meet at least once each month and a majority shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. It shall elect a librarian and such assistants and employees as may be necessary. The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings.

SEC. 87 The board shall have power:

First To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said library and all property belonging thereto, or that may be loaned thereto.

Second To administer any trust declared or created for such library and reading-room.

Third To define the powers and prescribe the duties of all officers; determine the number of, and elect all necessary subordinate officers and assistants, and at their pleasure remove any such officer, or assistants.

Fourth To purchase necessary books, journals, publications and other personal property, and dispose of the same when deemed advisable.

Fifth To fix salaries of the librarian and assistants, and other employees; to rent and equip such building or buildings, room, or rooms as may be necessary for such library and reading-room.

Sixth To allow non-residents to borrow books upon such conditions as the board may prescribe.

Seventh To provide memorial tablets and niches or other means to perpetuate the memory of any person who makes donations or bequests to public library.

Eighth To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading-room.

SEC. 88 Said board, on or before the third Monday of July of each year, shall make a report to the council giving the condition of the library, with full statement of all property and money received, when derived, how used and expended, the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the next preceding fiscal year, the number lost or missing, the number and character of those loaned, and such other statistics, information and suggestions as may be of general interest and also a financial report showing all receipts and disbursements, with particulars thereof, and the names of all employees and the salaries paid to each.

ARTICLE XV.

ALCOHOLIC LIQUORS

SEC. 89 No person either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Pomona, any tippling-house, dram-shop, cellar, saloon bar, bar-room, sample-room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away; provided, that this section shall not apply to hotels containing not less than ninety bona fide bedrooms furnishing vinous or malt liquors to guests or customers in connection with and as a part of a regular meal under such restrictions and regulations

as may be adopted by the council; *and provided further*, that this section shall not apply to the sale of such liquors by regular licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses.

SEC. 90. Any person violating Section 89 of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment in the discretion of the court in which such conviction is had.

ARTICLE XVI.

ELECTIONS.

SEC. 91. Elections to be held in said city for the purpose of electing the officers thereof and for all other purposes are of three kinds

1. Primary nominating elections.
2. General municipal elections.
3. Special elections.

SEC. 92. General municipal elections shall be held in said city on the first Monday of May, 1911, on the first Monday of April, 1913 and on the first Monday of April every two years thereafter, at which shall be elected the elective officers provided for by this charter, who shall take office on the Monday next succeeding the day of such election.

SEC. 93. Special elections shall be held for such purposes and at such times as the council may determine, or at such times as are elsewhere provided in this charter except that no special election shall be held less than fifteen days after the passage of an ordinance calling the same. All special elections shall be held and conducted, except as to the date thereof, and the result thereof be made known and declared in the same manner as herein provided for other elections.

SEC. 94. The provisions of the general law of the state governing municipal elections, where the same are held separate from the general state elections, are hereby adopted as the law governing city elections, and the provisions of the general laws of the state governing elections for state and county officers shall govern city elections in matters for which no provision is made in this charter, and the council and the city clerk respectively shall exercise the powers and perform the duties conferred on, or imposed by, such laws on boards of supervisors and county clerks concerning elections; *provided*, that where this charter makes provision relating to any matters contained in such general laws, the said charter provisions shall govern.

SEC. 95. All candidates for city offices shall be nominated in the manner provided in Section 1188 of the Political Code of the State of California and succeeding sections relating to independent nominations, as now in force, except as hereinafter otherwise prescribed, *provided, however*, that nominating certificates for councilmen and members of the board of education shall be signed by at least twenty-five qualified electors of the ward from and by which the nomination is made and that all other nominating certificates shall be signed by at least fifty qualified electors of the city; *and provided further*, that all nominating certificates shall be filed with the city clerk not more than sixty days nor less than forty days before the day of the general municipal election; but nominating certificates for candidates to be voted on at the first general municipal election held under this charter may be filed at any time prior to fifteen days before the day of election, and the provisions of this charter relating to primary elections shall not be applicable to the said first general municipal election.

When candidates for any office are nominated as specified in accordance with the provisions of Section 1188 of the Political Code of the State of California, it is hereby provided and directed that no party name or designation shall appear on the certificate or ballots and that the names of the candidates for each office shall be arranged alphabetically on said ballot.

SEC. 96. If a petition signed by qualified electors of the city equal in number to twenty per cent of the total number of qualified electors at the last preceding general municipal election shall be filed with the city clerk not less than thirty days nor more than forty days prior to the date of any general municipal election, requesting the council to call a primary nominating election, the council shall, after receiving the certificate of the clerk to the effect that the petition has been signed by the requisite number of qualified electors, call such primary election, and the candidates to be voted for at the general municipal election shall be nominated at such primary nominating election, and no name shall be printed upon the ballot for such general election other than those selected in the manner hereinafter prescribed.

SEC. 97. Such primary election shall be held on the second Monday preceding the general municipal election. The officers of election appointed for the general municipal election shall be the officers of the primary election and it shall be held at the same places so far as possible and the polls shall be opened and closed at the same hours. The names of all candidates nominated in accordance with the provisions of Section 95, but no others shall be printed upon the ballots to be used at such primary election.

SEC. 98. At least seven days prior to the date of said primary election the city clerk shall cause to be published for three consecutive days, in at least two daily newspapers published in the city, or posted if so directed by the council for three days in three public places in the city, the names of all the persons so nominated and the offices for which the several candidates were respectively nominated as they will appear upon the primary ballots.

SEC. 99. The clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption

"PRIMARY NOMINATING ELECTION.

CITY OF POMONA (inserting date thereof).

"To vote, stamp a cross opposite the name of the candidate voted for, except that when the name of the candidate is written in by a voter the cross shall not be made."

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in this charter.

SEC. 100. The names of the candidates for each office shall be arranged on the ballot of the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate.

SEC. 101. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote, and in such case a cross shall not be stamped opposite such written name.

SEC. 102. Any candidate to fill a vacancy and to serve the remainder of an unexpired term shall be designated on the ballot as a candidate to fill a vacancy.

SEC. 103. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballot to be used at the general municipal election; provided, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates and the only candidates for such offices whose names shall be printed upon the ballot to be used at such general election.

SEC. 104. The ballot at such general election shall be in the same form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

SEC. 105. The conduct and carrying on of all city elections shall be under the control of the city council, and the council shall, by ordinance, provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections, and change and alter such precincts and re-district the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of state and county officers at the last general election preceding the city election.

SEC. 106. At each city election each of the election officers shall receive such compensation for his services as the council shall fix, but not to exceed the sum of five dollars.

SEC. 107. The board of trustees of the city of Pomona, in office at the time this charter is approved by the legislature, shall provide for the holding of the first general municipal election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election, the amounts of such bonds and the provisions relating thereto to be as herein provided.

SEC. 108. If for any reason, the first general municipal election is not held on the day herein provided for, the validity of this charter and of such election is not affected thereby, and the board of trustees of the city of Pomona then in office must provide for the holding of said election as soon as possible thereafter.

SEC. 109. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine or in any manner interfere with the same until canvassed by the council. After having been canvassed they shall be sealed up by the city clerk for six months and no person shall have access to them, except on the order of a court of general jurisdiction.

SEC. 110. On the first Monday after the election and at their usual time and place of meeting, the council shall meet and canvass the returns and declare the result.

SEC. 111. After the result of an election is declared or when an appointment is made, the city clerk under his hand and official seal shall issue a certificate thereof and serve the same personally or by depositing such certificate with the postage prepaid, in the United States post office in Pomona, addressed to the person elected or appointed, and such person, must, within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

ARTICLE XVII.

FINANCE AND TAXATION.

SEC. 112. The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

SEC. 113. The council shall, by ordinance, provide a system for the assessment, levy and collection of all city taxes not inconsistent with the provisions of this charter.

SEC. 114. The council shall have power to avail itself by ordinance of any law of the State of California now or hereafter in force and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city of Pomona is situated and taxes collected by the tax collector of said county for and on behalf of the city of Pomona. Other provisions of this charter concerning the assessment, levy and collection of taxes shall be subject to the provisions of any such ordinance while the same shall be in force.

SEC. 115. On or before the first Monday in April in each year or on such date in each year as shall be fixed by the council, the heads of departments, offices, boards and commissions shall send to the auditor a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

SEC. 116. The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission, as the council may deem advisable.

SEC. 117. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day for a period of ten days. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

SEC. 118. The council must finally adopt, not later than the first Tuesday in September, an ordinance or resolution levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. They shall then deliver the assessment roll to the auditor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor as being the assessment roll of said tax.

SEC. 119. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city.

SEC. 120. The council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and to provide for the establishment and support of public parks, playgrounds and free public libraries and reading rooms.

SEC. 121. All taxes assessed, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right of redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes; and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

SEC. 122. Money shall be drawn from the city treasury only upon warrants as herein authorized. Every demand against the city from whatever source, including the public library, when allowed by the council or proper board, shall be signed by the president and secretary or clerk of such body, and a warrant, numbered and dated the same as the demand issued and signed by the same officers, and both must, before it can be paid, be presented to the auditor, who shall satisfy himself whether the money is legally due and its payment authorized by law. If he allows it, he shall endorse upon the warrant the word "allowed," and the date of such allowance, and

sign his name thereto. No demand shall be approved, allowed, audited or paid unless it specify each special item, and the date thereof.

SEC. 123. Warrants payable on demand shall be drawn upon the treasurer, or against any funds in his hands, only when at the time of drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

SEC. 124. The council shall prescribe uniform forms of accounts which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an Act shall be passed by the state legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE XVIII.

CONTRACTS.

SEC. 125. The city of Pomona shall not be and is not bound by any contract (except such a contract as is now or may be hereafter authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the council shall have first caused notice to be published for not less than five days in a daily newspaper or posted for five days in three public places in the city, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance satisfactory to the council; *provided*, that any such contract shall not be made or be binding on the city unless first authorized by resolution passed by the council; that any such contract shall be made in writing, the draft thereof approved by the council and the same ordered to be, and be signed on behalf of the city by the mayor or some other person authorized thereto by resolution; and that the approval as to form of such contract by the city attorney shall be endorsed on the draft thereof before the council shall have power to approve the same; *provided further*, that the council may, by resolution, authorize any officer, committee or agent of the city to bind the city for the payment of a sum of money, not exceeding \$250, without a contract in writing and without any previous publication or posting of notice inviting proposals.

SEC. 126. When proposals for performing any public work or furnishing materials are invited, the council may reject any and all bids if deemed advisable and ask for new bids or provide for the work to be done by the department of public works; and in case no bid is received the council may provide for the work to be done by the department of public works.

No contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officers, department or board.

It shall be the duty of the city attorney to see that all bonds relating to any such contract and required by resolution, ordinance, this charter or the general laws of the state are properly drawn, executed and delivered.

SEC. 127. The commissioner of public supplies shall be the city purchasing agent, until otherwise provided by the council, with such powers and duties as shall be prescribed by the council. The council may provide that all or any designated portion of the purchases and contracts under the jurisdiction of the council shall be made by said purchasing agent under rules to be provided therefor; and with the consent of other boards herein given the power to make purchases and contracts, the council may provide that all or a portion of such purchases and contracts may be made by said agent under similar or different rules. The council may provide that the purchasing agent may make all or any portion of the purchases of the city in the open market at the best prices obtainable and to the best advantage of the city, without advertising for bids.

ARTICLE XIX.

STREETS AND SEWERS.

SEC. 128. Except as provided herein and unless otherwise provided by ordinance, the general law of the State of California relative to the improvement of, and work upon streets, lanes, alleys, courts, places and sidewalks, including the construction of sewers and providing for the laying out, opening, extending, widening, straightening or closing up in whole or in part of any street, square, lane, alley, court or place within municipalities, and to condemn and acquire any and all land and property necessary and convenient for that purpose; and for providing a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and to provide for the payment of such bonds; and providing for the planting, maintenance and care of shade trees upon streets, lanes, alleys, courts and places within municipalities, and of hedges upon the lines thereof, and for the eradication of weeds within city limits, now in force, or which may hereafter be adopted by the legislature of this state is hereby made a part of this charter, and shall govern the council in such matters.

ARTICLE XX.

FRANCHISES.

SEC. 129. The council shall have power to designate the terms, conditions and duration of all franchises, subject to the general laws of the state and the provisions of this charter relating thereto; *provided*, that no exclusive franchise shall ever be granted.

SEC. 130. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodations of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

SEC. 131. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

SEC. 132. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation, exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway as lies between the railway track, and between the lines of double track, and for a space of two feet of said tracks.

SEC. 133. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, the city, at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city, without any compensation to the grantee.

SEC. 134. Every ordinance granting any franchise may further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in payment thereunder, and without the execution of any instrument or conveyance. Or in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted, become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

ARTICLE XXI.

INITIATIVE.

SEC. 135. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city, equal in number to the percentages herein-after contained: *provided*, notice of the intention to circulate such a petition, together with a copy of the proposed ordinance and a statement in not more than two hundred words, giving the proponents' reasons for the adoption of such ordinance, shall be filed with the city clerk at least five days before such petition is circulated. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed, and that notice of the intention to circulate said petition was filed with the city clerk at least five days prior to the time any signature was appended to said petition. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be

insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay.

SEC 136 If the petition accompanying the proposed ordinance is signed by qualified electors of the city, equal in number to fifteen per cent of the total number of registered electors at the last preceding general municipal election and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either.

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendum vote under the provisions of Article XXII of this charter), or

(b) Within twenty-five days after the clerk shall have attached to the petition his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

SEC. 137. If the petition be signed by qualified electors of the city, equal in number to at least five per cent of the total number of registered electors at the last preceding general municipal election, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance without alteration shall be submitted by the council to the vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

SEC. 138 Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance or proposition to be printed, and it shall be the duty of the clerk to enclose a printed copy thereof, together with a statement in not more than two hundred words, giving the proponents' (or opponents' in case of a referendum election) reasons for the adoption (or rejection) of such ordinance, and the statement—if any, in not more than two hundred words made by the council, giving the reasons why such proposed ordinance should not be (or should be) adopted, in an envelope with a sample ballot, and mail the same to each voter at least three days prior to the election, or the council may order such ordinance or proposition, together with the reasons for and against the adoption of the same, to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots.

SEC 139. The ballots used for voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall state the general nature of the proposed ordinance and shall contain the words, "For the ordinance" and "Against the ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, said ordinance shall take effect five days after the declaration of the official canvass, which canvass shall be made within seven days after the day of election.

SEC 140. Any number of proposed ordinances under the initiative and any number of ordinances under the referendum may be voted upon at the same election in accordance with the provisions of this article.

SEC 141. There shall not be held under this article of the charter more than one special election in any period of one year, unless the petitioners shall first file with the city auditor a certified check for an amount equal to the total cost of the last preceding general municipal election, for the purpose of defraying the expenses of said special election, and after said expenses are paid and deducted, the balance, if any, shall be returned to the petitioners.

SEC 142. A substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder, and the approval or rejection of any measure submitted thereat, and the council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXII.

REFERENDUM

SEC 143 No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, except when otherwise required by the general laws of the state or by the provisions of this charter, respecting street improvements and except an ordinance making the annual tax levy and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a four-fifths vote of the council, *provided*, that no grant of any franchise shall be construed to be an urgency measure but all franchises shall be subject to the referendum vote herein provided. If during said thirty days a petition signed by qualified electors of the city equal in number to at least twenty per cent of the total number of registered voters at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance as is pro-

vided in Article XXI of this charter, to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose and such ordinance shall not go into effect or become operative unless a majority of qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of Section 135, except as to the percentage of signers and shall be examined and certified by the clerk in all respects as is therein provided, and notice of the intention to circulate such petition, together with a statement, in not more than two hundred words, giving the opponents' reasons for the rejection of such ordinance, shall be filed with the clerk at least five days before such petition is circulated.

SEC. 144. Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances or measures submitted on petition. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinance or measures herein provided for, if said other questions are such as may legally be submitted at such election. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

SEC. 145. There shall not be held under this article of the charter more than one special election in any period of one year unless there shall be first filed with the city auditor a certified check for an amount equal to the total cost of the last preceding general municipal election, for the purpose of defraying the expenses of said special election; and after said expenses are paid and deducted, the balance, if any, shall be returned to the person or persons who filed said check.

SEC. 146. Sections 138, 139 and 142 of this charter applying to the initiative shall govern elections held under the authority of this article so far as applicable.

SEC. 147. The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE XXIII.

RECALL

SEC. 148. Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by recall by the voters of the city. The procedure to effect such removal from office shall be as follows: A petition, signed by qualified electors of the city equal in number to at least twenty per cent of the total number of registered electors at the last preceding general municipal election, demanding an election of a successor to the person sought to be removed shall be filed with the city clerk; *provided*, that at least five days before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by, or on behalf of the person or persons proposing such recall, shall be filed with the city clerk who shall at once deliver one of said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain a statement of the intention to circulate a petition for the recall of said officer, a statement of not more than two hundred words, giving the grounds for such recall and the address of the party making the affidavit. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number, and one of the signers of each such paper shall make oath, before an officer authorized to administer oaths, that the statements therein made are true and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed, and that said affidavit was filed with the city clerk as hereinbefore prescribed. Within ten days from the date of filing such petition the city clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors; and if necessary, the council shall allow him extra help for that purpose and he shall attach to said petition his certificate showing the result of said examination. If by the clerk's certificate the petition is shown to be insufficient it may be amended within ten days from the date of said certificate. The clerk shall within ten days after such amendment make like examination of the amended petition and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall order and fix a day for the holding of said election, not less than thirty nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

SEC. 149. The city council shall make, or cause to be made, all arrangements for the holding of such election and the same shall be conducted, returned and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot

without nomination. Other candidates may be nominated as provided in Section 95; *provided, however*, that nomination certificates may be filed at any time prior to fifteen days before the day of election.

SEC. 150. Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition, and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office.

SEC. 151. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the party who receives the highest number of votes shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

SEC. 152. No recall petition shall be filed against any elective officer until he has actually held his office for at least six months, and no second or subsequent recall petition shall be filed against the same officer for a period of six months from the time of the last recall election relating to said officer nor at any subsequent time during his term of office, unless the petitioners for such second or subsequent recall election shall first deposit with the auditor a certified check for an amount equal to the total cost of the last recall election for the purpose of defraying the expenses of the recall election petitioned for, if at the election said officer is recalled, said check shall be returned to the petitioners, but if said officer is not recalled, said check shall be cashed and turned into the general fund of the city.

SEC. 153. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this section.

ARTICLE XXIV.

MISCELLANEOUS.

SEC. 154. For the purpose of nominating candidates and electing officers in accordance with this charter, this charter shall take effect from the time of the approval of the same by the Legislature; for all other purposes it shall take effect on the second Monday of May, 1911.

SEC. 155. The members of the board of trustees, city clerk, city attorney, city assessor, city treasurer, city recorder and members of the board of education in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, auditor, attorney, assessor, police judge and president and members of the board of education, respectively, first elected under this charter; the term of each and of all the other officers in office at the time this charter shall take effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

SEC. 156. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

SEC. 157. The violation of any provision of this charter or of any ordinance of the city shall be deemed a misdemeanor, and may be prosecuted by the authorities of the city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of a provision of this charter or of any ordinance may be imprisoned in the city jail, or, if the council or ordinance shall so prescribe, in the county jail of the county in which the city of Pomona is situated, in which case the expense of such imprisonment shall be a charge in favor of such county against the city of Pomona.

CERTIFICATE.

WHEREAS, The city of Pomona, a city containing a population of more than three thousand five hundred inhabitants, on the third day of November, nineteen hundred and ten, at a special election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect the undersigned a board of fifteen freeholders to prepare and propose a charter for said city,

BE IT KNOWN, That in pursuance of said provision of the Constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Pomona, and that in submitting and proposing such charter the board of freeholders, pursuant to said provision of the constitution, also presents with said charter for the choice of the voters, and to be voted on separately, without prejudice to the other provisions contained in the charter, an alternative proposition hereinafter stated, which shall, if approved by a majority of the voters voting thereon, take the place of Section 89 of Article XV of the proposed charter.

Said alternative proposition shall be submitted to the voters for their approval or rejection at the same election at which the charter shall be submitted and upon the ballots shall be printed: "Shall the alternative proposition, providing that there

shall be no sale of alcoholic liquors in the city of Pomona, except by druggists under proper restrictions, take the place of Section 89 of Article XV?"

Said alternative proposition is as follows:

ALTERNATIVE PROPOSITION.

ARTICLE XV.

ALCOHOLIC LIQUORS.

SEC. 89. No person, either as principal, agent, servant or employee, shall open, establish, keep, maintain or carry on within the corporate limits of Pomona, any tippling-house, dramshop, cellar, saloon, bar, bar-room, sample-room or other place where spirituous, vinous, malt or other alcoholic liquors, are sold or given away, *provided*, that this section shall not apply to the sale of such liquors by regularly licensed druggists upon the written prescription of a practicing physician regularly licensed to practice his profession in the State of California, nor to the sale by such druggists of alcohol for mechanical or scientific uses, under such restrictions and regulations as may be fixed by the council.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate this thirty-first day of December, one thousand nine hundred and ten

(Signed) FRED J. SMITH, President.

(Signed) A. B. AVIS

(Signed) FRANK W. BALFOUR.

(Signed) J. F. EVANS.

(Signed) W. T. FLEMING.

(Signed) R. B. HOFFMAN.

(Signed) CLARENCE H. LEE

(Signed) J. F. LOBINGIER

(Signed) LEE R. MATTHEWS

(Signed) J. E. MCCOMAS.

(Signed) N. W. MILLER.

(Signed) H. J. NICHOLS.

(Signed) F. H. OSLER.

(Signed) G. A. PHILLIPS.

(Signed) RUSSELL K. PITZER, Secretary

Filed January 3d, 1911, at 10 A. M. with Frank P. Firey, president of the board of trustees of the city of Pomona.

STATE OF CALIFORNIA,)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA

I, Frank P. Firey, president of the board of trustees of the city of Pomona, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 3d day of November, 1910, at a special municipal election held in said city of Pomona on said day, duly elected by the qualified electors of said city, to prepare and propose a charter for said city; that each of said freeholders has been a qualified elector and freeholder in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election as required by Section 8 of Article XI of the constitution of the State of California; that said proposed charter was then published in The Pomona Progress and in the Pomona Daily Review, which then were daily newspapers of general circulation in the said city, and that publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter, that within thirty (30) days after the publication of said charter, as required in said Section 8 of Article XI of the Constitution of the State of California, to wit on the 16th day of February, 1911, said charter was submitted at a special election duly called and held in the city of Pomona, for the purpose of ratifying or rejecting said proposed charter and the alternative proposition submitted therewith; that by a majority of the votes of the qualified electors voting at said election, said proposed charter was ratified as a whole, excepting that the alternative proposition therein contained being separately voted on, was ratified by a majority of such votes and was thereafter chosen and substituted for Section 89 of Article 15 of said proposed charter; that the returns of said election were duly canvassed by the board of trustees of said city of Pomona on the 18th day of February, 1911, and the result thereof declared as above set forth, and that in all matters and things pertaining to said proposed charter, all provisions of said section of the constitution and the laws of the State of California, pertaining to the adoption of the charter, have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Pomona to be affixed this 18th day of February, 1911.

[SEAL.]

FRANK P. FIREY,

President of the Board of Trustees of the City of Pomona.

Attest:

T. R. TROTTER,

City Clerk of the City of Pomona.

And, whereas, said proposed charter, with said alternative proposition so ratified, has been duly presented and submitted to the legislature of the State of California for approval or rejection, without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California;

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) that said charter of the city of Pomona, including said alternative proposition, as presented to, adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of the said city of Pomona.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 1329—An Act to add six new sections to the Political Code of the State of California, relating to weights and measures.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Amend Section 3224, of the printed bill, by striking it out and in lieu thereof insert the following

"Section 3224 Whenever any of the following named articles are sold by the barrel, the barrel or its equivalent of said articles, regardless of whatever container packed in, shall consist of the weights set opposite such articles hereafter, viz: the barrel of flour shall consist of 196 pounds net weight of flour, the barrel of rolled oats shall contain 150 pounds net weight of rolled oats; the half barrels, quarter barrels and eighth barrels shall contain proportionately the same amount net weight regardless of the kind of container the article may be packed in. All containers of flour, meals, bran and middlings, shorts, milled feeds, rolled barley and sugar shall be plainly and legibly branded with the name of the manufacturer and true net weight of the flour, meals, bran and middlings, shorts, milled feeds, rolled barley and sugar"

Amendment adopted.

AMENDMENT No. 2

On page 2, of the printed bill, amend Section 3227 by adding the following "*Provided, however,* that if the weight herein established for any oil conflicts with the standard established for such oil by the National Bureau of Standards, then such standard as established by the National Bureau of Standards shall prevail"

Amendment adopted.

AMENDMENT No 3

On page 2, of the printed bill, amend Section 2, by striking the entire section out.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1295—An Act to amend Section 4273 of the Political Code of the State of California, relating to the salaries and fees of the county officers of the forty-fourth class.

Bill read second time, and ordered to engrossment and third reading

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR SPEAKER Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 1511—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties—with Senate Bill No. 1170, and report that the same are identical

RANDALL, Chairman.

Assembly Bill No. 1511, withdrawn and ordered stricken from the file.

Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

Bill read second time, and ordered on file for third reading.

ADJOURNMENT.

At three o'clock and twenty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, February 28, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Tuesday, February 28, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—64.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Joel, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Telfer, Mrs. Dorr and Mr. Max E. Licht were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Bohnett, Mr. C. T. Boots was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Messrs. E. Lauten, A. B. Gibson, J. I. Nolan and Michael Conlin were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Randall, the Misses G. L. Libby and Anna Chase were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Wyllie, Mr. Wm. Well was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Griffin, Messrs. Ed. Roden, W. A. Patterson and A. P. Ferguson were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Denegri, "The American Caruso," Wm. Kidd Nelson, was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Slater, Mr. Charles E. Wingate was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. McGowen, Mr. Wm. Woodward was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Griffiths, Hon. Robert Corlett, Miss Melvin, Miss Laensch, Miss Mackinder and the Misses Ruth Imrie, May Stevens, Elizabeth Cameron, Frances Corlett, Pearl Gifford, Dorothy Coombs, Anna Smith, Nora Samuels, Juanita Swift, and Mary Hennessey were granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER Your Committee on Judiciary, to whom was referred Assembly Bill No. 294—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER Your Committee on Judiciary, to whom was referred Senate Bill No. 458—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Also Senate Bill No. 459—An Act to amend Section 2470 of the Civil Code, referring to register of persons and firms to be kept by the county clerk.

Also Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code, referring to certificates, execution, filing, etc.

Also: Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1183b and Section 1183c, relating to liens of mechanics and others.

Also Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Also Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Also Assembly Bill No. 1471—An Act to amend Section 1632 of the Code of Civil Procedure of the State of California, relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures.

Also Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185c, relating to arrests, hearing and commitment of inebriates and drug habitués to a state hospital for the insane.

Also Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

Also Assembly Bill No. 1319—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, and to repeal Section 975 thereof, both relating to appeals from judgment of justices of police courts.

Also: Assembly Bill No. 1322—An Act to repeal Section 980 of the Code of Civil Procedure of the State of California, relating to powers of Superior Court on appeal.

Also: Assembly Bill No. 1323—An Act to amend Section 92 of the Code of Civil Procedure of the State of California, relating to certification, transcripts, and other papers in cases certified to the Superior Court

Also: Senate Bill No. 478—An Act to amend Section 128 of the Civil Code, by providing that a cross-complainant in an action for divorce need not be or have been a resident of the State, or of the county in which the action is brought or pending, but must personally verify the cross-complaint and all but certain amendments thereto.

Also: Senate Bill No. 785—An Act to amend Section 607e of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 192—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by adding a new subdivision thereto to be known as Subdivision 16.

Also: Senate Bill No. 460—An Act to amend Section 2466 of the Civil Code, referring to the use of fictitious names, and duties of those using them.

Also: Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, to be numbered 1255a, relating to the abandonment of condemnation proceedings, and providing for costs upon such abandonment.

Also: Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned as public streets or highways

Also: Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds.

Also: Assembly Bill No. 140—An Act to amend Section 1 of an Act entitled "An Act to provide for the investment of the moneys in the Estates of Deceased Persons Fund, and also to provide for payment of interest received into the State School Fund," approved February 22, 1900.

Also: Assembly Bill No. 1098—An Act defining and relating to wage-brokers; regulating assignments of wages and salaries as securities for loans; and fixing a maximum rate of interest for loans upon wages and salaries, and providing penalties for the violation thereof.

Also: Assembly Bill No. 915—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

Also: Assembly Bill No. 1320—An Act to amend Section 976 of the Code of Civil Procedure of the State of California, relating to appeals to Superior Courts.

Also: Assembly Bill No. 1321—An Act to amend Section 977 of the Code of Civil Procedure of the State of California, relating to the transmission of papers to Appellate Courts.

Also: Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure, to be numbered 1057½, relating to justification by corporate surety on bonds or undertakings.

Also: Assembly Bill No. 1327—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the rejection of claims against estates of deceased persons, notice thereof, and actions and proceedings on rejected claims

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

KEHOE, Chairman.

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 168—An Act declaring it to be a felony to make false statements regarding the financial condition or liabilities of any person seeking credit, for the purpose of obtaining the same—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do not pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

DENEGRÉ, Chairman.

The above reported bill ordered on file for second reading.

ON LIVE STOCK, DAIRIES, AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER: Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Senate Bill No. 665—An Act to regulate the production and sale of certified butter—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAMILTON, Chairman.

The above reported bill ordered on file for second reading

ON SWAMP AND OVERFLOWED LANDS, LEVEES, AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Senate Bill No. 644—An Act to amend Sections 1, 2, 3, 4, 6, 15, 16, 18, 21 and 27 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of overflow thereof by widening, deepening and straightening and otherwise improving the same, and to authorize the board of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LYNCH, Chairman.

The above reported bill ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 1395—An Act to amend the Penal Code by adding a new section thereto to be known as section six hundred and fifty-three *c*, relating to wages of employees—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TELFER, Chairman.

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 1334—An Act to regulate the employment of females in public places—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MCGOWEN, Chairman.

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 386—An Act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Also Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Also Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water, and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Also Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Also Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Also Assembly Bill No. 725—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars and eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909, necessitated by the finishing and preparing buildings for the opening of the University farm school.

Also Assembly Bill No. 860—An Act to establish a state agricultural college and forestry school at San Diego, California.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Committee Substitute for Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats "David Scannell" and "Dennis Sullivan" shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Also Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Also Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano of the city of Sonoma, California.

Also Assembly Bill No. 687—An Act making an appropriation to pay the claim of the San Diego Union Company.

Also Assembly Bill No. 1058—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund.

Also Assembly Bill No. 1309—An Act to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the Board of Health of the city and county of San Francisco," approved March 31, 1891.

Also Assembly Bill No. 1310—An Act to amend Sections 2521, 2522 and 2552 of the Political Code, relating to the officers appointed by the State Harbor Commission of the port of San Francisco and their duties.

Also Assembly Bill No. 1311—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 121 of said Act in relation to the appointees of the Superintendent of Banks.

Also Assembly Bill No. 544—An Act making an appropriation to pay the claim of George W. Bush against the State of California.

Also Senate Bill No. 30—An Act to appropriate money to erect a building for the training department at the San Jose State Normal School.

Also Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Also Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Also: Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Also Senate Bill No. 143—An Act providing an appropriation for \$1,000 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Also: Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Also: Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Also: Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Also: Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

Also: Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Also: Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Also: Senate Bill No. 558—An Act to provide for the purchase of an automobile for the Governor of the State of California, and to make an appropriation for the same.

Also: Senate Bill No. 696—An Act to amend section one of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "Revolving Fund" provided for in said Act.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills, with the exception of Senate Bill No. 558, ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No. 1167—An Act to add a new section to the Penal Code of the State of California, to be numbered 382c, forbidding the transportation within the State of California of any misbranded, mislabeled or adulterated drug, or food—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HINSHAW, Chairman.

The above reported bill ordered on file for second reading.

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 1290—An Act to add a new section to the Penal Code, to be known as Section 309a, relating to and prohibiting minors under sixteen years of age from being allowed to play on any billiard or pool table kept for hire or profit, and further relating to prohibiting such minors from visiting a place where a billiard or pool table is kept for such purposes, and prescribing the penalty therefor.

Also: Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating, vinous or alcoholic liquors within or contiguous to certain state buildings and grounds.

Also: Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered section —, relating to the use of slot machines.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

CRONIN, Chairman.

The above reported bills ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 1086—An Act to amend Subdivision 4 of Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations beg leave to report the following resolution:

Resolved, That for the purpose, and for that purpose only, of considering the resolution by Mr. Gerdes, granting leave of absence to the Committee on State Prisons and Reformatory Institutions, that Rule 80 of the Standing Rules of the Assembly be changed to read as follows:

"Whenever any committee shall report to the Assembly that it is desirable that such committee receive information concerning any public institution, the Assembly may, by a two-thirds vote of all its members, grant a leave of absence to such committee for a specified period to visit said institution; and also grant permission to take one stenographer with said committee. The members of said committee shall be allowed their actual expenses and the expenses of said stenographer"—and recommend that it be adopted.

PREISKER, Chairman

Mr. Preisker moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimplinger, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Telfer, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—63.

NOES—Mr. Kehoe—1.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred the following resolution by Mr. Gerdes:

WHEREAS, There have been reported to the Committee on State Prisons and Reformatory Institutions certain irregularities at the various prisons; and

WHEREAS, It is necessary, in order to enable said committee to intelligently act on such matters, that said committee visit the state prison at Folsom;

Said committee now, through the chairman thereof, applies to this Assembly for leave of absence for the members of said committee hereinafter designated; that the occasion and necessity for visiting said prison at Folsom are as above stated; that the names of the committeemen designated by the chairman for the purpose aforesaid are as follows, to wit: Messrs. Gerdes, Bishop, Cattell, Cunningham, Harlan, Lynch, Rogers, Stevenot and Telfer; and application is hereby made to this Assembly for a leave of absence for the above named members of said committee for the day of Thursday, March 2, 1911; therefore, be it now

Resolved, That the above named members of said Committee on State Prisons and Reformatory Institutions be and they are hereby granted leave of absence on Thursday, March 2, 1911.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

PREISKER, Chairman.

Mr. Preisker moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Joel, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Wyllie, Young, and Mr. Speaker—59.

NOES—Mr. Kehoe—1.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license, providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits therefor issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses—and respectfully ask your honorable body to concur in the amendments.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

SPECIAL ORDER SET.

On motion of Mr. Rosendale, the consideration of message was made a special order for Friday, March 3, 1911, at eleven o'clock and thirty minutes A. M.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on February 23, 1911, adopted Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors, of public officials.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on February 24, 1911, adopted Senate Joint Resolution No. 19—Relative to the United States life saving service.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 347—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 381—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Also: Senate Bill No. 292—An Act defining the powers and duties of physicians, local health officers and boards of health in the matter of protection of the people of the State of California from the disease known as tuberculosis.

Also: Senate Bill No. 226—An Act authorizing and directing the construction of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 227—An Act authorizing and directing the construction of one cottage for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama, and Shasta with the road system of Humboldt County.

Also: Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Also: Senate Bill No. 4—An Act to provide a state highway from Meyer's Station in El Dorado County, California, to McKinney's in Placer County, California, and making an appropriation therefor.

Also: Senate Bill No. 626—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Also: Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office and fixing their salaries.

Also: Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and 36/100 dollars to pay the claim of F. P. Sawyer against the State of California.

Also: Senate Bill No. 1040—An Act adding a new section to the Penal Code, to be known and numbered as Section 367c, prohibiting the charge or taking of any money or gratuity by the superintendent, foreman or other person having charge of two or more men, and providing a penalty.

Also: Senate Bill No. 891—An Act to amend Section 384 of the Penal Code, relating to fires and to extend the provisions of said section to prevent and prohibit the setting of fires or the causing or procuring of fires to be set upon any forest, agricultural or other lands, and providing for the protection of land and property against fires, and providing a punishment for violations of the provisions thereof.

Also: Senate Bill No. 966—An Act to provide for the purchase of filing cases in the office of the Department of Engineering and making an appropriation therefor.

Also: Senate Bill No. 946—An Act to validate all bonds heretofore issued, or ordered to be issued by or on behalf of any school district, high school district, union high school district, or joint union high school where authority for such issuance has already been given by a vote of more than two thirds of the electors of such district.

Also: Senate Bill No. 1031—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

Also: Senate Bill No. 108—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor.

Also: Senate Bill No. 279—An Act to establish the California scenic railway, to define its course; to provide for its supervision, construction, repair and maintenance and to make an appropriation therefor.

Also: Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

Also: Senate Bill No. 704—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I. Wolfe against the State of California.

Also: Senate Bill No. 933—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

Also: Senate Bill No. 943—An Act to establish the legality of certain school districts and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such districts.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 444—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Also: Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Also · Senate Bill No. 443—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Also · Senate Bill No. 401—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Also · Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School.

Also · Senate Bill No. 596—An Act to amend sections one, two, fourteen, and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts, and places in municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Constitutional Amendment No. 23 read, and referred to Committee on Direct Legislation.

Senate Joint Resolution No. 19 read, and referred to Committee on Federal Relations.

Senate Bill No. 347 read first time, and referred to Committee on Claims.

Senate Bill No. 381 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 292 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 226 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 227 read first time, and referred to Committee on State Hospitals and Asylums.

Senate Bill No. 408 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 548 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 4 read first time, and referred to Committee on Engrossed and Enrolled Bills.

Senate Bill No. 626 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 787 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 778 read first time, and referred to Committee on Claims

Senate Bill No. 1040 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 891 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 966 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 946 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1031 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 108 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 279 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 402 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 704 read first time, and referred to Committee on Claims.

Senate Bill No. 916 read first time, and referred to Committee on Claims.

Senate Bill No. 933 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 943 read first time, and referred to Committee on Judiciary.

Senate Bill No. 444 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 403 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 443 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 401 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 95 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 896 read first time, and referred to Committee on Municipal Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 12—Approving an amendment to the charter of the city of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the 2d day of November, 1909

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above Assembly concurrent resolution ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 518—An Act to authorize the local boards of managers of the several state hospitals for the insane and homes for the feeble-minded of the State of California to employ regularly ordained ministers and priests to visit and perform spiritual duties and ministrations to the inmates of said state hospitals and homes for the feeble-minded, and to provide for their compensation.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to the title of Senate Bill No. 473—An Act to repeal Title XV of Part IV of division third of the Civil Code of the State of California, and to add a new Title XV of Part IV, Division Third, of said Code in place thereof, relating to negotiable instruments

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 539—An Act to prevent the fishing or taking of fish by means of weirs, dams, nets, traps or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

Also. Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put. "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 539?"

In line 5, Section 1, page 1, of the printed bill, after the word "description" add the following "except gill nets of 24-inch mesh".

Also: In line 7, Section 1, page 1, of the printed bill, after the word "seine" add the following. "except gill nets of 24-inch mesh".

The roll was called, and Senate amendments to Assembly Bill No. 539 were concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Wyllie, Young and Mr. Speaker—63

NOES—None

Bill ordered to enrollment.

The question being put. "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 355?"

On page 2, Section 1, line 23, strike out the word "of", first appearing in said line.

The roll was called, and Senate amendment to Assembly Bill No. 355 was concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, McDonald, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimplinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—None.

Bill ordered to enrollment.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 823—An Act providing for the employment of convicts confined in the state prisons on the public highways belonging to and under the control of the State of California, and providing for the care and control of such convicts during such employment.

During the third reading of the bill Mr. Hamilton moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 4, of the printed bill, strike out the word "in", and in lieu thereof insert the word "of".

Also: On page 1, Section 1, line 7, strike out the semicolon after the word "State", and insert in lieu thereof a comma

Also: On page 2, Section 1, line 17, strike out the word "their", and insert in lieu thereof the word "its".

Also: After the word "thereby" in line 17, page 2, Section 1, of the printed bill, strike out the period and insert in lieu thereof a semicolon and the following: "Provided, however, that no convict shall be required under any of the provisions of this Act to work on any state highway against his own wishes".

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs Bishop, Bohnett, Cattell, Chandler, Cogswell, Farwell, Freeman, Griffiths, Hamilton, Held, Hinshaw, Jones, Judson, Kehoe, Mendenhall, Mott, Preisker, Randall, Sutherland, and Wilson—20.

NOES—Messrs Beatty, Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Clark, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Griffin of

Modesto, Guill, Hayes, Hinkle, Jasper, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Telfer, Tibbits, and Wyllie—41.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 823 was refused passage by the following vote:

AYES—Messrs Bishop, Bohnett, Cattell, Chandler, Cogswell, Farwell, Freeman, Gaylord, Griffiths, Hamilton, Hinshaw, Judson, Lamb, Mendenhall, Mott, Preisker, Randall, Sutherland, Wilson, and Mr. Speaker—20.

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Clark, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Jasper, Jones, Joel, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Telfer, Tibbits, Walsh, and Williams—46.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly Bills:

Assembly Bill No. 476—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections five, six, nine, twelve, and thirteen of said Act.

Assembly Bill No. 885—An Act to amend Sections 2, 3, 13, and 21 of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907.

Assembly Bill No. 380—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices of the peace.

Assembly Bill No. 1173—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18, and 19, and by adding a new section thereto, to be numbered 26.

Assembly Bill No. 1095—An Act to amend an Act entitled "An Act to provide for health and development supervision in the public schools of California," approved April 15, 1909, by adding thereto a new section relating to the duties of teachers in schools where no examining staff is employed.

Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general, and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution, and also to the election and term of office of the successors of such officers, and also to the election of judicial officers and the Superintendent of Public Instruction.

Assembly Bill No. 9—An Act to provide a state highway from Meyer's Station in El Dorado County, California, to McKinney's, in Placer County, California, and making an appropriation therefor.

Assembly Bill No. 11—An Act to amend section three hundred and thirty of the Penal Code of the State of California, relating to gambling.

Assembly Bill No. 41—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

Assembly Bill No. 166—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the State Normal School Building at Los Angeles.

Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, neets, traps or seines in the Moquelumne River.

Assembly Bill No. 312—An Act regulating the placing, erection, use and maintenance of electric poles, wires, cables and appliances, and providing the punishment for the violation thereof.

Assembly Bill No. 100—An Act to provide for direct legislation, including initiative, referendum, and recall by electors in counties, by adding two new sections to the Political Code, to be numbered Section 4058 and Section 4021a, respectively.

Assembly Bill No. 1037—An Act to establish an institute of technology to be named the California Institute of Technology, and making an appropriation therefor.

Assembly Bill No. 1302—An Act to amend section four thousand two hundred and sixty three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fourth class.

Assembly Bill No. 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors respecting roads.

Assembly Bill No. 1002—An Act to appropriate money to erect, construct and equip a training school at the San Jose State Normal School.

Assembly Bill No. 1314—An Act to amend Section 4240 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the eleventh class.

Assembly Bill No. 1402—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

Assembly Bill No. 1506—An Act relating to the Panama-Pacific International Exposition Commission of the State of California, and defining its powers and duties.

Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Assembly Bill No. 891—An Act making an appropriation to meet the expense of the collection of state revenues.

Assembly Bill No. 1486—An Act to amend Section 2468 of the Civil Code of the State of California, relating to fictitious partnerships.

Assembly Bill No. 1200—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522a thereof, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops, bakeries, and restaurants, cafés, hotels and confectioneries, and for the issuance of licenses for such business and for the sanitary conditions of bakeshops and bakeries, restaurants, cafés, hotels and confectioneries.

Assembly Bill No. 205—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto to be numbered three hundred and seventy-four *a*, relating to the loading of vessels with garbage or other refuse with intent to dump the same upon the waters bordering upon the State of California, and dumping garbage thereon.

Assembly Bill No. 1207—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers in counties of the twenty-fourth class.

Assembly Bill No. 1118—An Act giving and granting to the city of San Diego the right to grant to the State of California certain lands in Balboa Park for the use of a state agricultural college and forestry school in San Diego, California.

Assembly Bill No. 884—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 21 of Article I thereof.

Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

Assembly Bill No. 944—An Act to amend Section 1548 of the Political Code, relating to binding of school documents, postage, expressage, printing, etc., for school superintendents.

Assembly Bill No. 945—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent of schools.

Assembly Bill No. 219—An Act to amend an Act defining and regulating the business of banking, by adding a new section thereto to be numbered Section 33a.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 689—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment and to make appropriation for the same—with Senate Bill No. 516—and report that the same are identical.

RANDALL, Chairman.

Assembly Bill No. 689 withdrawn, and ordered stricken from the file.

Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers, and conduits and all necessary equipment, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading

RECESS.

At twelve o'clock and thirty minutes P. M. the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened
Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 113—An Act to amend an Act entitled "An Act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the State Board of Health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor, and prescribing the duties of the State Controller and State Treasurer in relation thereto," approved March 18, 1905, and relating to the State Hygienic Laboratory.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 113 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bishop, Bliss, Bohnett, Cattell, Chandler, Clark, Cogswell, Cronin, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, Mott, Mullally, Nolan, Palsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Schmitt, Slater, Stevenot, Sutherland, Tibbits, Wyllie, Young, and Mr. Speaker—48

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 289—An Act to amend section thirty-three of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain public libraries; to provide for the formation, government and operation of library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the

assessment, collection, custody and disbursement of taxes therein; and to create boards of library trustees." approved April 12, 1909.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 289 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Schmitt, Slater, Stevenot, Sutherland, Tibbits, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 529—An Act relating to fishing in streams that are stocked or supplied with fish by state or county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 529 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Chandler, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of San Francisco, Rogers of Alameda, Sbragia, Slater, Stevenot, Telfer, Tibbits, Walsh, Wilson, and Mr. Speaker—51.

NOES—Messrs. Brown, Held, Kehoe, Rosendale, and Sutherland—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 638—An Act to amend Section 626c of the Penal Code of the State of California, relating to the protection and preservation of game birds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 638 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of San Francisco, Rogers of Alameda, Sbragia, Slater, Stevenot, Sutherland, Telfer, Walsh, Wilson, and Mr. Speaker—55.

NOES—Messrs. Rosendale, and Schmitt—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

During the third reading of the bill, Mr. Sutherland moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "township" in line 49, of page 2, of the printed bill, insert a comma and the words "irrigation district".

Motion carried.

The Speaker appointed Mr. Sutherland as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read :

MR. SPEAKER. Your select committee of one, to whom was referred Senate Bill No. 373, with instructions, do now report that the instructions of the Assembly have been carried out.

SUTHERLAND, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, and on file for passage

Senate Bill No. 603—An Act to regulate the sale of eggs and butter that have been in cold storage for a longer period than three months, requiring the labeling thereof by all persons selling or offering the same for sale, empowering and directing the State Board of Health to make rules and regulations to carry this Act into effect and fixing penalties for the violation of the same, or any of the provisions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 603 passed by the following vote :

AYES—Messrs. Beatty, Bishop, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffiths, Hayes, Held, Hinkle, Hinshaw, Jones, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mott, Nolan, Polsley, Preisker, Rumliger, Rodgers of San Francisco, Rosendale, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, and Mr. Speaker—47.

NOES—Messrs. Beckett, Bennink, Bliss, Hamilton, Jasper, Judson, Malone, Mendenhall, and Randall—9.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and forty-five minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Senate Bill No. 360—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations and providing for the recall, initiative and referendum.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 360 passed by the following vote :

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylor, Gerdes, Gull, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Polsley, Preisker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, and Young—58.

NOES—Mr. Jones—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 10—Relative to the establishment of a parcels post.

The question being on the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 10 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, McDonald, Mendenhall, Nolan, Polsley, Randall, Rodgers of San Francisco, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, and Young—55

NOES—Messrs. Lyon of San Francisco, and Maher—2.

Senate joint resolution ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No 10.

Relative to the Establishment of a Parcels Post.

WHEREAS, The establishment of a parcels post would be an inestimable benefit to the State of California and an incalculable stimulus to trade, both domestic and foreign, throughout the whole of the United States; and

WHEREAS, It has been found possible for the American express companies to unite in giving to the British post office a flat rate of twenty-four cents on parcels up to eleven pounds for all distances between New York and San Francisco, thus proving the economic practicability of such desired parcels post; be it

Resolved, That the Senate and Assembly of the State of California hereby join in requesting our Representatives in the Senate and House of Representatives at Washington to do their utmost to forward such legislation as may insure the establishment of a parcels post at rates not to exceed those accorded by American express companies to the foreigner, viz: twenty-four cents for packages up to eleven pounds. And be it further

Resolved, That a copy of these resolutions be forthwith transmitted by the Secretary of the Senate to the President of the Senate of the United States and the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of California.

Senate Joint Resolution No. 8—Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain federal troops in such national forests during certain months.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 8 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, and Young—61.

NOES—None.

Senate joint resolution ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No 8

Relative to national forests situated within the State of California and requesting the War Department of the United States to station and maintain federal troops in such national forests during certain months.

WHEREAS, There are situated within the State of California great national forests comprising in area over twenty-seven million acres, and

WHEREAS, The protection and preservation of these forests is of great benefit to the citizens of this State and of the whole United States, and

WHEREAS, Each year during the months of July, August, and September, forest fires threaten partial or total destruction of these forests, and

WHEREAS, These forests are not sufficiently protected from fire during such months; now, therefore, be it

Resolved by the Senate of the State of California and the Assembly, jointly, That the War Department of the United States be and it hereby is, requested to station federal troops in the national forests within the State of California during

the months of July, August and September each year for the purpose of preventing and fighting forest fires and protecting such national forests, and be it further
Resolved, That a copy of this joint resolution be sent to the head of the War Department of the United States.

Senate Joint Resolution No. 18—Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes.

The question being on the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No 18 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffiths, Guill, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mullally, Nolan, Polesley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Young—58

NOES—None.

Senate joint resolution ordered transmitted to the Senate.

SENATE JOINT RESOLUTION NO. 18

Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes.

WHEREAS, The cities surrounding and adjacent to the bay of San Francisco began as early as the year 1871 to plan for and seek out an adequate and available source of supply of pure mountain water for their municipal and domestic needs; and

WHEREAS, After careful investigation and as a result of almost continuous effort from the year 1871 until the present time, these municipalities, by their own action and by that of the city of San Francisco as representative of all, have selected and secured the Hetch Hetchy and Lake Eleanor reservoir sites as the most adequate and feasible sources of supply; and

WHEREAS, These reservoirs are capable of storing pure mountain water, from the uninhabited and barren granite water sheds of the high Sierras in quantities sufficient for the present and future needs of these large and rapidly growing cities; and

WHEREAS, The honorable Secretary of the Interior, being by the honorable Attorney General of the United States first regularly advised that such action on his part would be legal and valid, granted to the city of San Francisco for itself and as representative of said municipalities full reservoir rights at Hetch Hetchy and at Lake Eleanor, and by reason of and based upon this grant San Francisco has purchased at a cost of over \$565,000.00 all private lands and water rights in these reservoirs and owns under patent more than one half the area of each reservoir, and is about completing incidental purchases of additional privately held rights and lands for \$636,000.00; and

WHEREAS, The Hetch Hetchy and Lake Eleanor sources of supply were approved and a bond issue of \$45,000,000.00 for their development authorized by the city of San Francisco by a vote of more than twenty to one; and

WHEREAS, Certain well meaning people, misled by great private interests which would be adversely affected by municipal ownership of such water supply, have actively attacked the grant of the Hetch Hetchy reservoir site; and

WHEREAS, The present Secretary of the Interior, under pressure of these acts, has threatened to attempt to revoke the grant of the Hetch Hetchy site; and

WHEREAS, Such official action is tending to encourage and entrench more strongly the forces of private and corporate greed in their opposition to the development by the municipalities of this necessity of municipal existence, and will, if effected, increase the burden of taxation which must fall upon the citizens of these municipalities by the enforced purchase of rights to water supplies already granted to these private corporations; and

WHEREAS, This action seriously impairs the market value of the said municipal bonds and discourages the purchase thereof, thereby impairing the credit and standing of said municipality; now, therefore, be it

Resolved by the Senate and Assembly, jointly, That it is the sense of the Legislature of this State that the rights of the said city and county of San Francisco and the incidental rights of neighboring cities in and to the use of said waters and reservoir sites should be protected and confirmed, and that the said city and county should be permitted to develop its proposed water supply with the cooperation and support of the Federal authorities; and be it further

Resolved, That the President of the United States is hereby petitioned to withdraw

all opposition by the Executive Departments to the full enjoyment of such rights and to permit the development of said water supply under the terms of the grant of the Secretary of the Interior dated May 11, 1908; and be it further

Resolved, That the Secretary of the Senate be, and he hereby is, instructed to forward a copy of this resolution to the President of the United States.

Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a Board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

SPECIAL ORDER SET.

On motion of Mr. Coghlan, the consideration of Senate Bill No. 1170 was made a special order for Wednesday, March 1, 1911, at two o'clock P. M.

Senate Bill No. 468—An Act to amend section seven hundred thirty-nine of the Political Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 468 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gerdes, Guill, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda Sbragia, Schmitt, Smith, Sutherland, Walsh, Wilson, and Young—43.

NOES—Messrs. Bohnett, Gaylord, Held, Lamb, Maher, Mendenhall, Polsley, Randall, and Stevenot—9.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 1188—An Act relating to the Panama-Pacific International Exposition Commission of the State of California and defining its powers and duties.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1188 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Wilson, and Young—60.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 723—An Act amending section one hundred seventy-one *a*, of the Penal Code of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 723 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Wilson, and Young—51.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

SPEAKER IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Griffiths moved that the vote whereby Assembly Bill No. 980 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbitts, Walsh, Wilson, Young, and Mr. Speaker—61.

NOES—Mr. Clark—1.

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

Mr. Smith moved that the bill be re-referred to Committee on Conservation.

Mr. Clark moved, as an amendment, that the bill be re-referred to Committee on Public Lands and Forestry.

Amendment adopted.

The question reverting to the original motion as amended.

A vote was taken, and the motion carried.

Assembly Bill No. 980 re-referred to Committee on Public Lands and Forestry.

SPECIAL ORDER.

The hour of three o'clock P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of such hotel.

During the consideration of the bill, Mr. Griffin moved that the Speaker appoint a select committee of one to amend the bill as follows:

On lines 3 and 4, Section 2, strike out the words "eighty-one inches wide and

ninety inches long", and insert in lieu thereof the following words: "eighteen inches wider and eighteen inches longer than the bed on which they are used."

Motion carried.

The Speaker appointed Mr. Griffin as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER Your select committee of one, to whom was referred Assembly Bill No 490, with instructions, do now report that the instructions of the Assembly have been carried out.

GRIFFIN, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

NOTICE OF INTENTION TO MOVE TO AMEND RULES.

Mr. Coghlan gave notice that on the next legislative day he would move to amend Rule No 78 of the Standing Rules of the Assembly, as follows.

By striking out the words "without debate" where they appear in line 15, of the rules as printed on page 12 of the Journal of January 5, 1911.

Also By adding after the last word in said rule the following: "The author of any bill shall have not more than ten minutes within which to speak to the question of the introduction of his bill, and the Committee on Introduction of Bills may have the same time for reply"

MOTION.

Mr. Schmitt moved that the Assembly adjourn until ten o'clock A. M. of Wednesday, March 1, 1911.

Motion lost.

RE-REFERENCE OF BILLS.

On motion of Mr. Cogswell, Assembly Bills Nos. 1546 and 1547, and Senate Bill No. 1232 were re-referred to Committee on Ways and Means

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:

By Mr. Brown:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act to amend Section 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation, and to the compensation of jurors and grand jurors in counties of the twentieth class.

BROWN,

Member Fifty-third District.

Referred to Committee on Introduction of Bills.

By Mr. Hamilton:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911.

MR SPEAKER I ask permission to introduce the accompanying Assembly concurrent resolution, the title of which reads as follows, viz: Approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February 1911.

HAMILTON.

Member Thirteenth District.

Referred to Committee on Introduction of Bills.

By Mr. Preisker:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 2132 of the Civil Code of the State of California, relating to liability of a carrier for luggage and prescribing the method of handling same.

PREISKER.

Member Sixty-fourth District.

Referred to Committee on Introduction of Bills.

By Mr. Beckett:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

BECKETT.

Member Sixty-third District

Referred to Committee on Introduction of Bills.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 9—An Act to provide a state highway from Meyer's Station in El Dorado County, California, to McKinney's, in Placer County, California, and making an appropriation therefor—with Senate Bill No. 4, and report that the same are identical.

RANDALL, Chairman.

Senate Bill No. 4 ordered on file for second reading.

Assembly Bill No. 9 ordered withdrawn and stricken from the file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 998—An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management, and control thereof—and report that the same has been correctly reengrossed.

RANDALL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled

Assembly Bill No. 1042—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches tunnels or canals into other states, for use therein.

Assembly Bill No. 1006—An Act to amend an Act entitled "An Act authorizing municipal corporations to permit other municipal corporations to construct and maintain sewers, water mains, and other conduits therein, also to construct and maintain sewers, water mains, and other conduits for their joint benefit, and at their joint expense, and to make and enter into contracts for said purposes," approved March 22, 1906, extending the provisions of said Act to include sanitary districts.

Assembly Bill No. 618—An Act to create a reclamation district to be called "Reclamation District Number 830," and providing for the control and management thereof.

Assembly Bill No. 622—An Act amending Section 313 of the Civil Code of the State of California, relating to representing and voting shares of stock in corporations.

Assembly Bill No. 568—An Act making an appropriation for the construction of a dam and reservoir for additional water supply for the Mendocino State Hospital.

Assembly Bill No. 98—An Act to amend the Penal Code of the State of California by amending Section 626g thereof, relating to tree squirrels.

Assembly Bill No. 264—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-two of the said Penal Code, relating to when husband and wife are competent witnesses in criminal actions and proceedings.

Assembly Bill No. 7—An Act to amend sections three thousand one hundred and nine and three thousand one hundred and ten of the Political Code of the State of California, relating to public and fraternal cemeteries, and jurisdiction over the same.

Assembly Concurrent Resolution No. 6—Approving one certain amendment to the charter of Salinas City, county of Monterey, State of California, voted for and ratified by the qualified electors of said Salinas City, at a regular municipal election held therein on the 7th day of June, 1909.

Assembly Bill No. 508—An Act to amend Sections Nos. 851 and 852 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Assembly Bill No. 419—An Act to add a new section to the Political Code to be numbered section twenty-six hundred forty-six, relating to highways.

And were presented to the Governor February 28, at eleven o'clock A. M.

RANDALL, Chairman.

LEAVES OF ABSENCE.

On motion of Mr. Bohnett, leaves of absence were granted Messrs. Walker, March, Harlan, Stuckenbruck, and Hall for Wednesday, March 1st, and Thursday, March 2, 1911.

RESOLUTION.

The following resolution was offered:

Resolved, That the State Controller be and he is hereby directed to draw his warrant on the Contingent Fund of the Assembly in favor of Chief Clerk L. B. Mallory for the sum of one hundred and fifty (150) dollars, and the Treasurer is directed to pay the same, said sum being for postage for mailing department.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

SPECIAL ORDER SET.

On motion of Mr. Coghlan, the consideration of Assembly Bill No. 869 was made a special order for Wednesday, March 1, 1911, at two o'clock and thirty minutes P. M.

MOTION.

Mr. Bohnett moved that the Assembly adjourn until ten o'clock A. M. of Wednesday, March 1, 1911.

Motion lost.

THIRD READING OF BILLS.

Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-five and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1108 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION.

Mr McDonald moved that the Assembly adjourn until ten o'clock A. M. of Wednesday, March 1, 1911.

Motion lost.

Assembly Bill No. 232—An Act authorizing and directing the construction of one cottage for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor
Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 232 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mullally, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Mr. Lyon of Los Angeles, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, March 1, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL. }
Wednesday, March 1, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Gull, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowan, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—63.

Quorum present

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Fitzgerald its further reading was dispensed with

PRESS CREDENTIAL.

The following credential of member of the press was filed and ordered printed in the Journal:

SACRAMENTO, CAL., March 1, 1911.

Mr. L. B. Malloy, Chief Clerk of Assembly:

DEAR SIR Mr. F. De Witt Gautreau will represent the Pacific Press during the remainder of the session. Please extend to him the courtesies our other representatives have enjoyed. Thanking you for such consideration, we are,

Very respectfully yours, etc.,

THE PACIFIC PRESS.

Per J. F. BLINN

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Gaylord, Mr. J. D. Meridith was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Williams, Messrs. William Sweeney, R. B. Stolder, and Judge Trabucco were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Judson, Messrs. H. E. Doolittle and George L. Melton were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Kennedy, Messrs. Lynch and Smith were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Polsley, Messrs. M. J. Cheatham and H. P. Andrews were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Hayes, Mr. Robert G. Loucks was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Rosendale, Mr. B. F. Wright was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Schmitt, Mr. J. S. Meyer was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Jasper, Judge C. H. Connick and Mr. F. B. Griffiths were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon, Mr. J. J. Conlin was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. McGowen, Messrs. W. C. Wall and M. R. Poland were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Wyllie, Miss McLaren was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Mr. P. J. Noone was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Rutherford, Mr. F. J. O'Brien was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Sutherland, Mr. E. A. Walcott was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Young, Mr. J. A. Elston was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Griffiths, Mr. Wallace Rutherford was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Jones, Messrs. J. A. Scherer and George T. McNoble were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Randall, Messrs. W. T. Snyder, F. K. McCarver, and W. A. Rennie were granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, WEDNESDAY, March 1, 1911

MR. SPEAKER. Your Committee on Contingent Expenses and Accounts have had the inclosed matter under consideration

ASSEMBLY CHAMBER, SACRAMENTO, Friday, February 24, 1911

MR. SPEAKER. Your Committee on Washington's Birthday Celebration, appointed pursuant to Assembly Concurrent Resolution No. 13, beg leave to report that, in conjunction with the committee appointed by the Senate, they have incurred and hereby report bills aggregating the sum of one hundred and ninety-five (195) dollars; that one half of said sum, under the terms of said resolution is payable out of the Contingent Fund of the Senate and one half thereof out of the Contingent Fund of the Assembly. We therefore respectfully recommend the adoption of the following resolution

Resolved. That the Controller be, and he is hereby directed, to draw his warrant in favor of Ed H. Whyte, Sergeant-at-Arms of the Assembly, for the sum of ninety-seven and 50/100 (97.50) dollars, payable out of the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same, being in payment of the Assembly's portion (one half) of the expenses incurred by your committee for the Washington's birthday exercises, which were held on Wednesday evening, February 22, 1911, in the Assembly Chamber, an itemized account of which is as follows:

Printing programmes -----	\$12 50
Orchestra (including piano rental) -----	30 00
Decorations -----	35 00
Plants -----	5 00
Veterans' Fife and Drum Corps -----	5 00
Rental of chairs -----	2 50
Labor -----	7 50
Total -----	\$97 50

BLISS, Chairman.

And we recommend that the report and resolution be adopted.

STEVENOT, Chairman

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Clark, Cogswell, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Slater, Smith, Stevenot, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER. Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution

Resolved. That the State Controller be, and he is hereby directed, to draw his warrant on the Contingent Fund of the Assembly in favor of Chief Clerk L. B. Mallory for the sum of one hundred and fifty (150) dollars, and the Treasurer is directed to

pay the same, said sum being for postage for mailing department—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

STEVENOT, Chairman.

Mr Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Mott, Nolan, Polsley, Priesker, Randall, Rimlinger, Rutherford, Slater, Smith, Stevenot, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr Speaker—50.

NOES—None.

ON CLAIMS

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No 1400—An Act making an appropriation to pay the claim of J. Harry Russell—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it be re-referred to the Committee on Ways and Means.

HINKLE, Vice-Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 1 1911.

MR SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No 1547—An Act making an appropriation for the pay of the officers and employees of the Assembly for the thirty-ninth session of the Legislature

Also Assembly Bill No 1546—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the thirty-ninth session of the Legislature of the State of California during the sixty-first fiscal year

Also Senate Bill No. 1232—An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

ON FISH AND GAME

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR SPEAKER Your Committee on Fish and Game, to whom was referred Assembly Bill No 1073—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907.

Also Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to prevent by means of weirs, dams, nets, traps, or seines, in certain tide water on the coast of Mendocino County" approved March 25, 1900

Have had the same under consideration and respectfully report the same back, and recommend that they do pass

GRIFFITHS, Chairman.

The above reported bills ordered on file for second reading.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1545—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4656b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915

Also Senate Bill No. 731—An Act to amend section four thousand and forty-

mine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

Also: Assembly Bill No. 1051—An Act to amend Section 4282 of the Political Code, providing for the compensation of officers in counties of the fifty-third class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROGERS of Alameda, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1180—An Act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers in counties of the sixteenth class—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 79—An Act to amend Section 4300a of the Political Code of the State of California, relating to the county clerk's fees.

Also: Assembly Bill No. 1053—An Act to amend Section 1426a of the Civil Code, relating to fees of county recorders.

Also: Assembly Bill No. 1070—An Act to amend section number 4261 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; the compensation of jurors and grand jurors, and the clerk of the board of supervisors in counties of the thirty-second class.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

ROGERS of Alameda, Chairman

The above reported bills ordered on file for second reading.

ON IRRIGATION AND DRAINAGE

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Assembly Bill No. 1004—An Act providing for surveys and reports with estimates of cost of reclamation of the great central valley of California, including the Sacramento, San Joaquin, Kern, and Tulare valleys, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Ways and Means.

LYON, Chairman

The above reported bill re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Senate Bill No. 498—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto to be numbered section two and one half.

Also: Senate Bill No. 497—An Act to amend an Act "to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," by amending section thirty-nine of said Act relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

LYON, Chairman

The above reported bills ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 1 1911.

MR. SPEAKER Your Committee on Education, to whom was referred Assembly Bill No. 368—An Act to repeal Article VIII of Title III, Part III, of the Political Code.

Also: Senate Bill No. 422—An Act to amend Section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class

Have had the same under consideration, and respectfully report the same back and recommend that they do pass

WYLLIE, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO March 1 1911.

MR. SPEAKER Your Committee on Education, to whom was referred Assembly Bill No. 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor—have had the same under consideration, and respectfully report the same back without recommendation

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER Your Committee on Education, to whom was referred Assembly Bill No. 1293—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach—have had the same under consideration and respectfully report the same back and recommend that it do pass as amended

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 466—An Act to regulate the organization of fraternal insurance associations—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended

CALLAGHAN, Chairman

The above reported bill ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six relating to public ferries.

Also: Senate Bill No. 609—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections 8a and 8b to, an Act entitled "An Act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909.

Also: Senate Bill No. 1053—An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of the State and as provided in an Act of the thirty-ninth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Also Senate Bill No. 409—An Act to amend an Act entitled "An Act to provide for public cemetery districts" approved March 6, 1909, Statutes 1909, page 156, by amending section two thereof, relating to the appointment of trustees of the district.

Also Senate Bill No. 984—An Act relating to the opening of streets through cemeteries.

Also Senate Bill No. 956—An Act to amend Section 1557 of the Penal Code of the State of California, relating to the accounts of persons employed in bringing back fugitives from justice, arrested in other states or foreign countries.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also.

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 868—An Act to add a new section to the Code of Civil Procedure, to be known as 280d, relating to graduates of the Young Men's Christian Association Law College of San Francisco being admitted to practice without examination.

Also Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof" (approved March 21, 1907).

Also Senate Bill No. 960—An Act creating a Bureau of Building and Loan Supervision, providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers, and compensation; providing for a secretary, his powers, and compensation, providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General, providing for involuntary liquidation by trustees, and proceedings in connection therewith, providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports, providing penalties for violations of law and orders of the commissioner; repealing an Act approved March 21, 1905, entitled "An Act creating a bureau of building and loan supervision" providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners, prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General, providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation, providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports, providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof; also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision' providing for the appointment of administration officials therefor to be known as the Building and Loan Com-

missioners; prescribing their duties, powers, and compensation; providing for a secretary, his powers, and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith, providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation, providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Also. Adopted Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that five sixths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1100—An Act to amend section seven hundred ninety-one of the Political Code, relating to notaries public.

Also. Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Also. Senate Bill No. 87—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School.

Also. Senate Bill No. 84—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Also. Senate Bill No. 80—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also. Senate Bill No. 94—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Also. Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Also. Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Also. Senate Bill No. 1233—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing or tracking of deer with dogs.

Also. Senate Bill No. 1118—An Act appropriating money to pay the claim of H. P. Travers against the State of California.

Also. Senate Bill No. 1119—An Act appropriating money to pay the claim of Louis V. Horn against the State of California.

Also. Senate Bill No. 1120—An Act appropriating money to pay the claim of Frank Mattison against the State of California.

Also. Senate Bill No. 1121—An Act appropriating money to pay the claim of J. W. Kavanaugh against the State of California.

Also. Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the sixty-first and sixty-second fiscal years.

Also. Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California.

Also. Senate Bill No. 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Also. Senate Bill No. 1115—An Act appropriating money to pay the claim of Leo Preisker against the State of California.

Also. Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California.

Also. Senate Bill No. 1117—An Act appropriating money to pay the claim of Chas. Lloyd against the State of California.

Also. Senate Bill No. 944—An Act to create a reservation for fish, shellfish, shrimp, and crabs, within the sloughs, rivers, streams and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps, or seines.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No 900 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 609 read first time, and referred to Committee on Medical and Dental Laws.

Senate Bill No. 1053 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 409 read first time, and referred to Committee on Judiciary.

Senate Bill No. 984 read first time, and referred to Committee on Judiciary.

Senate Bill No 956 read first time, and referred to Committee on Judiciary.

Senate Bill No. 868 read first time, and referred to Committee on Judiciary.

Senate Bill No 475 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 960 read first time, and referred to Committee on Banks and Banking.

Senate Constitutional Amendment No. 13 read, and referred to Committee on Revision of Criminal Procedure.

Senate Bill No. 1100 read first time, and referred to Committee on Judiciary.

Senate Bill No. 90 read first time, and referred to Committee on Ways and Means.

Senate Bill No 85 read first time, and referred to Committee on Ways and Means.

Senate Bill No 84 read first time, and referred to Committee on Ways and Means.

Senate Bill No 89 read first time, and referred to Committee on Ways and Means.

Senate Bill No 94 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 93 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 91 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1233 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 1118 read first time, and referred to Committee on Claims.

Senate Bill No. 1119 read first time, and referred to Committee on Claims.

Senate Bill No. 1120 read first time, and referred to Committee on Claims.

Senate Bill No. 1121 read first time, and referred to Committee on Claims.

Senate Bill No. 929 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1113 read first time, and referred to Committee on Claims.

Senate Bill No. 1114 read first time, and referred to Committee on Claims.

Senate Bill No. 1115 read first time, and referred to Committee on Claims.

Senate Bill No. 1116 read first time, and referred to Committee on Claims.

Senate Bill No. 1117 read first time, and referred to Committee on Claims.

Senate Bill No. 944 read first time, and referred to Committee on Fish and Game

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Joint Resolution No. 1—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

Also To Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

Also To Senate Bill No. 299—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Also To Senate Bill No. 586—An Act to amend the Penal Code by adding a new section thereto to be numbered five hundred and seventy-three, prohibiting officers and directors of cemetery corporations or associations from borrowing directly or indirectly any funds of the corporations or associations, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such corporations or associations and prescribing a penalty therefor.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 15—Approving charter of the city of Santa Cruz, county of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 31st day of January, 1911.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above Assembly concurrent resolution ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 388—An Act to amend Section 349a, of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Also Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital.

Also Assembly Bill No. 947—An Act to amend Section 628a of the Penal Code of the State of California, relating to striped bass.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment.

Also

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report, and for the registration of such bonds in the office of the State Controller—and we respectfully request your honorable body to concur in said amendments.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put. "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 781?"

On page 3, Section 6, line 2, strike out the words "State Controller", and insert in lieu thereof the following: "Superintendent of Banks".

Also: In Section 5, line 24, strike out the word "as", and insert in lieu thereof the following: "so".

Also On page 2, Section 3, line 6, insert the word "then" before the word "aggregate".

The roll was called, and Senate amendments to Assembly Bill No. 781 were concurred in by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Brown, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Wilson, Wyllie, and Mr. Speaker—53.

NOES—None.

Assembly Bill No. 781 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, February 28, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as cases of urgency: Senate Bill No. 1238—An Act making appropriation to pay the salaries and mileage of the Senators for the thirty-ninth session of the Legislature, during the sixty-second fiscal year.

Also: Senate Bill No. 1239—An Act making an appropriation for the pay of officers and employees of the Senate of the thirty-ninth session of the Legislature

Also Senate Bill No. 1240—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 1238 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1239 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1240 read first time, and referred to Committee on Ways and Means.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following request for permission to introduce bill was filed:

By Mr. Wyllie:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax

WYLLIE.

Member Twenty-seventh District.

Referred to Committee on Introduction of Bills.

RESOLUTION.

The following resolution was offered:

By Mr. Griffiths:

WHEREAS, Leave of absence was granted by this Assembly to the following members of the Committee on Fish and Game J. R. Cronin, Henry H. Lyon, and Geo. E. Malone, to visit the State Game Preserve No. 3, located in Orange County; and

WHEREAS, The said members of said committee have submitted the following as a statement of their actual expenses:

J. R. Cronin,

Railroad fare and Pullman accommodation -----	\$34 40
Incidental expenses, including meals, lodging, etc -----	33 00

Total -----	\$67 40
-------------	---------

Henry H. Lyon,

Railroad fare and Pullman accommodation -----	\$34 40
Incidental expenses, including meals, lodging, etc -----	33 00

Total -----	\$67 40
-------------	---------

Geo. E. Malone,

Railroad fare and Pullman accommodation -----	\$34 40
Incidental expenses, including meals, lodging, etc. -----	33 00

Total -----	\$67 40
-------------	---------

Now, therefore, the undersigned chairman recommends that said members be allowed their actual expenses as per Assembly Rule No. 80, and respectfully asks that the aforesaid accounts be referred to the Committee on Contingent Expenses and Accounts.

GRIFFITHS, Chairman

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

SPECIAL ORDER SET.

On motion of Mr. Polsley, the consideration of Assembly Bill No 719 was made a special order for eleven o'clock A. M. of this day.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Cogswell:

Resolved, That Assembly Bill No 1546 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Cogswell moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Huikle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Preisker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Wilson, Willie, and Mr. Speaker—59.

NOES—None.

SECOND READING OF BILL.

Assembly Bill No 1546—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the thirty-ninth session of the Legislature of the State of California during the sixty-first fiscal year.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair

Assembly Bill No. 1546 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER. SACRAMENTO. March 1, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 1546, and do now report the same back, and recommend that it do pass

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried

Bill read second time, considered engrossed, and ordered to third reading.

THIRD READING OF BILL.

Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the thirty-ninth session of the Legislature of the State of California during the sixty-first fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1546 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

ACTION OF ASSEMBLY RESCINDED.

Mr. Cogswell moved that all action on Assembly Bill No. 1546 taken on this day be rescinded.

The roll was called, and motion adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callahan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowan, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stevenot, Sutherland, Telfer, Young, and Mr. Speaker—58.

NOES—None.

SECOND READING OF BILL.

Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the thirty-ninth session of the Legislature of the State of California during the sixty-first fiscal year.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, title, line 4, strike out the word "first", and insert in lieu thereof the following: "second".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 6, strike out the word "first", and insert in lieu thereof the following: "second".

Amendment adopted.

Bill read second time, and ordered to reprint, and re-referred to Committee on Ways and Means.

CASE OF URGENCY.

The following resolution was offered:

By Mr. Cogswell:

Resolved, That Assembly Bill No. 1547 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Cogswell moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polesley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Telfer, Wilson, Wyllie, and Mr. Speaker—57.

NOES—None.

SECOND READING OF BILL.

Assembly Bill No. 1547—An Act making an appropriation for the pay of the officers and employees of the Assembly for the thirty-ninth session of the Legislature.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 1547 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1547, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Bill read second time, considered engrossed, and ordered to third reading.

THIRD READING OF BILL.

Assembly Bill No. 1547—An Act making an appropriation for the pay of the officers and employees of the Assembly for the thirty-ninth session of the Legislature.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1547 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Polesley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Wilson, Wylie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDERS.

The hour of eleven o'clock A. M. having arrived, the special orders heretofore set for this hour were taken up for consideration.

Assembly Bill No. 961—An Act to amend "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen

hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels; to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, by amending Sections 1, 1½, 2, 3, 6, 7, and 17 thereof, and by adding a new section thereto to be numbered Section 20½, relating to the officers and employees of the Department of Engineering, their powers, duties and salaries.

During the third reading of the bill, Mr. Polsley moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strikes out all after the enacting clause and insert the following:

SECTION 1. An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation," approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year," approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled "An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act," approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner," approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing for the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof approved March 11, 1907, is hereby amended to read as follows:

Section 1. A department of and for the State of California to be known as the Department of Engineering is hereby created to consist of an advisory board,

composed of the Governor as ex officio member and chairman of said board, and a Superintendent of Department of Engineering, who shall be the chief executive officer of the department, the four superintendents of the four engineering districts provided for in this Act and the Superintendent of Rivers, as provided for elsewhere in this Act.

The said department, its officers and employees shall have and exercise the powers and duties hereinafter set forth and specified, and such as are or may be hereafter provided by law.

SEC. 2. Upon this Act becoming effective the Governor shall appoint a Superintendent of Department of Engineering, who shall be a competent civil engineer and who shall be selected with particular reference to his qualifications for and practical knowledge of highway, location, construction and maintenance. The Superintendent of Department of Engineering shall devote his entire time to the services of the State and shall not actively engage in any other pursuit while serving as such State official. He shall have charge of all the engineering and structural work of the department and may receive by and through the approval of the advisory board such special assistance of a technical character beyond the employees hereinafter specified as they shall allow for the proper conduct of the business of the department.

SEC. 3. The Superintendent of Department of Engineering shall hold office during the pleasure of the Governor.

SEC. 4. Within twenty days after receiving notice of appointment the person appointed as Superintendent of Department of Engineering shall file a bond in the sum of fifty thousand dollars (\$50,000) with at least two sufficient sureties thereon or with a surety company of recognized standing for the faithful performance of his duties, which bond must be approved by the Governor and filed with the Secretary of State, and he shall qualify by taking the oath of office as prescribed for other State officers.

SEC. 5. Upon this Act becoming effective the Superintendent of Department of Engineering shall divide the State into four engineering districts. Over each of these districts he shall appoint a superintendent who shall have supervision over all work done by the Department of Engineering in his district. Each of said superintendents shall receive for his services the sum of three thousand dollars per year and his necessary traveling and office expenses.

SEC. 5a. Upon this Act becoming effective the Superintendent of the Department of Engineering shall appoint a competent engineer to be superintendent of rivers, who shall receive the sum of three thousand six hundred dollars (\$3,600) per annum. The superintendent of rivers shall have control of all river and dredger operations and other river, harbor, drainage, reclamation and irrigation work under control of the Department of Engineering.

SEC. 6. The office of the Department of Engineering shall be in the State Capitol; and the Secretary of State shall assign to the department, for its use, such rooms as may be necessary for its accommodation. All of the regular meetings of the advisory board shall be held at State Capitol. The said board may, however, hold such special meetings at such places as the duties of the department, or the best interests of the State may require.

SEC. 7. The Department of Engineering by and through the Superintendent of the Department of Engineering, shall have the power to appoint such assistant engineers, architects, draughtsmen, pressmen, secretaries, clerks, and such additional technical assistance and help as the advisory board may in their judgment deem necessary, and to fix their salaries and compensation, who shall hold office at the pleasure of the appointive power, and who must be confirmed by the advisory board before proceeding with their duties. Such officers and employees shall not be eligible for appointment unless they possess special qualifications for and are competent to perform the duties devolving upon them, and they shall devote their entire time to the service of the department.

SEC. 8. The advisory board shall meet at such times as the work of the department may require and shall meet at least once in two months. Said board shall advise with the superintendent of department of engineering as necessity requires and may advise with the boards of managers or trustees of the various state institutions requiring engineering or structural work and with any state commission regarding all works wherein such commission may be interested. The advisory board shall approve all plans and specifications for all public work and shall determine the kind, quality and extent of all public work of the State. All boards of managers, trustees and state commissions of state institutions shall apply to the Department of Engineering for plans and specifications for all public works coming under their charge and before accepting any work done under contract shall have a certificate from the Superintendent of Department of Engineering who shall examine and certify to its completion. All public work coming under the full control of the Department of Engineering may upon the discretion of the advisory board be either contracted for or done by day's labor. The advisory board shall have the power, on the approval of plans and specifications by the Superintendent of Department of Engineering to direct whether any building or structure at any state institution shall be let by contract in part or in whole, or whether said building or structure shall be built by day's labor in part or in whole, but after approval of the plans, specifications and estimates by the advisory board of the Department of Engineer-

ing, if, in the opinion of such Department of Engineering, the acceptance of any bid or bids shall not be for the best interests of the State, or if in the opinion of such Department of Engineering the acceptance of any further bids after the rejection of all bids submitted shall not be for the best interests of the State, it may be legal for them to direct that the work or improvement of any state building, road or any other improvement be done upon a day's labor basis. The full control of such day's labor work is placed under the Department of Engineering and said department shall do all things necessary to properly carry out the work. When such work is so placed upon a day's labor basis, any appropriation which is now available, or which is now or may be appropriated to become available, is by this Act taken out of the control of any board of trustees, directors, commissioners, officers or other body to whom it has been appropriated, and placed exclusively under the control of the Department of Engineering, and the claims for said work shall be approved by the Department of Engineering, and audited by the board of examiners, upon whose audit the controller shall draw his warrant and the treasurer shall pay the same. The Department of Engineering shall have the power to receive informal bids upon any subdivision of the day's labor work and the Superintendent of Department of Engineering may upon the approval of the advisory board enter into an agreement for any such subdivisional work of the day's labor work.

SEC. 9. The full control of all public work being done or now completed by the Board of Public Works shall be assumed by the Department of Engineering and all public work done by the State, except as otherwise provided for by law, shall be under the full control of the said department. It shall be the duty of the Department of Engineering whenever required by the advisory board to make examinations of lands subject to inundation and overflow by flood waters and of the waters causing such inundation or overflow and plans and estimates of the cost for works to regulate and control such flood waters. All matters of drainage, and improving and rectifying river channels and other work on any river or slough flowing into San Francisco Bay, San Pablo Bay and Suisun Bay, and also the tide waters flowing into said bays, shall be placed under the management and control of the Department of Engineering whenever the law provides therefor. The Department of Engineering shall have charge of all expenditures unless otherwise provided by law for all public works relating to general river and harbor improvements, including reclamation and drainage of lands. It may purchase, construct and operate one or more dredges or any other needed appliances to promote or properly carry out the work of the department. The Superintendent of Department of Engineering, in the name of the State of California, may obtain or condemn any right of way necessary for any construction herein named, and shall proceed if necessary to condemn under the terms of the Code of Civil Procedure relating to such proceedings. The department shall have the power to employ such additional help for the performance of the work of this section as the advisory board shall order, and all money now appropriated to the Board of Public Works and remaining unexpended shall be used for the purposes intended by the law by the Department of Engineering, and the State Controller shall transfer such funds to the credit of the Department of Engineering. Wherever under any statutes of this State any duty or obligation the performance of which is imposed upon the Commissioner of Public Works or the auditing board to the Commissioner of Public Works, the same shall be assumed and the performance of the same shall devolve upon the Department of Engineering.

SEC. 10. The Department of Engineering shall take full possession and control of all roads which have been declared state highways enumerated as follows: The Lake Tahoe wagon road, the Sonora and Mono road, the Mono Lake Basin road and all other state highways which may hereafter be constructed and all public work being done or now completed by the Department of Highways. All expenditures by the State for highway purposes except as otherwise hereafter provided by law shall be under the full charge of the Department of Engineering, and all moneys appropriated for such purpose shall be made payable upon the proper order of said department and shall be audited by the State Board of Examiners. The Department of Engineering, through its Superintendent of Department of Engineering, shall have the power to obtain or condemn necessary rights of way for the change of any existing state highway or for any road placed under the department's charge by law unless otherwise provided. It shall have power to alter or change the route of a road and shall do all things necessary, and obtain all tools and implements required to properly care for and manage the roads under the charge of the department. The department may, in its discretion, appoint superintendents of the state highways who shall hold office at the pleasure of the appointive power. All unexpended balances of money now existing by law for improvements or maintenance of whatever kind under the Department of Highways, and the Lake Tahoe Wagon Road Commissioner shall be placed under the control of the Department of Engineering, and the State Controller shall transfer said funds to the credit of the Department of Engineering. Wherever under any statutes of this State any duty or obligation the performance of which is imposed upon the Department of Highways, the same shall be assumed and the performance of the same shall devolve upon the Department of Engineering.

SEC. 11. The Department of Engineering shall make examination into existing highway conditions in the State of California, and shall, furthermore, make such investigations within the State as will put at the service of the State the most approved methods of highway improvement. It shall supply, on request, without charge, any information relative to highways required by any county or district official having care of and authority over highways within this State. It shall collect and collate data relating to the geological formation of the State in so far as it relates to material suitable for highway construction, and make analyses and tests of such material as it may deem suitable for highway uses, with the view of determining the value of the same for such purposes. All data so collected, together with such other matters of value or interest to the people of the State, shall be published in bulletins, or upon maps or diagrams, or in other proper form, or in the biennial report of the department, as it, in its discretion, shall determine. The department shall prepare and adopt styles and forms of books for use by officials, in which to keep account of the expenditure of highway money and all other records or proceedings relating to highways. It shall prepare such forms as may be necessary for use in connection with opening, abandoning, altering, locating, constructing, maintaining, obtaining title to, or otherwise relating to proposed state highways; and such books and forms, when so adopted, shall be the standard for use in the State. Copies of them shall be forwarded to the various officials who are charged with keeping or using the same, and such officials shall immediately prepare books and forms after the style shown by such standard, and shall thereafter use them exclusively for the purposes for which they are intended. It shall be the duty of the department to adopt such general forms for the surveying of state highways, mapping, and keeping of the notes thereof, and the permanent marking of the same on the ground, as it shall deem necessary, and shall issue instructions defining such general forms and markings to the person having charge of the making of such surveys; and it shall thereafter be the duty of such persons to follow the methods prescribed in such instructions. The Department of Engineering, in performance of its duties, shall have the power to call upon any state, county, or district official to furnish it with any information contained in his office which relates to or is in any way necessary to the proper performance of the work of said department; and it is hereby made the duty of such officials to furnish such information without cost.

SEC. 12. The Department of Engineering shall determine what roads shall be connecting county roads or highways which shall connect the different road systems of two or more counties with the state highway system. Such roads may be constructed entirely by the State, or any county or counties may construct such roads under the supervision of the Department of Engineering and be compensated in the amount of two thirds of the cost of such construction less the cost of survey and the acquiring of rights of way. The Department of Engineering may contract with any county or counties for the construction of such connecting highways or roads, to be paid for as follows, to wit: Two thirds of the cost thereof by the State and one third by the county, the cost of survey and rights of way to be paid by the county. Nothing herein shall exempt any county from the payment of its share of the interest as provided in Section 8 of the Act known as the "State Highways Act." approved March 22, 1900.

SEC. 13. Counties which have public highways lying within the right of way of the state highways as determined by the State Department of Engineers and adopted by the Department of Engineering and which have been permanently improved under permanent road division bond issues within three years prior to the adoption of the Act known as "The State Highways Act" approved March 22, 1900, may receive two thirds of the estimated present cost of constructing said public highways so lying within the said right of way; and the Department of Engineers shall estimate such cost and certify the same to the boards of supervisors of such county, who may thereupon present a claim in the name of such county against the state highway fund.

SEC. 14. In the providing of funds for counties to carry out the provisions of this act, counties may proceed as in the manner provided by law for the raising of funds for other county purposes. The rules adopted by the department of engineering may require that before such road is located into or through such county, or into or through adjoining counties, such surveys have been made, rights of way acquired, and provision made for the raising of at least one third of the cost of road in such county as apportioned to the county.

SEC. 15. The interest on the cost of highways built or now building for which appropriations have been made from the General Fund of the state treasury shall not be charged to counties through which they pass except as to such amounts as are used in the construction as are derived from the sale of state bonds as provided for in the Acts known as the State Highways Act, March 22, 1900, and adopted by the people November 8, 1910.

SEC. 16. Counties may, along the routes laid out or accepted by the department of engineering within their borders, construct or complete highways under contract with the department of engineering, and be reimbursed in such amount as the department of engineering may deem equitable, but not to exceed two thirds of the cost of such highway.

SEC. 17. District superintendents and the superintendent of rivers shall, before entering upon the discharge of their duties, execute an official bond for the sum of ten thousand dollars, and shall hold office at the pleasure of the appointing power.

SEC. 18. The department of engineering shall, before each biennial session, prepare a report to the legislature showing in detail all of its operations and expenditures, with estimates of proposed work, and estimates of the amounts needed for maintenance of state highways for the ensuing two years, such estimates to be in such detail as to enable the members of the Legislature to know the probable needs of the different roads throughout the State.

SEC. 19. There is hereby established a fund, to be known as the State Highways Maintenance Fund, which shall be used solely for the maintenance and repair of such state highways as are under the entire control of the State Department of Engineering and have been by them declared to be accepted as completed highways. In this fund shall be placed all moneys appropriated by the State for the maintenance of completed state highways, and shall be drawn upon at the order of the Superintendent of Department of Engineering.

SEC. 20. All architectural work of the department shall be under the charge of the State Architect, and it shall be the duty of said architect to make plans and specifications and estimates for all state building work. He shall, in company with the superintendent of department of engineering, visit and inspect all completed work and shall certify to the Superintendent of Department of Engineering its proper or improper completion. The State Architect shall have general charge under the Superintendent of Department of Engineering of the erection of all buildings and must have an inspector at each building during the whole time of its construction.

SEC. 21. All cooperative engineering work now existing or to be engaged in by the State with the United States Government shall be placed under the Department of Engineering. All plans, estimates and specifications shall be approved by the Superintendent of Department of Engineering and the advisory board shall have full power to determine the kind, quality and extent of such work under cooperation with said Government before entering into agreement with said Government for such work, except such as are under the control of the harbor commissioners. All unexpended moneys provided for by law on the aforesaid cooperative basis shall be expressly placed under the full control of the Department of Engineering, and the State Controller shall transfer such funds to the credit of the said department. Hereafter plans, estimates and specifications for such work shall be filed in the office of the said department.

SEC. 22. It shall be the duty of the Superintendent of Department of Engineering to consult and advise with the members of the corps of engineers of the United States army comprising the California Débris Commission (created by Act of Congress approved March first, eighteen hundred and ninety-three), in relation to the construction of works for the restraining and impounding of debris resulting from mining operations, natural erosion, or other causes; and it shall be his duty to examine such works and to report the result of such examination to the advisory board. Said Superintendent of Department of Engineering is further authorized and directed to consult and advise with said "California Débris Commission" in relation to any and all plans and specifications that may have been or may hereafter be prepared or adopted by said "California Débris Commission," for the construction of such restraining or impounding works, and said Superintendent of Department of Engineering shall file a copy of all such plans and specifications in the office of the department. Whenever the advisory board approves said plans and specifications the Superintendent of Department of Engineering shall notify the "California Débris Commission." Whenever said "California Débris Commission" or the Government of the United States shall have entered into any contract for the construction of works for the purposes described in this Act, in pursuance of plans and specifications that have been theretofore approved by the advisory board as in this Act provided, it shall then be the duty of the Superintendent of Department of Engineering to cause such work to be carefully inspected during the progress of their construction and to keep a record of the result of such inspection. Said Superintendent of Department of Engineering shall also from time to time, during the progress of the construction of such works, when requested so to do by the said "California Débris Commission," present his claims to the State Board of Examiners in favor of such person or persons as may be designated by said "California Débris Commission" for such amounts as shall equal one half of the cost of the construction of said works; and said Superintendent of Department of Engineering shall in like manner, and when requested so to do by said "California Débris Commission," present his claims to the State Board of Examiners for an amount equal one half the purchase price of any site or sites necessary for the construction of said works; *provided*, that the purchase of said site or sites shall have been first approved by the advisory board. All unexpended balances of money provided by law for the work under the Débris Commissioner shall be placed to the credit of the Department of Engineering by the State Controller. Whenever under any statutes of the State any duty or obligation the performance of which is imposed upon the Débris Commissioner, the same shall be assumed and the performance of the same shall devolve upon the Department of Engineering.

SEC. 23. When in his judgment it is deemed necessary, the Superintendent of Department of Engineering, subject to the approval of the advisory board, shall

employ such assistance on the public work of the State or on public work at any state institution as may be necessary for the proper discharge of his duties, and shall under like restrictions, have the authority to purchase any supplies, instruments, tools and conveniences as may be necessary for the proper discharge of the duties of the Department of Engineering. All employees of the Department of Engineering, when employed upon public work at or for any state institution in this State shall be paid, unless otherwise provided, from the revolving fund hereinafter created, and the amount of such payment shall be a charge against the institution for which such work is performed, and when collected from said institution by the Department of Engineering, shall be paid into said revolving fund. In all other cases such employees shall be paid by the Department of Engineering. All inspectors employed by the Superintendent of Department of Engineering on any public work shall render to the Superintendent of Department of Engineering a full, true and correct report of the kind, manner and progress of all work upon which he is such inspector. Any inspector who shall render a false report knowing the same to be false shall be guilty of a felony. It shall be the duty of the Superintendent of Department of Engineering to keep a full, true and correct detailed account of the cost of all work done under the control of the Department of Engineering, and with the consent of the advisory board, may employ a clerk for the proper compiling thereof. Such accounts shall be always open to the inspection of the public.

SEC. 24. The Superintendent of Department of Engineering shall prepare biennial reports which shall be submitted to the Governor at least thirty days before each session of the Legislature. Said report shall embrace the work and investigations of the department under his charge for the previous two years, together with such recommendations for changes in the laws affecting the department as he may deem advisable, and shall suggest and recommend changes relating to the road systems or administration within the State. It shall be the duty of the State Printer to print all reports, bulletins or other matter and furnish any other necessary illustrations or diagram therefor as the department may deem necessary, all of which shall, however, be subject to the approval of the State Board of Examiners.

SEC. 25. The Superintendent of Department of Engineering shall receive the sum of five thousand dollars (\$5000.) per annum; each Assistant State Engineer shall receive three thousand dollars (\$3000.) per annum; the State Architect shall receive forty-eight hundred dollars (\$4800.) per annum; each of the five draughtsmen shall receive two thousand dollars (\$2000.) per annum; the architectural designer shall receive twenty-four hundred dollars (\$2400.) per annum; the mechanical engineer shall receive twenty-seven hundred dollars (\$2700.) per annum; the testing engineer shall receive twenty-one hundred dollars (\$2100.) per annum; each of two filing clerks shall receive eighteen hundred dollars (\$1800.) per annum; the secretary shall receive twenty-four hundred dollars (\$2400.) per annum; the blue print pressman shall receive fifteen hundred dollars (\$1500.) per annum; each clerk and stenographer shall receive fifteen hundred (\$1500.) per annum, and the porter and messenger shall receive nine hundred dollars (\$900.) per annum. Such salaries shall be paid at the same time and the same manner as are the salaries of other state officers. The two assistant state engineers and the State Architect shall each furnish the State with a bond in the sum of ten thousand dollars (\$10,000.) for the faithful performance of their duties. Said bonds must be approved by the Governor of the State of California and filed in the office of the Secretary of State. Each and every one of the above-mentioned officers shall take the oath of office as prescribed for other state officers. The members of the Advisory Board, the Superintendent of Department of Engineering and the officers and employees of the Department of Engineering shall be allowed their necessary traveling expenses while engaged in the discharge of their duties within the State.

SEC. 26. The State Board of Examiners shall audit all bills or claims incurred by the Department of Engineering and the Superintendent of Department of Engineering shall present claims to said board for all expenditures directly under his charge. The Attorney General of the State shall be the legal adviser of the Department of Engineering and the said department shall call upon the Attorney General of the State for all such legal advice and services as the discharge of its duties may require.

SEC. 27. The sum of \$10,000 is hereby appropriated out of any money in the state treasury not otherwise appropriated to provide and maintain a permanent revolving fund for the payment of the salaries and wages of employees in the Department of Engineering when employed upon public work at or for any state institution other than those employees whose salaries are fixed and determined by Section 17 of this Act. Such payment so made for salaries and wages shall be charged against the institution for which such work is performed and in favor of the Department of Engineering, and when collected by said department, shall be paid into the revolving fund hereby created.

SEC. 28. The Department of Engineering shall have full charge and control of all building and locating of the public roads and highways contemplated in the Act establishing a system of state highways approved by the people November 8, 1910. They shall also provide a system of bookkeeping and supervision under each of the district heads as provided for in Section 5 of this Act; *provided*, that the resident superintendent of each district shall be in control of all work done and of the em-

ployment and appointment of all subordinates in his district, and shall be responsible to the Superintendent of Department of Engineering

SEC. 29. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Motion lost.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 961 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Also:

Assembly Bill No. 719—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties, and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and

compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof." approved March eleventh, nineteen hundred and seven.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 719 refused passage by the following vote:

AYES—Messrs. Bliss, Brown, Flint, Guill, Held, Judson, Lyon of San Francisco, Maher, Mendenhall, Polsley, Randall, Sbragia, Slater, Smith, and Sutherland—15.

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Callaghan, Cattell, Clark, Cogswell, Cronin, Farwell, Feeley, Fitzgerald, Gerdes, Griffiths, Hamilton, Hayes, Jasper, Jones, Joel, Kehoe, McGowen, Mott, Nolan, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Young, and Mr. Speaker—30.

THIRD READING OF BILLS.

Assembly Bill No. 1203—An Act to amend Section 1188 of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

On motion of Mr. Young, bill ordered re-referred to Committee on Election Laws, retaining its place on file.

Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 549 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Wilson, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 159—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School and for the purchase of dormitory and school furniture for said school.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 159 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Polsley, Preisker,

Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Slater, Smith, Sutherland, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—57.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 965—An Act to amend Sections 2322, 2322*b*, 2322*c*, 2322*d*, and 2322*e* of the Political Code of the State of California, said sections relating to orchards, trees, vines or plants of any variety infested with diseases or scale insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or noxious weeds and to the eradication of insect pests and diseases, and to the appointment and removal of a county horticultural commissioner in the several counties of the State, prescribing his duties and powers and fixing his compensation and term of office, also providing for a State Board of Horticultural Examiners, prescribing the duties of said board and providing for examinations to be taken by persons desiring to qualify for position as county horticultural commissioners; providing for the dividing of the several counties of the State into districts by the respective county horticultural commissioners and providing for the appointment of deputy commissioners, local inspectors and quarantine guardians, prescribing their duties and powers and fixing their compensation.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 965 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Smith, Stevenot, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a Superintendent of Public Instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

During the consideration of the Assembly constitutional amendment. Mr. Young moved that the Speaker appoint a select committee of one to amend as follows:

On page 2, line 9, of the printed resolution, after the word "Governor", insert the words "by and with the advice and consent of the Senate."

Motion carried.

The Speaker appointed Mr. Young as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read :

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Constitutional Amendment No. 34, with instructions, do now report that the instructions of the Assembly have been carried out.

YOUNG, Select Committee.

Report of select committee and amendment adopted.

Assembly constitutional amendment ordered to reprint, with a rush order, reëngrossment, and on file for adoption.

Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

During the consideration of the Assembly constitutional amendment, Mr. Hinkle moved that the Speaker appoint a select committee of one to amend as follows:

On page 2, line 10, after the comma following the word "Governor", insert the following: "by and with the advice and consent of the Senate."

Motion carried.

The Speaker appointed Mr. Hinkle as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read :

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Constitutional Amendment No. 35, with instructions, do now report that the instructions of the Assembly have been carried out.

HINKLE, Select Committee.

Report of select committee and amendment adopted.

Assembly constitutional amendment ordered to reprint, with a rush order, reëngrossment, and on file for adoption.

Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 165 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 209—An Act to provide a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 209 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 210 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 166—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the State Normal School building at Los Angeles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 166 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 891—An Act making an appropriation to meet the expense of the collection of state revenues.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 891 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Nolan, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 892—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees of the Controller's office and the salaries paid to such employees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 892 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Hamilton, Hayes, Hinkle, Jasper, Jones, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Sutherland, Telfer, Walsh, and Mr. Speaker—49.

NOES—Messrs. Griffin of Modesto, Held, and Stevenot—3.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

SPECIAL ORDER.

The hour of two o'clock P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Senate Bill No. 1170—An Act to amend section two thousand five hundred and twenty of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, said section two thousand five hundred and twenty relating to the establishment of a board of State Harbor Commissioners, providing for the number of such commissioners, their nomination and appointment, term of office and duties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1170 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint,

Freeman, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, McGowen, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Sutherland, Tibbits, Wilson, Wyllie, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS.

Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four "a," providing for the formation of religious corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 240 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Coghlan, Cogswell, Cronin, Denegri, Farwell, Feeley, Freeman, Griffin of Modesto, Hamilton, Held, Hinkle, Jones, Joel, Judson, Kehoe, Lamb, Lynch, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Stevenot, Sutherland, Wilson, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

During the third reading of the bill, Mr. Brown moved that the Speaker appoint a select committee of one to amend the bill as follows:

Before the word "irrigation," in line 49, Section 1, page 2, of the printed bill, insert the following: "sanitary district, drainage district, reclamation district, protection district."

Motion carried.

The Speaker appointed Mr. Brown as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Senate Bill No. 373, with instructions, do now report that the instructions of the Assembly have been carried out.

BROWN, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof; to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; to prevent the sale of goods, wares and merchandise by false weight or measure; authorizing counties, incorporated cities, incor-

porated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures and to define the powers and duties of such sealers; to provide penalties for violation of the provisions of this Act relating to the foregoing and for the admission in evidence of copies of the State's standard of weights and measures furnished under the provisions of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 31 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Committee Substitute for Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 30—An Act to appropriate money to erect a building for the training department at the San Jose State Normal School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks,

lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 143—An Act providing an appropriation for \$1,000 00 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 458—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 459—An Act to amend Section 2470 of the Civil Code, relating to register of persons and firms to be kept by the county clerk.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code, relating to certificates of partnership and the execution and filing thereof.

During second reading of bill, the following amendment was submitted by the committee:

Strike out beginning with the word "any" in line 18, of page 2, of the printed bill, and then down to and including all of line 24, and insert in lieu thereof the following:

"No person doing business under a fictitious name, or his assignee or assignees, nor any person doing business as partners contrary to the provisions of this article, or their assignee or assignees, shall maintain any action upon or on account of any contract or contracts made, or transactions had, under such fictitious name, or in their partnership name, in any court of this State until the certificate has been filed and the publication has been made as herein required."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1183*b* and Section 1183*c*, relating to liens of mechanics and others.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185*c*, relating to arrest, hearing and commitment of inebriates and drug habitués to a state hospital for the insane.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 478—An Act to amend Section 128 of the Civil Code, by providing that a cross-complainant in an action for divorce need not be or have been a resident of the State, or of the county in which the action is brought or pending, but must personally verify the cross-complaint and all but certain amendments thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 785—An Act to amend Section 607c of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 192—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by adding a new subdivision thereto to be known as Subdivision 16.

During second reading of bill, the following amendment was submitted by the committee:

On page 4, line 95, of the printed bill, strike out all after the word "constitution", and insert a period in lieu thereof

Amendment adopted.

The following amendments were submitted by Mr. Beatty:

After the word "exercise" on line 3, page 1, of the title of printed bill, add the following: "by amending Section 8 thereof, and".

Amendment adopted.

Also:

After the word "university" on line 52, of page 2, of the printed bill, strike out the "period" and insert a semicolon and the following words: "also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village"

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 460—An Act to amend Section 2466 of the Civil Code, relating to the use of fictitious names, and duties of those using them.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, line 2, of the printed bill, strike out the word "Penal", and insert in lieu thereof the word "Civil".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1255a, relating to the abandonment of condemnation proceedings and providing for costs upon such abandonment.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 4, of the printed bill, strike out "plaintiff", and insert in lieu thereof the word "plaintiff".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure to be numbered Section 1057a, relating to justification by corporate surety on bonds or undertakings.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, line 49, of the printed bill, add the words "Section 2" before the word "This".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 644—An Act to amend sections one, two, three, four, six, fifteen, sixteen, eighteen, twenty-one, and twenty-seven of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals.

Bill read second time, and ordered on file for third reading.

Committee Substitute for Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats "David Seannell" and "Dennis Sullivan" shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 558—An Act to provide for the purchase of an automobile for the Governor of the State of California, and to make an appropriation for the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 696—An Act to amend section one of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating, vinous or alcoholic liquors within or contiguous to certain state buildings and grounds.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 8, Section 1, page 1, of the printed bill, strike out the words "one mile", and insert in lieu thereof the words "three miles".

Amendment adopted.

AMENDMENT No. 2

After the word "misdemeanor" in line 15, Section 1 page 1, of the printed bill, insert a new section to read as follows

"Sec. 2 This Act shall take effect on and after September 1, 1911."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 4—An Act to provide a state highway from Meyer's Station, in El Dorado County, California, to McKinneys, in Placer County, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1232—An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

Bill read second time, and ordered on file for third reading.

Mr Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 363, 365, 367, 368, 370, 371, 30, 36, 55, 142, 143, 1232, 558, 696, and 4.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bills Nos. 363, 365, 367, 368, 370, 371, 30, 36, 55, 142, 143, 1232, 558, 696, and 4 considered.

Mr Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 363, 365, 367, 368, 370, 371, 30, 36, 55, 142, 143, 1232, 558, 696, and 4, and do now report the same back, and recommend that they do pass

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

An Act to amend Section 4256 of the Political Code of the State of California, relating to the compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

An Act to amend Section 2182 of the Civil Code of the State of California, relating to liability of a carrier for luggage, and prescribing the method of handling same.

An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax.

An Act to amend Section 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies, to township officers and their compensation; and to compensation of jurors and grand jurors in counties of the twentieth class.

CHANDLER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following Assembly concurrent resolution, herewith return the same with the recommendation that the author be permitted to introduce it. The title of said Assembly concurrent resolution is as follows:

Relative to approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911.

CHANDLER, Chairman

Mr. Chandler moved the adoption of the report.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Bohnett moved a call of the House.

Motion carried.

Time, three o'clock and five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbitts, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—68

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Brown, Polsley, Sbragia, and Mott were brought before the bar of the House, and were, on motion, excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and twenty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Bohnett.

The roll of absentees was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Spenker—70

NOES—Messrs. Denegri, Feeley, Nolan, and Rimlinger—4.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Beckett: Assembly Bill No. 1553—An Act to amend Section 4256 of the Political Code of the State of California, relating to the compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants

Bill read first time, and referred to Committee on County and Township Government.

By Mr. Preisker: Assembly Bill No. 1551—An Act to amend Section 2182 of the Civil Code of the State of California, relating to liability of a carrier for luggage and prescribing the method of handling same.

Bill read first time, and referred to Committee on Common Carriers.

By Committee on Education: Assembly Bill No. 1552—An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax.

Bill read first time, and ordered on file without reference.

By Mr. Brown: Assembly Bill No. 1550—An Act to amend Section 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies, to township officers and their compensation; and to compensation of jurors and grand jurors in counties of the twentieth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Hamilton: Assembly Concurrent Resolution No. 24—Relative to approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911.

Resolution read, and referred to Committee on Municipal Corporations.

SPECIAL ORDER

The hour of three o'clock and thirty minutes P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 869—An Act to amend section two hundred eighty b of the Code of Civil Procedure of California.

Mr. Coghlan moved that the special order be continued until two o'clock and thirty minutes P. M. of Thursday, March 2, 1911.

Mr. Cattell moved as an amendment, that the time be three o'clock and thirty minutes P. M.

Mr. Coghlan moved as a substitute for the whole matter, that the time be eleven o'clock and thirty minutes A. M. of Thursday, March 3, 1911.

Substitute adopted.

MOTION TO AMEND RULES.

In accordance with notice given on previous day, Mr. Coghlan moved to amend the standing rules of the Assembly as follows:

Amend Rule No. 78 by striking out the words "without debate" where they appear in line 15, of the rules as printed on page 12 of the Journal of January 5, 1911.

Also By adding after the last word in said rule the following: "The author of any bill shall have not more than ten minutes within which to speak to the question of the introduction of his bill, and the Committee on Introduction of Bills may have the same time for reply."

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Hayes, Held, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—81.

NOES—None.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 100—An Act to provide for direct legislation including initiative, referendum and recall by electors in counties, and in incorporated cities and towns, of this State other than those having a charter adopted in accordance with Section 8. of Article XI, of the Constitution of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 100 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies.

The question being on the adoption of Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No 50 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT No 50.

A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies.

The Legislature of the State of California at its regular session commencing on the second day of January, one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes the following amendment to article twelve of the Constitution of the State of California

First—Section twenty of article twelve is hereby amended to read as follows

SEC. 20. No railroad or other transportation company shall raise any rate of charge for the transportation of freight or passengers or any charge connected therewith or incidental thereto, under any circumstances whatsoever, except upon a showing before the Railroad Commission provided for in this Constitution, that such increase is justified, and the decision of the said commission upon the showing so made shall not be subject to review by any court except upon the question whether such decision of the commission will result in confiscation of property.

Second—Section twenty-one of article twelve is hereby amended to read as follows:

SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates.

Provided, however, that upon application to the Railroad Commission provided for in this Constitution such company may, in special cases, after investigation, be authorized by such commission to charge less for longer than for shorter distances for the transportation of persons or property and the Railroad Commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The Railroad Commission shall have power to authorize the issuance of excursion and commutation tickets at special rates.

Nothing herein contained shall be construed to prevent the Railroad Commission from ordering and compelling any railroad or other transportation company to make reparation to any shipper on account of the rates charged to said shipper being excessive or discriminatory, provided no discrimination will result from such reparation.

Assembly Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, relating to the exemption of property from taxation, to be known as section one and one quarter of article thirteen of the Constitution of the State of California.

The question being on the adoption of Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No 48 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri,

Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Held, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 48

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, relating to the exemption of property from taxation, to be known as section one and one quarter of article thirteen of the Constitution of the State of California

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and eleven, two thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that an amendment to the Constitution of the State be adopted by adding a new section thereto, to be known as section one and one quarter of article thirteen of the Constitution of the State of California, to read as follows

Section 14. The property to the amount of one thousand dollars of every resident in this State who has served in the army, navy, marine corps, or revenue marine service of the United States in time of war, and received an honorable discharge therefrom, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and property to the amount of one thousand dollars of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State of every person who has so served and has died either during his term of service or after receiving honorable discharge from said service; and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors, and marines who served in the army, navy, or marine corps, or revenue marine service of the United States, shall be exempt from taxation; *provided*, that this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this Act of the property of a person who is not a legal resident of this State.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENTS

Senate Constitutional Amendment No. 2.—A resolution proposing to the people of the State of California an amendment to Section 14, Article XI of the Constitution of the State of California

The question being on the adoption of Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 2 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Malone, McDonald, Mendenhall, Mott, Nolan, Preisker, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Senate constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 2.

A resolution proposing to the people of the State of California an amendment to Section 14, Article XI of the Constitution of the State of California

The Legislature of the State of California at its regular session, commencing on the second day of January, in the year nineteen hundred and eleven, two thirds of the members elected to the Senate and Assembly voting therefor, hereby proposes to the people of the State of California that section fourteen (14) of article eleven (XI) of the Constitution of the State of California, be amended to read as follows:

Section 14. The Legislature may by general and uniform laws provide for the

inspection, measurement and graduation of merchandise, manufactured articles and commodities, and may provide for the appointment of such officers as may be necessary for such inspection, measurement, and graduation.

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article VI thereof, to be numbered Section 4½, relating to appeals in criminal cases.

The question being on the adoption of Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 26 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogblan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Senate constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 26

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article VI thereof, to be numbered Section 4½, relating to appeals in criminal cases.

The Legislature of the State of California, at its regular session commencing on the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California by adding a new section to Article VI thereof, to be numbered Section 4½, to read as follows:

Section 4½. No judgment shall be set aside, or new trial granted in any criminal case on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, after an examination of the entire cause including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1022—An Act to provide for relief of soldiers, sailors and marines, who have served in the late Civil War, and to provide for pensions to such soldiers, sailors and marines, under certain circumstances.

Assembly Bill No. 750—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Assembly Bill No. 1152—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319h, 2319i, of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers, duties and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said commissioner, and providing methods, means and penalties for the enforcement of such powers and duties, and providing for the appointment of additional officers fixing their compensation and prescribing their duties.

Assembly Bill No. 113—An Act to amend Section 1874 of the Political Code of the State of California, providing for a free distribution of text-books in common schools.

Assembly Bill No. 511—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12 and relating to the government of municipal corporations and providing for the recall, initiative and referendum.

Assembly Bill No. 585—An Act to amend Sections 276 and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counselors at law.

Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies.

Assembly Bill No. 990—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the attorney general's office and fixing their salaries.

Assembly Bill No. 682—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

Assembly Bill No. 1491—An Act to add to the Political Code a new section to be numbered 1874b, relating to the publishing, printing and distributing of school textbooks.

Assembly Bill No. 1526—An Act to authorize the legislative body of a municipality of the fifth class to create a water system district within its boundaries, provide a system of water bonds for the construction of a water system therein and to provide for the payment of said bonds.

Assembly Bill No. 1059—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be numbered and known as Section 405a, relating to agents of foreign corporations.

Assembly Bill No. 1295—An Act to amend Section 4273 of the Political Code of the State of California, relating to the salaries and fees of the county officers of the forty-fourth class.

Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients.

Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California creating a railroad commission and defining its powers and duties.

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California, an amendment to Section 18, Article 20, relative to the employment of females in the handling and sale of intoxicating liquors.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

SPEAKER PRO TEM. IN THE CHAIR.

At four o'clock and fifteen minutes P. M., Hon. H. G. Cattell, Speaker pro tem of the Assembly, in the Chair.

SECOND READING OF BILLS.

Assembly Bill No. 386—An Act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2 and Section 3 in the printed bill, and insert in lieu thereof the following.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the amount hereby appropriated three thousand five hundred dollars shall be available on and after July 1, 1911, and the remaining one thousand seven hundred dollars shall be available on and after July 1, 1912.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906; to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In lines 1 and 2, Section 1, of the printed bill, strike out the following. "three hundred and twenty-five thousand, five hundred dollars (\$325,500 00)", and insert in lieu thereof the words "one hundred eleven thousand five hundred dollars"

Amendment adopted.

AMENDMENT No. 2

In line 8, Section 1, of the printed bill, before the word "buildings" add the word "two".

Amendment adopted.

AMENDMENT No. 3

Strike out all of Section 4 of the printed bill, and insert in lieu thereof the following.

"SEC. 4 Of the moneys herein appropriated thirty-one thousand five hundred dollars shall be available on and after July 1, 1911, and eighty thousand dollars thereof on and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of the title of the printed bill the word "seven", and insert in lieu thereof the word "two".

Amendment adopted.

AMENDMENT No. 2.

In lines 1 and 2, Section 1, of the printed bill, strike out the following. "twenty-four thousand five hundred dollars (\$24,500.00)", and insert in lieu thereof the following "six thousand eight hundred seventy-five dollars".

Amendment adopted.

AMENDMENT No. 3.

Strike out all of lines 7, 8, 9, 10 and 11, Section 1, of the printed bill

Amendment adopted.

AMENDMENT No. 4.

Strike out all of lines 14, 15, and 16, Section 1, of the printed bill, and insert in lieu thereof the following: "For furnishing one cottage for convalescent patients the sum of two thousand six hundred twenty-five dollars"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In lines 3 and 4, Section 1, of the printed bill, strike out the words "thirty-two thousand dollars to be paid to the order of the board of trustees of the California Polytechnic School", and insert in lieu thereof the following: "twenty thousand dollars, or so much thereof as may be necessary."

Amendment adopted.

AMENDMENT No. 2.

In line 6, Section 1, of the printed bill, strike out the words "said school", and insert in lieu thereof the words "the California Polytechnic School"

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 2, and Section 3, in the printed bill, and insert in lieu thereof the following:

"Sec. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the amount hereby appropriated five thousand dollars shall be available on and after July 1, 1911, and the remaining fifteen thousand dollars shall be available on and after July 1, 1912"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the words "one hundred and thirty thousand", and insert in lieu thereof the words "sixty-five thousand".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of section two in the printed bill, and insert in lieu thereof the following.

"SEC. 2 The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the amount hereby appropriated thirty-five thousand dollars shall be available on and after July 1, 1911, and the remaining thirty thousand dollars shall be available on and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "twelve".

Amendment adopted.

AMENDMENT No. 2

After the period in line 3, Section 2, of the printed bill, insert the following "of the amount hereby appropriated six thousand dollars shall be available on and after July 1, 1911 and the remaining six thousand dollars shall be available on and after July 1 1912"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In line 1, Section 1, of the printed bill, strike out the word "thirteen", and insert in lieu thereof the word "ten".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 2, in the printed bill, and insert in lieu thereof the following.

"SEC. 2 The Controller of State is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same

SEC. 3. This Act shall take effect and be in force from and after July 1, 1911."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the words "three thousand", and insert in lieu thereof the words "two thousand five hundred".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 2, and insert in lieu thereof the following:

"SEC. 2 The Controller of State is hereby authorized and directed to draw his warrants for the amount herein appropriated, in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same."

SEC. 3 This Act shall take effect and be in force from and after July 1, 1911."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill strike out the words "twenty-five", and insert in lieu thereof the word "eleven".

Amendment adopted

AMENDMENT No. 2

Strike out all of Section 2, in the printed bill, and insert in lieu thereof the following:

"SEC. 2 The Controller of State is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the amount hereby appropriated five thousand five hundred dollars shall be available on and after July 1, 1911, and the remaining five thousand five hundred dollars shall be available on and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 725—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars, eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909, necessitated by the finishing and preparing building for the opening of the University farm school.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2, in the printed bill, and insert in lieu thereof the following:

"SEC. 2. This Act shall take effect and be in force from and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment and third reading.

Assembly Bill No. 544—An Act making an appropriation to pay the claim of George W. Bush against the State of California

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano of the city of Sonoma, California

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 866—An Act to establish a state agricultural college and forestry school at San Diego, California.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 7, in the printed bill, and insert in lieu thereof the following

"SEC. 7. One hundred thousand dollars of the money appropriated shall be available on and after July 1, 1911, and the remaining one hundred and fifty thousand dollars of the money hereby appropriated shall be available on and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Committee Substitute for Assembly Bill No. 287—An Act to provide for the purchase by the State of California of the armory building and wharf located on the bay of San Diego, and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos 226, 706, 707, 2, 287, 720, 721, 722, 723, 724, 725, 866, 544, 172, and 386.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Assembly Bills Nos. 226, 706, 707, 2, 287, 720, 721, 722, 723, 724, 725, 866, 544, 172, and 386 considered

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker pro tem Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER SACRAMENTO, March 1, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos 226, 706, 707, 2, 287, 720, 721, 722, 723, 724, 725, 866, 544, 172, and 386, and do now report the same back, and recommend that they do pass

CATTELL, Chairman.

Mr Cogswell moved the adoption of the report.

Motion carried

Assembly Bill No. 186—An Act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one and sixteen hundred and sixty-five of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Bill read second time, and ordered to engrossment and third reading.

Assembly Journals

(Page missing in original book)

Assembly Journals

(Page missing in original book)

Assembly Bill No 1541—An Act to repeal an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Bill read second time, and ordered to engrossment and third reading.

Committee Substitute for Assembly Bill No. 927—An Act to amend Section 1729 of the Political Code of the State of California, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1168—An Act to add a new section to the Penal Code of the State of California, to be numbered 382a, forbidding the advertisement of any misbranded, mislabeled or adulterated food, liquor, drug, medicine or remedy.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1169—An Act to add a new section to the Penal Code of the State of California, to be numbered 382b, forbidding the publication, circulation or distribution of advertisements of any food, liquor, drug, medicine, or remedy, which advertisements shall be false or misleading.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 294—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1471—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No 1319—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, and to repeal Section 975 thereof, both relating to appeals from judgment of justices' or police courts.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1322—An Act to repeal Section 980 of the Code of Civil Procedure of the State of California, relating to powers of Superior Court on appeal.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1323—An Act to amend Section 92 of the Code of Civil Procedure of the State of California, relating to certificates, transcripts, and other papers in cases certified to the Superior Court.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned as public streets or highways.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1

After the word "abandoned", in line 1, of page 1, of the title, insert the following: "or closed up".

Amendment adopted

AMENDMENT No. 2

After the word "streets" in line 2, of page 1, of the title, strike out the words "or highways", and insert the following: "and authorizing the execution of deeds therefor by officers of municipalities".

Amendment adopted.

AMENDMENT No. 3.

Before the word "whenever", in line 1, of page 1, insert "Section 1".

Amendment adopted.

AMENDMENT No. 4.

After the word "deed", in line 9, of page 1, insert the following: "its entire interest in".

Amendment adopted.

AMENDMENT No. 5.

Before the word "such", in line 14, of page 2, of the printed bill, insert the following: "Section 2"

Amendment adopted.

AMENDMENT No. 6.

After the word "deeds", in line 15, of page 2, of the printed bill, insert the following: "in the name of such municipality".

Amendment adopted.

AMENDMENT No. 7.

After Section 2, on page 2, of the printed bill, insert the following: "Section 3. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1098—An Act defining and relating to wage-workers; regulating assignments of wages and salaries as securities for loans; and fixing a maximum rate of interest for loans upon wages and salaries, and providing penalties for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 9, of Section 1, of the printed bill, strike out the word "and" and insert the word "or".

Amendment adopted.

AMENDMENT No. 2.

In line 1, Section 3, of the printed bill, after the word "association", insert the words "engaged in the business of".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 915—An Act to repeal Section 375a of the Penal Code, relating to crimes against public health and safety.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1320—An Act to amend Section 976 of the Code of Civil Procedure of the State of California, relating to appeals to Superior Courts.

During second reading of bill, the following amendment was submitted by the committee:

In line 11, of the printed bill, before the word "for", insert "it shall be the duty of appellant to prosecute his appeal with due diligence and".

Amendment adopted.

The following amendment was submitted by Mr. Joel:

On page 1, Section 1, line 13, before the word "the" insert the following words: "or for a failure to pay the fees of the clerk of the superior court for filing the papers used on the appeal by the appellant for more than twenty days after they shall have been received by the clerk."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1321—An Act to amend Section 977 of the Code of Civil Procedure of the State of California, relating to the transmission of papers to appellate courts.

During second reading of bill, the following amendment was submitted by the committee:

In line 3, of the printed bill, after the word "payment" insert the following: "of the fees of the justice or judge payable on appeal and not".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1327—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the rejection of claims against estates of deceased persons, notice thereof, and actions and proceedings on rejected claims.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 3, of the printed bill, strike out the words "proceedings and relief upon rejected claims".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 168—An Act declaring it to be a felony to make false statements regarding the financial condition or liabilities of any person seeking credit, for the purpose of obtaining the same.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

On page 2, line 31, of the printed bill, strike out the words "five years", and insert in lieu thereof the words "one year".

Amendment adopted.

AMENDMENT NO. 2.

Strike out all of the title, after the words "An Act", and insert in lieu thereof: "to add a new section to the Penal Code of the State of California to be known as Section 532a, relating to false statements regarding financial condition or liabilities of any person seeking credit for the purpose of obtaining the same, and providing the penalty therefor."

Amendment adopted.

AMENDMENT No. 3.

After the enacting clause, insert the following: "Section 1. A new section is hereby added to the Penal Code of the State of California to be numbered 532a, and to read as follows:"

Amendment adopted.

AMENDMENT No. 4.

In line 1, Section 1, of the printed bill, strike out "Section 1", and insert in lieu thereof "532a".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 4, of the printed bill, strike out the words "dry measure", and in lieu thereof insert the words "avoirdupois weights".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 4, of the printed bill, after the word "state", strike out the comma, and in lieu thereof insert a period.

Amendment adopted.

AMENDMENT No. 3.

On pages 1 and 2, Section 1, of the printed bill, strike out all of lines 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, line 16, of the printed bill, strike out the word "closed".

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 2, line 4, of the printed bill, after the word "the", insert the word "minimum".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 2, line 5, of the printed bill, after the word "or" insert the word "minimum".

Amendment adopted.

AMENDMENT No. 7.

On page 2, Section 2, line 6, of the printed bill, strike out the period, and insert in lieu thereof a comma, and add the following "provided, that this section shall not apply to articles selling at retail for less than five cents."

Amendment adopted.

AMENDMENT No. 8.

On page 3, strike out all of Section 11, of the printed bill, and insert in lieu thereof the following:

"Sec. 11. In all goods sold by numerical count, excepting goods sold in packages selling at retail for less than five cents, the container shall be labeled with the count, which shall not be for a greater number than the true and correct number, but fresh

citrus fruits and other fresh fruits sold by numerical count shall have the approximate average number of the contents marked or labeled upon the container."

Amendment adopted.

AMENDMENT No. 9.

On page 3, Section 12, line 1, of the printed bill, strike out the word "medicines".

Amendment adopted.

AMENDMENT No. 10

On page 4, Section 14, line 10, of the printed bill, strike out all after the word "outside", and also lines 11, 12 and 13, and insert in lieu thereof the following: "the United States; *provided, further*, that the name and location of the manufacturer, canner or packer of all foods, manufactured, packed, sold or shipped shall appear or be printed on each and every package, can, carton, bottle or other container; or if such package, can, carton, bottle or other container be labeled, upon such label."

Amendment adopted.

AMENDMENT No. 11.

On page 4, of the printed bill, strike out all of Section 17, and insert in lieu thereof the following:

"SEC. 17. The selling and delivery of any commodity or article of merchandise shall be prima facie evidence of representations on the part of the vendor that the quantity sold and delivered was the quantity marked on the container and bought by the vendee; but reasonable allowance shall be made for unavoidable variations in weight, leakage, shrinkage, stretching, evaporation and waste, due to causes beyond the control of the vendor."

Amendment adopted.

AMENDMENT No. 12.

On page 5, Section 19, in line 6, after the word "wrapped", insert a period and strike out the words "but nothing"; also all of lines 7, 8, 9 and 10.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1395—An Act to amend the Penal Code by adding a new section thereto to be known as section six hundred fifty-three *e*, relating to wages of employees.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1334—An Act to regulate the employment of females in public places.

Bill read second time, and on motion of Mr. Gerdes, re-referred to Committee on Labor and Capital.

Assembly Bill No. 1058—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1309—An Act to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the Board of Health of the city and county of San Francisco," approved March 31, 1891.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1310—An Act to amend Sections 2521, 2522, and 2552 of the Political Code, relating to the officers appointed by the State Harbor Commission of the port of San Francisco and their duties.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1311—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909,

by amending Section 121 of said Act in relation to the appointees of the Superintendent of Banks.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 1167—An Act to add a new section to the Penal Code of the State of California, to be numbered 382c, forbidding the transportation within the State of California of any misbranded, mislabeled or adulterated drug or food.

Bill read second time, and on motion of Mr. Rosendale, re-referred to Committee on Judiciary.

Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to the use of slot machines.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2, of the title, after the word "section", insert the following: "330a".

Amendment adopted.

AMENDMENT No. 2.

In line 2, Section 1, page 1. of the printed bill, after the word "Section", insert the following: "330a".

Amendment adopted.

AMENDMENT No. 3.

In line 4, Section 1, page 1. of the printed bill, strike out the word "Section", and insert in lieu thereof the following: "330a".

Amendment adopted.

AMENDMENT No. 4.

In line 19, Section 1, page 2, of the printed bill, strike out the semicolon (.) after the word "chance", and also the following words: "and every person who plays or bets at or against any of said prohibited games." on lines 19, 20, and 21 on page 2 of the printed bill.

Amendment adopted.

AMENDMENT No. 5.

Strike out all of lines 24 and 25, page 2. of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1290—An Act to add a new section to the Penal Code, to be known as Section 309a, relating to and prohibiting minors under sixteen years of age from being allowed to play on any billiard or pool table kept for hire or profit, and further relating to prohibiting such minors from visiting a place where a billiard or pool table is kept for such purposes, and prescribing the penalty therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 6, Section 1, page 1, of the printed bill, strike out the word "sixteen", and insert in lieu thereof the word "eighteen".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 2 of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1046—An Act to regulate the loading and unloading of vessels.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

Strike out of the title, all following the words "An Act", and insert in lieu thereof the following: "To add a new section to the Penal Code of the State of California relating to the regulation of loading and unloading of vessels, to be known as and numbered 368a of said Code."

Amendment adopted.

AMENDMENT NO. 2.

Insert after the enacting clause the following: "SECTION 1. A new section is hereby added to the Penal Code of the State of California to be known as and numbered 368a and to read as follows":

Amendment adopted.

AMENDMENT NO. 3.

On page 1, Section 1, line 1, strike out the word "Section" and figure "1", and insert in lieu thereof the following: "368a."

Amendment adopted.

AMENDMENT NO. 4.

On page 1, Section 2, line 1, strike out the word "Sec.", and the figure "2"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1086—An Act to amend Subdivision 4 of Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

In line 1, of title of printed bill, strike out the following: "Subdivision 4 of".

Amendment adopted.

AMENDMENT NO. 2.

In line 1, of printed bill, strike out the following: "Subdivision 4 of section", and insert in lieu thereof the following: "SECTION 1. Section".

Amendment adopted.

AMENDMENT NO. 3.

Commencing with the first word in line 3, of the printed bill, strike out all following said word as far as and including the word "education," in line 15, and insert in lieu thereof the following:

1617. The powers and duties of trustees of common school districts, and of boards of education in city school districts, are as follows

First—To prescribe and enforce rules, not inconsistent with law or those prescribed by the State Board of Education, for their own government and government of schools, and to transact their business at regular or special meetings, called for such purpose, notice of which shall be given each member.

Second—To manage and control the school property within their districts, and pay all moneys collected by them, from any source whatever, for school purposes, and all moneys apportioned to them from taxes levied and collected under the authority of city councils for school purposes, into the county treasury, to be placed to the credit of the special fund of their districts.

Third—To purchase text-books of the State series for the use of pupils whose parents are unable to purchase them, school furniture, including organs and pianos, and apparatus, and such other things, as may be necessary for the use of schools; *provided*, that except in city school districts governed by boards of education, they purchase such books and apparatus only as have been adopted by the county board of education.

Fourth—To rent, furnish, repair and insure the school property of their respective districts, such insurance to be written in any solvent insurance company doing busi-

ness in this State, or in any mutual insurance company organized under the laws of this State. To grant the use of school buildings or grounds for public, literary, scientific, recreational or educational meetings, or for the discussion of matters of general or public interest, upon such terms and conditions as said trustees or boards of education may deem proper; *provided, however*, that said use shall not be inconsistent with the use of said buildings or grounds for school purposes nor interfere with the regular conduct of school work; *and provided, further*, that no privilege of using said buildings or grounds, shall be granted for a period exceeding one year, such privilege being renewable and revocable in the discretion of said trustees or boards of education.

Fifth—When directed by a vote of their districts to build schoolhouses or to purchase or sell school lots.

Sixth—To make, in the name of the district, conveyances on all property belonging to the district, and sold by them.

Seventh—To employ the teachers, and excepting in city school districts having city boards of education, immediately notify the superintendent of schools, in writing of such employment, naming the grade of certificate held by the teacher employed, also to employ janitors and other employees of the schools; to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no board of trustees shall enter into any contract with such employees to extend beyond the thirtieth day of June next ensuing; *and provided, further*, that any board of trustees or city board of education may pay the teachers employed by them by the calendar month in twelve payments instead of by the school month, beginning such payments on the first Monday of the calendar month following the opening of the current school year, and continuing such payments in like manner from month to month until the teachers have been paid the full amount due to them.

Eighth—To suspend or expel pupils for misconduct, when other means of correction have failed to bring proper conduct.

Ninth—To exclude from the schools children under six years of age, except as hereinafter provided; *provided*, that where the kindergarten is a part of the day elementary schools, children may be admitted to the kindergarten classes at four years of age; *and provided further*, that where any district has established a school for the instruction of the deaf, such children may be admitted to the deaf school at three years of age.

In the enforcement of the provisions of this section children shall be admitted to the beginning classes of any school only during the first month of the school year, or when the school year is divided into school terms, during the first month of each term, and children who will be six years of age before the end of the sixth month of the school year, or before the end of the third month of the school term, shall be admitted at the beginning of the school year, or the school term, and children who will not be six years of age by the end of the period specified, shall not be admitted until the beginning of another school year or school term. Beginners shall in like manner be admitted to the beginning classes of the kindergarten during the first month of the school year, or of the school term, if the school year be divided into terms, if such children will be four years of age before the end of the sixth month of the school year or before the end of the third month of the school term, and children who will not be four years of age within the period specified shall not be admitted to the kindergarten until the beginning of another school year or term.

Tenth—To enforce in schools the course of study and the use of text-books prescribed and adopted by the proper authority.

Eleventh—To appoint district librarians, and enforce the rules prescribed for the government of district libraries.

Twelfth—To exclude from school and school libraries all books, publications, or papers of a sectarian, partisan or denominational character.

Thirteenth—To furnish books for the children of parents unable to purchase them; the books so furnished to belong to the school district and to be kept in the district school library when not in use.

Fourteenth—To keep a register, open to the inspection of the public, of all children applying for admission and entitled to be admitted into the public schools, and to notify the parents or guardians of such children when vacancies occur, and receive such children into the schools in the order in which they are registered.

Fifteenth—To permit children from other districts to attend the schools of their district only upon the consent of the trustees of the district in which such children reside; *provided*, that, should the trustees of the district in which children whose parents or guardians desire them to attend in other districts reside, refuse to grant their consent, the parents or guardians of such children may appeal to the county superintendent and his decision shall be final.

Sixteenth—On or before the first day of April in each year to appoint a school census marshal, and notify the superintendent of schools thereof; *provided*, that in any city school district governed by a board of education, or city and county, the appointment of all school census marshals shall be subject to the approval of the city superintendent of schools.

Seventeenth—To make an annual report, on or before the first day of July, to the superintendent of schools, in the manner and form and on the blanks prescribed by the Superintendent of Public Instruction.

Eighteenth—To make a report, whenever required, directly to the Superintendent of Public Instruction, of the text-books used in their schools.

Nineteenth—To visit every school in their district at least once in each term and examine carefully into its management, conditions and wants. This clause to apply to each and every member of the board of trustees.

Twentieth—Boards of trustees may, and upon a petition signed by a majority of the heads of families resident in the district as shown by the last preceding school census must, call meetings of the qualified electors of the district for determining or changing the location of the schoolhouse, or for consultation in regard to any litigation in which the district may be engaged, or be likely to become engaged, or in regard to any of the affairs of the district. Such meetings shall be called by posting three notices in public places, one of which shall be in a conspicuous place on the schoolhouse, for not less than ten days previous to the time for which the meeting shall be called, which notices shall specify the purposes for which said meetings shall be called, and no other business shall be transacted at such meetings. District meetings shall be organized by choosing a chairman from the electors present, and the district clerk shall be clerk of the meeting, and shall enter the minutes thereof on the records of the district. A meeting so called shall be competent to instruct the board of trustees:

1. In regard to the location or change of location of the schoolhouse, or the use of the same for other than school purposes, *provided*, that in no case shall the schoolhouse be used for purposes which necessitate the removal of any school desks or other school furniture.

2. In regard to the sale and purchase of school sites.

3. In regard to prosecuting, settling or compromising any litigation in which the district may be engaged, or be likely to become engaged, and may vote money, not exceeding one hundred dollars in any one year, for any of these purposes in addition to any amount which may be raised by the sale of district school property, and the insurance of property destroyed by fire; *provided*, that the proceeds of the insurance of the library and apparatus shall be paid into the library fund. All funds raised by the sale of school property may be disposed of by direction of a district meeting. District meetings may be adjourned from time to time, as found necessary, and all votes instructing the board of trustees shall be taken by ballot, or by ayes and noes vote, as the meeting may determine. The board of trustees shall, in all cases, be bound by the instructions of the district meeting in regard to the subjects mentioned in this section; *provided*, that the vote in favor of changing the location of the schoolhouse be two thirds of all the electors voting at said meeting upon the proposition to change the location.

Twenty-first—Without the vote of the district to prosecute or compromise any litigation, claims, demands and causes of action arising from the destruction, partial or total, of any school building in the course of construction during the month of April, A. D. one thousand nine hundred and six, in which the district is or shall hereafter be engaged, and devote money for any of these purposes.

Twenty-second—Before making any contract for the expenditure of more than two hundred dollars to publish a notice calling for bids, stating the work to be done or materials or supplies to be furnished, and the time when and place where bids will be opened, at least once a week for two weeks in some daily or weekly newspaper published in the county, or if there is no such paper, then in some newspaper circulated in such county, and to let such contract to the lowest responsible bidder, who will give such security for its performance as the board may require, or to reject all bids: *provided*, that nothing in this section shall be construed to prevent the board from erecting or repairing school buildings or improving school property by day's labor, providing said work does not exceed two hundred dollars in cost, otherwise, all contracts for such work and materials to be made as herein provided.

Twenty-third—To give diligent care to the health and physical development of pupils, and where sufficient funds are provided by district taxation, to employ properly certificated persons for such work.

Twenty-fourth—To provide for the transportation of pupils wherever in their judgment such transportation of pupils is advisable, *provided*, that such transportation of pupils shall not cost the district more than fifteen cents per pupil transported per day.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, March 2, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL. }
Thursday, March 2, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—71.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rogers of Alameda, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Williams, Judge Trabucco and Mr. R. B. Stolder were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Judson, Mr. Geo. L. Melton was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Malone, Mr. L. Y. Coggins was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Mallory, Mr. McKaig was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Hewitt, Mrs. A. Pelligoine and the Misses Anna Brittain and Mollie McLaren were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Ryan, Messrs. F. Lynch and J. J. Conlin were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon of San Francisco, Dr. G. W. Merritt was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon of Los Angeles, Mr. Frank Cochran was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. McGowen, Messrs. Rennie and McCarver were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Gaylord, Mr. J. G. Munson was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Tibbits, Mr. E. Lettma was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Stuckenbruck, Mr. G. W. Ashley was granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 437—An Act to amend section one thousand two hundred and fourteen of the Civil Code of the State of California, relating to the recording of conveyances.

Also Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Also: Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Have had the same under consideration, and respectfully report the same back with majority report, that they do not pass: with minority report that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911

MR. SPEAKER Your Committee on Judiciary, to whom was referred Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Also: Assembly Bill No. 790—An Act to amend section three hundred and seventy-seven of the Code of Civil Procedure, relating to actions for the death of one not a minor caused by the unlawful act of another.

Also: Senate Bill No. 404—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

Also: Assembly Bill No. 500—An Act amending section number 59 of the Civil Code, relating to marriages which are incestuous and void.

Also: Senate Bill No. 296—An Act to amend the title and sections one, two, three, four and six of an Act entitled "An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, approved March 31, 1891, amended March 5, 1903

Also: Assembly Bill No. 375—An Act entitled "An Act to amend section two thousand and thirty-one of the Code of Civil Procedure of the State of California, relating to depositions of witnesses in civil actions and proceedings."

Also: Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of not less than 300,000 and not more than 400,000.

Also: Assembly Bill No. 197—An Act to amend Section 850 of the Code of Civil Procedure of the State of California, relating to notice of trial or hearing thereof in justices' courts.

Also: Assembly Bill No. 1479—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section one thousand seven hundred and twenty-six a, relating to the payment of the burial expenses of deceased persons.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Also: Assembly Bill No. 864—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," by amending sections one, two, fifteen, fifteen and one half, seventeen, thirty, and fifty-five thereof.

Also: Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Also: Assembly Bill No. 1439—An Act to amend Section 940 of the Code of Civil Procedure, relating to appeals.

Also: Assembly Bill No. 1440—An Act to repeal Section 941 of the Code of Civil Procedure, relating to undertakings or deposits on appeal.

Also: Assembly Bill No. 1441—An Act to amend Section 947 of the Code of Civil Procedure, relating to undertakings.

Also: Assembly Bill No. 1442—An Act to amend Section 948 of the Code of Civil Procedure, relating to justification of sureties on undertakings on appeal.

Also: Assembly Bill No. 1443—An Act to amend Section 949 of the Code of Civil Procedure, relating to undertakings to stay proceedings.

Also: Assembly Bill No. 373—An Act entitled "An Act to amend section one thousand nine hundred and eighty-six of the Code of Civil Procedure of the State of California, relating to the issuance of subpoenas"

Also: Senate Bill No. 792—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness.

Also: Assembly Bill No. 1445—An Act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the State.

Also: Assembly Bill No. 1478—An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners and defrayal of the expenses thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

Also: Assembly Bill No. 1083—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

Have had the same under consideration, and respectfully report the same back, with amendments and recommend that they do pass as amended.

ROGERS, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1537—An Act to amend Section 4099a of the Political Code of the State of California, relating to duty of auditor with respect to minor orphans or half orphans—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

ROGERS, Chairman.

The above reported bill ordered on file for second reading.

ON DIRECT LEGISLATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER Your Committee on Direct Legislation, to whom was referred Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors, of public officials—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same be adopted as amended.

TIBBITS, Chairman.

The above Senate constitutional amendment ordered on file for adoption.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911

MR. SPEAKER Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 14—Relative to Panama-Pacific International Exposition.

Also Assembly Joint Resolution No. 15—Relative to Panama-Pacific International Exposition.

Have had the same under consideration, and report the same back with the following committee substitute therefor

Committee Substitute for Assembly Joint Resolutions Nos. 14 and 15—Relative to the Panama-Pacific International Exposition.

And recommend that the committee substitute be adopted

FREEMAN, Chairman

The question being on the adoption of committee substitute as an amendment

A vote was taken and committee substitute amendment adopted.

Assembly Joint Resolutions Nos 14 and 15 ordered withdrawn and stricken from the file.

Committee substitute ordered to print and on file for adoption.

COMMITTEE SUBSTITUTE FOR ASSEMBLY JOINT RESOLUTIONS NOS. 14 AND 15

WHEREAS, The United States Senate did on the eleventh day of February, nineteen hundred and eleven, adopt a resolution selecting the city of San Francisco as the place for holding the Panama-Pacific International Exposition in the year nineteen hundred and fifteen; and

WHEREAS, The said resolution has been approved by the Honorable Wm. H. Taft, President of the United States; and

WHEREAS, Honorable J. Y. Sanders, Governor of Louisiana, Honorable Martin Behrman, mayor of New Orleans, and T. P. Thompson, Esq., chairman of the New Orleans Exposition Executive Committee, extended to the city of San Francisco congratulations upon its success in securing the adoption of the aforesaid resolution; and

WHEREAS, By the decision of Congress and the action of the President aforesaid, an era of greater prosperity is assured for the entire State of California resulting not alone in an increased activity in every avenue of business, but in the development of the vast inland empire of this State:

Resolved by the Senate and Assembly of the State of California, jointly, That on behalf of the people of the State of California this Legislature extends thanks to the United States Senate and House of Representatives for their action on said resolution; the President of the United States for the deep interest which has been taken by him in the success of this State in said matter; and to the Senators and Representatives from the Western States for the valuable assistance rendered by them to our representatives. We congratulate our Senators and Representatives, as well as those of our citizens who attended upon the Congress, on the splendid success of their unselfish efforts and we extend to them the gratitude of the people of this State for the magnificent showing made and brilliant results attained by them.

Be it further resolved, That on behalf of the people of the State of California this Legislature extends thanks to said Honorable J. Y. Sanders, Governor of Louisiana, to Honorable Martin Behrman, mayor of New Orleans, and to T. P. Thompson, Esq., chairman of the New Orleans Exposition Executive Committee, for their gallant and courteous act in extending to the city of San Francisco congratulations on its success in securing the adoption of the resolution selecting it as the place for holding the Panama-Pacific International Exposition in the year nineteen hundred and fifteen.

Resolved further, That a copy of these resolutions, suitably engrossed, be trans-

mitted by the Chief Clerk of the Assembly to the President of the United States, to each House of Congress, and to the said Governor of Louisiana, mayor of New Orleans, and the chairman of the aforesaid committee.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER. Your Committee on Claims, to whom was referred Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lubben, against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Ways and Means.

HINKLE, Vice-Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 381—An Act to provide for the purchase of an additional lot for the use of the State Normal School at San Francisco, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bill re-referred to Committee on Ways and Means.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 1360—An Act to provide for a State exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bill re-referred to Committee on Ways and Means.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ON REVISION OF CRIMINAL PROCEDURE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on Revision of Criminal Procedure, to whom was referred Senate Bill No. 383—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Also: Senate Bill No. 384—An Act to amend Section 895 of the Penal Code and to repeal Sections 164, 896, 897, 898, 899, 900, and 901 of the Penal Code, all relating to grand juries.

Also: Senate Bill No. 385—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Also: Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Also: Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Also: Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Also Senate Bill No. 390—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Also Senate Bill No. 391—An Act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Also: Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

Also: Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered Section 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

Also: Senate Bill No. 395—An Act to add a new section to the Penal Code to be numbered Section 1506, relating to appeal from an order or judgment on habeas corpus.

Also: Senate Bill No. 1191—An Act to add a new section to the Penal Code to be numbered Section 907, relating to the duties of grand juries.

Also: Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926a, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

Also: Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BEATTY, Chairman.

The above reported bills ordered on file for second reading

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine of the Political Code of the State of California, relating to the preservation of the public health—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MALONE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 714—An Act to provide for the work of exterminating and preventing the multiplication of anopheles mosquitoes, for the assessment of the cost and expense of such work upon the lands in the district benefited thereby, and for the condemnation of lands and property necessary for the purpose—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

MALONE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

Also: Assembly Bill No. 1383—An Act to provide for the sanitation of public plunge baths in the State of California

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MALONE, Chairman.

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 773—An Act relating to public health and safety and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MALONE, Chairman.

The above reported bill ordered on file for second reading.

ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1199—An Act to provide for the naming and care of highways, avenues, and other public ways—have had the same under consideration, and report the same back with the following committee substitute therefor:

Committee Substitute for Assembly Bill No. 1199—An Act to add a new section to the Political Code of the State of California, to be numbered 2636, providing for the naming of highways and avenues

And recommend that the committee substitute do pass.

CHANDLER, Chairman

The question being on the adoption of committee substitute

A vote was taken and committee substitute adopted.

Assembly Bill No. 1199 withdrawn, and ordered stricken from the file.

Committee Substitute for Assembly Bill No. 1199 ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation, approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act, which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

HINSHAW, Chairman.

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the thirty-ninth session of the Legislature of the State of California during the sixty-first fiscal year, which was re-referred to us from the Committee on Contingent Expenses and Accounts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended

COGSWELL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated, and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful

trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a State Board of Control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

COGSWELL, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "Conservation Commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor.

Also Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics", approved March 3, 1883, and the several Acts amendatory thereof; prescribing his duties; providing for his compensation, and making an appropriation therefor.

Also: Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles, under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred, as a case of urgency, Senate Bill No. 1238—An Act making an appropriation to pay the salaries and mileage of the Senators for the thirty-ninth session of the Legislature, during the sixty-second fiscal year.

Also: Senate Bill No. 1239—An Act making an appropriation for the pay of officers and employees of the Senate of the thirty-ninth session of the Legislature

Also: Senate Bill No. 1240—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 84—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School

Also: Senate Bill No. 85—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School

Also: Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Also: Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Also: Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Also: Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Also: Senate Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company "C." at the Veterans' Home of California, located at Yountville, Napa County, California.

Also: Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama and Shasta with the road system of Humboldt County.

Also: Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the sixty-first and sixty-second fiscal years.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 310—An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives No. 1084, sixty-first Congress, third session, and making an appropriation for such work—have had the same under consideration, and respectfully report the same back with the following committee substitute therefor:

An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives No. 1084, sixty-first Congress, third session, calling for an expenditure of \$800,000, and making an appropriation for such work.

And recommend that the committee substitute do pass.

COGSWELL, Chairman.

The question being on the adoption of committee substitute.

A vote was taken, and committee substitute adopted.

Committee substitute ordered on file for second reading.

Assembly Bill No. 310 ordered withdrawn and stricken from the file.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as a case of urgency, Assembly Bill No. 1547—An Act making an appropriation for the pay of the officers and employees of the Assembly for the thirty-ninth session of the Legislature.

WALTER N. PARRISII, Secretary of Senate.
By H. P. TRAVERS, Assistant Secretary.

The above bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on February 28, 1911, adopted Senate Concurrent Resolution No. 15—Approving five certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego, at a special election held therein for that purpose, on the 14th day of February, 1911.

WALTER N. PARRISII, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above Senate concurrent resolution referred to Committee on Municipal Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Also: Senate Bill No. 489—An Act to amend Section 4093 of the Political Code of the State of California, relating to debtors of a county.

Also: Senate Bill No. 953—An Act to amend the Penal Code of California, by adding new sections thereto, to be numbered 270d, 270e, and 273h, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove, and the punishment of such offenses.

Also: Senate Bill No. 898—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Also: Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California to be numbered Section 635½, relating to the protection and preservation of fish.

Also: Senate Bill No. 625—An Act to amend section two thousand nine hundred eighty-two, of the Political Code, relating to the secretary and assistant to the secretary of the State Board of Health.

Also: Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

Also: Senate Bill No. 449—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the state hospitals of the State, who shall have arrived at the age of sixty years, constituting a State Hospital Employee's Pension Board, and making a state appropriation pay the pensions provided for in this Act.

Also: Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish.

Also: Senate Bill No. 758—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors and marines, and to provide for the government thereof by the State.

Also: Senate Bill No. 1124—An Act to amend section thirty-three of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Also: Senate Bill No. 990—An Act to add a new section to the Code of Civil Procedure, to be numbered section one thousand two hundred forty-eight a, relating to the removal or relocation of railroad, street and interurban railway tracks situated on lands or rights of way taken for road, highway, boulevards, street or alley purposes, under the right of eminent domain, and to compensation for such removal or relocation.

Also: Senate Bill No. 746—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Also: Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR SPEAKER, I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards.

Also: Senate Bill No. 914—An Act making an appropriation for compiling publishing and distributing the revenue laws of the State of California

Also: Senate Bill No. 1234—An Act to appropriate money for the purchase of standards of weights and measures and to test and correct standards of weights and measures belonging to the State of California.

Also: Senate Bill No. 254—An Act making an appropriation to pay the claim of Geo W Bush against the State of California.

Also: Senate Bill No. 258—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M. Stewart against the State of California

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 483 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 489 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 953 read first time, and referred to Committee on Public Charities and Corrections.

Senate Bill No. 898 read first time, and referred to Committee on Insurance and Insurance Laws

Senate Bill No. 945 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 625 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 1029 read first time, and referred to Committee on Judiciary.

Senate Bill No. 449 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 47 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 753 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1124 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 990 read first time, and referred to Committee on Judiciary.

Senate Bill No. 746 read first time, and referred to Committee on Judiciary.

Senate Bill No. 111 read first time, and referred to Committee on Education.

Senate Bill No. 14 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 914 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1234 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 254 read first time, and referred to Committee on Claims.

Senate Bill No. 258 read first time, and referred to Committee on Claims.

Also:

SENATE CHAMBER. SACRAMENTO, March 1, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 775—An Act authorizing owners of land or their grantees or assigns to sue the State of California, for damages done to real property by reason of the constitution and maintenance of jetties in the Sacramento River, known as "Newtown Jetties" and repealing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Also: Assembly Bill No. 946—An Act to amend Section 1741 of the Political Code, relating to the powers and duties of high school boards.

Also: Assembly Bill No. 253—An Act making an appropriation for the use of the Creamery Department of the California Polytechnic School and making provision for the return of said appropriation to the state treasury.

Also: Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

Also: Assembly Bill No. 472—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five b, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording.

Also: Assembly Bill No. 400—An Act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the justices' courts.

Also: Assembly Bill No. 408—An Act to add a new section to the Code of Civil Procedure of California to be known as Section 1810a, relating to conveyances by guardians.

Also: Assembly Bill No. 407—An Act to amend Section 766 of the Code of Civil Procedure of California, relating to partition of real property.

Also: Assembly Bill No. 786—An Act to amend Section 3499 of the Political Code, relating to the time in which contests of applications to purchase state school lands, orders of approval and certificates of purchase, may be made and filed.

Also Assembly Bill No 929—An Act to authorize and require the payment by the counties of interest on state highway bonds.

Also Assembly Bill No. 1141—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of State hospitals

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 723—An Act amending section one hundred seventy-one a. of the Penal Code of California.

Also To Senate Bill No. 360—An Act adding three new sections to an Act entitled, "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12, and relating to the government of municipal corporations and providing for the recall, initiative and referendum.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 1, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed as amended Assembly Bill No. 972—An Act to amend Section 632½ of the Penal Code of the State of California, relating to the protection and preservation of fish

Also Assembly Bill No 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter County," approved March 20, 1874

Also Assembly Bill No 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

And we respectfully request your honorable body to concur in the Senate amendments to said bills

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 972?"

In Section 1, line 11, strike out the words "first day of April", and insert in lieu thereof the following "twenty-third day of October".

Also On page 2, Section 1, line 22, add after the period the following: "Nothing herein shall apply to domestically reared steelhead trout".

The roll was called, and Senate amendments to Assembly Bill No. 972 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Maloue, McDonald, McGowan, Mendenhall, Mott, Mullally, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Schmitt, Slater, Tibbits, Wilson, Willie, Young, and Mr. Speaker—50.

NOES—None.

Assembly Bill No. 972 ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1015?"

On page 8, Section 5, line 9, strike out the words "two hundred and fifty", and insert in lieu thereof the following: "five hundred".

Also Strike out all of line 10, and the first nine words of line 11, of page 8, Section 5, of printed bill, and insert in lieu thereof the following: "payable in two equal installments of two hundred and fifty dollars each on the first Monday in May and August of each year."

The roll was called, and Senate amendments to Assembly Bill No. 1015 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, March, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rosendale, Ryan, Slater, Smith, Stuckenbruck, Wilson, Wyllie, Young, and Mr Speaker—32.

NOES—None.

Assembly Bill No. 1015 ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 495?"

On page 1, Section 1, line 3, strike out the word "section".

The roll was called, and Senate amendment to Assembly Bill No. 495 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Tibbits, Wilson, Wyllie, Young, and Mr Speaker—55.

NOES—None.

Assembly Bill No 495 ordered to enrollment.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:
By Committee on Education:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911

MR. SPEAKER: We ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 1622 of the Political Code of the State of California, relating to county and state school moneys

COMMITTEE ON EDUCATION

Referred to Committee on Introduction of Bills.

By Mr. Flint:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend section four thousand two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class.

FLINT

Member Fifty-eighth District

Referred to Committee on Introduction of Bills.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary thereto.

JONES,

Member Twenty-second District.

Referred to Committee on Introduction of Bills.

By Mr. Maher:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 4250 of the Political Code of the State of California, relating to fees and salaries of county officials

MAHER

Member Fifty-fourth District

Referred to Committee on Introduction of Bills.

By Mr. Cronin :

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 4247 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the eighteenth class.

CRONIN.

Member Twentieth District

Referred to Committee on Introduction of Bills.

RE-REFERENCE OF BILLS.

On motion of Mr. Jones, Senate Bill No. 960—An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an Act approved March 21, 1905, entitled "An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith." Also repealing an Act approved March 23, 1907, entitled "An Act to amend section sixteen (16) of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and

for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith', approved March 21st, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof. Also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a Bureau of Building and Loan Supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation, providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith,' approved March 21, 1905," relating to the powers and duties and salaries of the State Building and Loan Commissioners—was recalled from the Committee on Banks and Banking and referred to Committee on Building and Loan Associations.

THIRD READING OF BILLS.

Assembly Bill No. 696—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm, including all necessary equipment such as tanks, tower, motors, starters, piping, pit, wells and necessary piping to connect wells with buildings and to conduct water about the grounds, and to make appropriation for the same.

Assembly Bill No. 190—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm, and to make appropriation for the same.

On motion of Mr. Stuckenbruck, Assembly Bills Nos. 696 and 190 withdrawn and ordered stricken from the file.

Assembly Bill No. 756—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 756 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Chandler, Clark, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Hamilton, Harlan, Hayes, Hinkle, Jasper, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1470 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bolnett, Brown, Butler, Callaghan, Chandler, Clark, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Shuagia, Slater, Stuckenbruck, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—54

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 717—An Act authorizing and empowering unincorporated, benevolent, or fraternal societies to purchase, receive manage, and sell real estate without incorporating.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 717 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rodgers of

San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 57—An Act to amend the Civil Code by adding a new section thereto to be numbered six hundred and seventeen, prohibiting officers and directors of cemetery associations from borrowing directly or indirectly any funds of the association, or becoming indorsers or sureties or obligors for moneys borrowed of or loaned by such associations and prescribing a penalty therefor.

On motion of Mr. Clark, bill withdrawn and ordered stricken from the file.

Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 918 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Guill, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 330—An Act making an appropriation to pay the claim of Marin County against the State of California.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 330 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Guill, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 11—Relative to the rights of San Francisco and the cities surrounding San Francisco Bay in and to the use of the waters of Tuolumne River for domestic and municipal purposes.

On motion of Mr. Beatty, Assembly joint resolution withdrawn and ordered stricken from the file.

Assembly Bill No. 687—An Act making an appropriation to pay the claim of the San Diego Union Company.

Mr. Hinkle moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 687 considered.

Mr. Hinkle moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 687, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Hinkle moved the adoption of the report.

Motion carried.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 687 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Guill, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 666—An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653*y* and providing a penalty in case any person, company or corporation operating a railroad permits an intoxicated person or person in habit of becoming intoxicated to operate a railroad.

On motion of Mr. Williams, bill withdrawn and ordered stricken from the file.

Assembly Bill No. 1339—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, lanes, alleys, courts, places and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1339 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Chandler, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160—An Act entitled "An Act to amend Sections 1918 and 1920 of the Civil Code and to add new sections thereto to be numbered Sections 1918½, 1921, and 1922, relating to 'loan of money,' and providing for rate of interest thereon."

Mr. Kehoe moved that bill be re-referred to Committee on Judiciary, retaining its place on file.

Motion lost.

During the third reading of the bill Mr. March moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 4, strike out the word "twelve", and insert in lieu thereof the word "ten".

Also On page 2, strike out all of Section 3.

Also On page 2, strike out the words "SEC. 4.", and insert in lieu thereof the following: "SEC. 3.".

Also: On page 2, strike out the words "SEC. 5.", and insert in lieu thereof the words "SEC. 4.".

Also: On page 2, strike out the words "SEC. 6.", and insert in lieu thereof the words "SEC. 5.".

Motion carried.

The Speaker appointed Mr. March as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 160, with instructions, do now report that the instructions of the Assembly have been carried out.

MARCH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

SPECIAL ORDER.

The hour of eleven o'clock and thirty minutes A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

The question being on the adoption of the following committee amendments to Assembly Bill No. 869:

AMENDMENT No. 1.

Amend by striking out all after the word "hereby" in line 2. of the printed bill, and insert in lieu thereof the word "repealed."

AMENDMENT No. 2.

Strike out the word "amend" in the title, and insert in lieu thereof "repealed"

HOUR OF RECESS EXTENDED.

On motion of Mr. Schmitt, the hour of recess was extended until the completion of the special order.

Roll call regularly demanded.

The roll was called.

Pending the announcement of the vote, Mr. Coghlan moved a call of the House.

Motion lost.

Amendments adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Butler, Chandler, Clark, Cronin, Farwell, Flint, Gaylord, Guill, Hamilton, Harlan, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Randall, Rogers of Alameda, Rosendale, Rutherford, Sutherland, Wilson, Wyllie, Young, and Mr. Speaker—37.

NOES—Messrs. Beckett, Brown, Callaghan, Coghlan, Cogswell, Crosby, Denegri, Feeley, Freeman, Hayes, Kennedy, McDonald, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, and Walsh—26.

Bill read second time, and ordered to reprint, engrossment, and third reading.

RECESS.

At twelve o'clock and fifty-five minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225*a*, 4225*b*, 4225*c*, 4225*d*, 4225*e*, 4225*f*, 4225*g*, 4225*h*, 4225*i*, 4225*j*, and 4225*k*, and all relating to county boards of health and sanitary inspectors.

On motion of Mr. Preisker, bill re-referred to Committee on County and Township Governments.

Senate Bill No. 364—An Act appropriating money for the purchase of a stand pipe and water pipes to repipe grounds and buildings of the Whittier State School.

During the third reading of the bill, Mr. Cogswell moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

Motion carried.

The Speaker appointed Mr. Cogswell as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 364, with instructions, do now report that the instructions of the Assembly have been carried out.

COGSWELL, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Senate Bill No. 477—An Act to amend Section 928 of the Penal Code of the State of California, relating to the duties of grand juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 477 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Bohnett, Clark, Coghlan, Cogswell, Denegri, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Kehoe, Kennedy, Lamb, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rogers, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Tibbits, Walsh, Young, and Mr. Speaker—44.

NOES—Mr. Mullally—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 558—An Act to provide for the purchase of an automobile for the Governor of the State of California, and to make an appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 558 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Callaghan, Chandler, Clark, Coghlan, Cogswell, Denegri, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Tibbits, Walsh, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 306—An Act to amend Sections 1196, 1197, 1205 and 1211 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 306 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Callaghan, Chandler, Clark, Coghlan, Cogswell, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Walsh, Wilson, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 516—An Act to provide for the installation of a heating system for the male and female departments of the Stockton State Hospital, including boilers and conduits and all necessary equipment, and to make an appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 516 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Callaghan, Chandler, Clark, Coghlan, Cogswell, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 4—An Act to provide a state highway from Meyer's Station, in El Dorado County, California, to McKinney's, in Placer County, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 4 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Callaghan, Chandler, Clark, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Held, Hinkle, Joel, Kehoe, Kennedy, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stuckenbruck, Tibbits, Walsh, Williams, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 260 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Callaghan, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Tibbits, Walsh, Wilson, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 367 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Brown, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 368 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Brown, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Hinkle, Jasper, Jones, Joel, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walsh, Wilson, Wyllie, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 370 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Brown, Callaghan, Chandler, Clark, Coghlan, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Smith, Stuckenbruck, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—53.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 371 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Brown, Callaghan, Chandler, Clark, Coghlan, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mullally, Nolan, Preisker, Randall, Rimlinger,

Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 142 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Brown, Callaghan, Chandler, Clark, Coghlan, Cogswell, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 143—An Act providing for an appropriation for \$1,000.00 for the purpose of purchasing necessary kitchen equipment for refectory building at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 143 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Brown, Callaghan, Chandler, Clark, Coghlan, Cogswell, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Rimlinger, Ryan, Sbragia, Schmitt, Smith, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185c, relating to arrest, hearing and commitment of inebriates and drug habitués to a state hospital for the insane.

Mr. Bennink moved that bill be re-referred to Committee on State Hospitals and Asylums.

Mr. Coghlan moved that bill be made a special order for eleven o'clock and thirty minutes A. M. of Friday, March 3, 1911.

Motion carried.

Senate Bill No. 713—An Act relating to explosives and prescribing regulations for the transportation, storage and selling of explosives, and providing penalties for the violation of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 713 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Gull, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Kennedy, Lamb, Lyon of San Francisco, Malone, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Williams, Wilson, and Mr. Speaker—51

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 785—An Act to amend Section 607e of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 785 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Gull, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Lamb, Malone, McGowen, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Stuckenbruck, Tibbits, Williams, Wilson, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Clark gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 785 was this day passed.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

An Act to amend Section 1622 of the Political Code of the State of California, relating to county and state school moneys.

Also:

An Act to amend Section 4272 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class.

Also:

An Act to amend Section 4247 of the Political Code of the State of California, relating to salaries and fees of officers of the eighteenth class.

Also:

An Act to amend Section 4250 of the Political Code of the State of California, relating to salaries and fees of officers of the twenty-first class.

Also:

An Act to amend Section 224 of the Civil Code of the State of California, relating to the adoption of children and the consent necessary thereto.

CHANDLER, Chairman.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitz-

gerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—61.

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Committee on Education: Assembly Bill No. 1554—An Act to amend Section 1622 of the Political Code of the State of California, relating to county and state school moneys.

Bill read first time, and ordered on file without reference.

By Mr. Flint: Assembly Bill No. 1555—An Act to amend section four thousand two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Cronin: Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers of counties of the eighteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Maher: Assembly Bill No. 1557—An Act to amend section four thousand two hundred fifty of the Political Code of the State of California, relating to fees and salaries of county officials.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Jones: Assembly Bill No. 1558—An Act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary thereto.

Bill read first time, and referred to Committee on Judiciary.

SPECIAL ORDER.

The hour of three o'clock and thirty minutes P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

The question being on the motion to reconsider the vote whereby Senate Bill No. 356 was passed.

The roll was called, and the motion lost by the following vote:

AYES—Messrs Kehoe and Randall—2.

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Coghlan, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Jasper, Jones, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Smith, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—53.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 856—An Act to amend section ten hundred and fifty-six of the Code of Civil Procedure of the State of California, relating to corporations which may become sureties on undertakings and bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 856 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Callaghan, Chandler, Clark, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mullally, Nolan, Polesley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public.

During the third reading of the bill, Mr. Lyon of San Francisco moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 7, page 1. of the printed bill, strike out the words "first class", and in lieu thereof insert the words "second class".

Motion carried.

The Speaker appointed Mr. Lyon of San Francisco as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 1142, with instructions, do now report that the instructions of the Assembly have been carried out

LYON of San Francisco, Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Tibbits moved a call of the House.

Motion carried.

Time, four o'clock and thirty minutes

The Speaker directed the Sergeant-at-Arms to close the doors

The doors were closed, and the Chief Clerk was directed to call the roll

The roll was called, and the following answered to their names:

Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polesley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—66.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and forty-five minutes P M., further proceedings under the call of the House were dispensed with, on motion of Mr. Tibbits.

The roll of absentees was called, and the bill refused passage by the following vote:

AYES—Messrs. Beatty, Bohnett, Butler, Coghlan, Cunningham, Feeley, Flint, Freeman, Gaylord, Griffiths, Harlan, Held, Jasper, Jones, Judson, Lamb, Lyon of Los Angeles, Maher, March, McGowen, Mott, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Struckenbruck, Sutherland, Tibbits, Williams, Wilson, and Mr. Speaker—36

NOES—Messrs. Beckett, Benedict, Bennink, Bliss, Brown, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Kehoe, Kennedy, Lyon of San Francisco, Malone, McDonald, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Schmitt, Smith, Walsh, Wyllie, and Young—35.

NOTICE OF MOTION TO RECONSIDER

Mr. Cronin gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 713 was this day refused passage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER SACRAMENTO, March 2, 1911

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 162—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Assembly Bill No. 1320—An Act to add six new sections to the Political Code of the State of California, relating to weights and measures.

Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California.

Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of such hotel.

Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Assembly Bill No. 544—An Act making an appropriation to pay the claim of Geo. W. Bush against the State of California.

Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano of the City of Sonoma, California.

Assembly Bill No. 186—An Act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one and sixteen hundred and sixty-five of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Assembly Bill No. 1541—An Act to repeal an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Assembly Bill No. 927—An Act to amend Section 1729 of the Political Code of the State of California, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

Assembly Bill No. 1163—An Act to add a new section to the Penal Code of the State of California, to be numbered 382b, forbidding the publication, circulation or distribution of advertisements of any food, liquor, drug, medicine or remedy, which advertisements shall be false or misleading.

Assembly Bill No. 1168—An Act to add a new section to the Penal Code of the State of California, to be numbered 382a, forbidding the advertisement of any misbranded, mislabeled or adulterated food, liquor, drug, medicine or remedy.

Assembly Bill No. 294—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Assembly Bill No. 1471—An Act to amend Section No. 1632 of the Code of Civil Procedure of the State of California, relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures.

Assembly Bill No. 1319—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, and to repeal Section 975 thereof, both relating to appeals from judgment of justices' or police courts.

Assembly Bill No. 1322—An Act to repeal Section 980 of the Code of Civil Procedure of the State of California, relating to powers of Superior Courts on appeal.

Assembly Bill No. 1323—An Act to amend Section 92 of the Code of Civil Procedure of the State of California, relating to certificates, transcripts, and other papers in cases certified to the Superior Court.

Assembly Bill No. 1395—An Act to amend the Penal Code by adding a new section thereto to be known as section six hundred fifty-three *e*, relating to wages of employees.

Assembly Bill No. 1058—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund.

Assembly Bill No. 1311—An Act to amend an Act entitled "An Act to define and regulate the business of banking", approved March 1, 1909, by amending Section 121 of said Act in relation to the appointees of the Superintendent of Banks.

Assembly Bill No. 1300—An Act to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the board of health of the city and county of San Francisco," approved March 31, 1891.

Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a Superintendent of Public Instruction and also by repealing section ten of article twenty-two of said constitution, relating to the term of officers elected under the constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general, and a surveyor general and also by amending section nineteen of article five of the said constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 716—An Act to prohibit the use of nets, seines, traps, or weirs in the Napa River and its tributaries in the counties of Sonoma, Napa and Solano.

Assembly Bill No. 141—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Assembly Concurrent Resolution No. 10—Approving the charter of the city of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 12th day of December, 1910.

Assembly Concurrent Resolution No. 12—Approving an amendment to the charter of the city of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the second day of November, 1909.

Assembly Bill No. 355—An Act to amend Section 597 of the Political Code of the State of California, relating to insurance.

Assembly Bill No. 539—An Act to prevent the fishing, or the taking of fish by means of weirs, dams, nets, traps or seines in certain portions of the Monterey Bay, within the county of Santa Cruz.

And were presented to the Governor March 2, at twelve o'clock M.

RANDALL, Chairman.

NOTICE OF MOTION TO RECONSIDER.

Mr. Jones gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 869 was this day passed.

POINT OF ORDER.

Mr. Kehoe rose to the following point of order: "That other business having intervened, the notice could not be given."

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

DECISION APPEALED FROM.

Mr. Coghlan appealed from the decision of the chair.

CHAIR SUSTAINED.

The question being put, "Shall the decision of the chair stand as the judgment of the Assembly?"

Roll call regularly demanded.

The roll was called, and the chair sustained by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rosendale, Rutherford, Slater, Smith, Stuckenbruck, Tibbits, Wilson, Wylie, and Young—51.

NOES—Messrs. Coghlan, Mullally, Rimlinger, and Schmitt—4.

LEAVE OF ABSENCE.

On motion of Mr. March, the leave of absence of Mr. Walker was extended to Monday, March 6, 1911.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Brown the Assembly was declared adjourned until ten o'clock A. M. of Friday, March 3, 1911.

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Friday, March 3, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto,

Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—74.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rogers of Alameda, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion of Mr. Bohnett, leave of absence was granted Mr. Joel until Monday, March 6, 1911.

On motion of Mr. Rogers of Alameda, leave of absence was granted Mr. Beatty until Monday, March 6, 1911.

Messrs Jones, Preisker, Denegri, and Gerdes asked for, and were granted, leave of absence for Saturday, March 4, 1911.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Rutherford, Mrs F. J. O'Brien and Mr. R. G. Loucks were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Judson, Mr. Geo. L. Melton was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. McGowen, Mr. F. W. Rothenbush was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Bliss, Mr. J. W. Wilson was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Kennedy, Mr. G. R. Paddock was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Gaylord, Mr. J. D. Meredith was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Lyon, Messrs. T. B. Connley, D. N. Tatatham and R. D. Merritt were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Clark, Mr. A. E. Ludwig was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Young, Mr. C. Reuss was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Sutherland, Messrs H. W. Swift and E. A. Walcott were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Rodgers, Mr. Geo. Butler was granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Ways and Means beg leave to submit its report for the two weeks ending March 3, 1911, as follows:

Feb. 18—Senate Bill No. 430—An Act authorizing and directing the erection of a cottage for the accommodation of male patients at the Mendocino State Hospital.....	
Feb. 18—Assembly Bill No. 281—An Act to appropriate the sum of one thousand dollars to pay the claim of Sergeant-Major Eugene De Sparr.....	\$1,000 00
Feb. 18—Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road	15,000 00
Feb. 18—Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy	1,500 00
Feb. 18—Assembly Bill No. 1485—An Act to make an appropriation for the contingent expenses of the Assembly.....	7,500 00
Feb. 20—Assembly Bill No. 627—An Act to provide for the construction of a hospital building or buildings at the Los Angeles department of the college of medicine of the University of California	250,000 00
Feb. 20—Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard	494 50
Feb. 20—Assembly Bill No. 1049—An Act to provide for the establishment of a state hospital.....	100,000 00
Feb. 20—Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico.....	500 00
Feb. 20—Assembly Bill No. 1377—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico	\$375 00
Feb. 20—Assembly Bill No. 1379—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico.....	5,500 00
Feb. 20—Assembly Bill No. 1380—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico	2,000 00
Feb. 20—Assembly Bill No. 1505—An Act to provide for the erection of a memorial monument to Abraham Lincoln.....	50,000 00
Feb. 20—Assembly Bill No. 1519—An Act to add a new section to the Penal Code	8,800 00
Feb. 20—Assembly Bill No. 1520—An Act to provide for old age pensions	20,000 00
Feb. 20—Senate Bill No. 73—An Act to provide for the furnishing and equipping of the male convalescent cottage at the Stockton State Hospital farm.....	
Feb. 20—Senate Bill No. 74—An Act to provide for the reflooring of the male building of the Stockton State Hospital.....	
Feb. 20—Senate Bill No. 379—An Act to provide for alterations and repairs in the buildings of the State Normal School at San Francisco	
Feb. 20—Senate Bill No. 513—An Act to provide for the construction of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital	
Feb. 20—Senate Bill No. 514—An Act to provide for the installation of a system of fire protection of buildings about the grounds and state farm of the Stockton State Hospital	
Feb. 20—Senate Bill No. 518—An Act to provide for the furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital	
Feb. 20—Senate Bill No. 520—An Act to provide for the erection of a water tower and pumps complete at the Stockton State Hospital farm	
Feb. 20—Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital.....	

Feb. 20—Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.....	\$12,000 00
Feb. 20—Senate Bill No. 658—An Act to provide for the construction of cement walks on the premises of the State Normal School at Chico.....	500 00
Feb. 20—Senate Bill No. 659—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the State Normal School at Chico.....	1,000 00
Feb. 20—Senate Bill No. 661—An Act to provide for equipping and furnishing the new training school building on the premises of the State Normal School at Chico.....	2 000 00
Feb. 22—Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, etc.....	100,000 00
Feb. 22—Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings.....	325,500 00
Feb. 22—Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.....	24,500 00
Feb. 22—Assembly Bill No. 1315—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park in Santa Cruz County.....	5,000 00
Feb. 22—Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of the controversy existing between the United States and the State of California.....	50,000 00
Feb. 22—Assembly Bill No. 1283—An Act to provide an appropriation for assisting Santa Maria Reclamation District No. 798 in protecting the banks of the Santa Maria River from erosion.....	44,000 00
Feb. 22—Assembly Bill No. 1438—An Act authorizing and instructing the Board of Trustees of the California State Library to purchase a set of records of the Supreme Court of the United States.....	12 000 00
Feb. 22—Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California.....	5,000 00
Feb. 22—Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power.....	50,000 00
Feb. 23—Assembly Bill No. 238—An Act making an appropriation for the improvement, preservation, maintenance and care of the old theater property at Monterey.....	2,500 00
Feb. 23—Assembly Bill No. 200—An Act to establish the California State Reformatory.....	1 000 000 00
Feb. 23—Assembly Bill No. 961—An Act to amend an Act to create for the State of California a department of engineering.....	40 000 00
Feb. 24—Assembly Bill No. 310—An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey.....	200,000 00
Feb. 24—Assembly Bill No. 759—An Act to form agricultural districts.....	
Feb. 24—Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and eradication of thrip and similar diseases.....	10 000 00
Feb. 24—Assembly Bill No. 1026—An Act making an appropriation for the erection and construction of a dormitory for the accommodation of female employees at the Sonoma State Home.....	10 000 00
Feb. 24—Assembly Bill No. 1027—An Act making an appropriation for furnishing and equipping a dormitory for the accommodation of female employees at the Sonoma State Home.....	2,500 00
Feb. 24—Assembly Bill No. 1076—An Act to establish an industrial reformatory for women.....	100,000 00
Feb. 24—Assembly Bill No. 1162—An Act to provide for the construction of an exposition building in Agricultural District Number Two.....	20,000 00
Feb. 24—Senate Bill No. 30—An Act to appropriate money to erect, construct and equip an assembly hall at the San Jose State Normal School.....	60 000 00

Feb. 24—Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns, and gardens of the San Jose State Normal School-----	\$10,000 00
Feb. 24—Senate Bill No. 50—An Act authorizing and directing the Board of Managers of the Mendocino State Hospital to erect, equip and furnish a cottage for the accommodation of male patients at the Mendocino State Hospital-----	20,000 00
Feb. 24—Senate Bill No. 143—An Act providing an appropriation for \$1,000 for the purpose of purchasing necessary kitchen equipment for the refectory building at the Preston School of Industry-----	1,000 00
Feb. 24—Senate Bill No. 260—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats "David Scannell" and "Dennis Sullivan" shall be borne and paid by the State of California out of the San Francisco Harbor Improvement Fund-----	
Feb. 24—Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School-----	2,000 00
Feb. 24—Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School-----	4,000 00
Feb. 24—Senate Bill No. 367—An Act appropriating money for the purpose of building one cottage for the Whittier State School-----	10,000 00
Feb. 24—Senate Bill No. 368—An Act to appropriate money for repairs on the main building of the Whittier State School-----	5,000 00
Feb. 24—Senate Bill No. 370—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School-----	2,500 00
Feb. 24—Senate Bill No. 371—An Act to appropriate money for a new electric light plant for the Whittier State School-----	3,000 00
Feb. 24—Senate Bill No. 142—An Act providing for an appropriation of \$3,000 for the purpose of installing a filtration plant and to complete clear water system at the Preston School of Industry-----	3,000 00
Feb. 24—Assembly Bill No. 1289—An Act amending section two of an Act entitled an Act authorizing the Board of Suiter's Fort Trustees to appoint a gardener-----	
Feb. 24—Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School-----	15,000 00
Feb. 27—Senate Bill No. 558—An Act to provide for the purchase of an electric automobile for the Governor-----	3,200 00
Feb. 27—Assembly Bill No. 40—An Act to amend Section 8 of an Act entitled "An Act to form agricultural districts"-----	70,000 00
Feb. 27—Assembly Bill No. 679—An Act to prevent the manufacture or sale of dairy products from unhealthy animals-----	50,000 00
Feb. 27—Assembly Bill No. 940—An Act to create a system of fire-wardens to prevent and suppress forest fires-----	200,000 00
Mar. 1—Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the Assemblymen-----	4,423 80
Mar. 1—Senate Bill No. 1238—An Act making an appropriation to pay the salaries and mileage of the Senators-----	1,980 40
Mar. 1—Senate Bill No. 1239—An Act making an appropriation for the pay of officers and employees of the Senate-----	16,000 00
Mar. 1—Senate Bill No. 1240—An Act appropriating and transferring money from the General Fund to the State Printing Fund-----	15,000 00
Mar. 1—Senate Bill No. 84—An Act to appropriate money for the completion, etc., of the dining hall, etc., at the California Polytechnic School-----	
Mar. 1—Senate Bill No. 85—An Act to appropriate money for the development of the water system at the California Polytechnic School-----	
Mar. 1—Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops, etc., for the California Polytechnic School-----	
Mar. 1—Senate Bill No. 90—An Act to appropriate money for the enlargement of the power, etc., of the California Polytechnic School-----	
Mar. 1—Senate Bill No. 91—An Act to appropriate money for the construction of a heating system at the California Polytechnic School-----	

Mar. 1—Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School	
Mar. 1—Senate Bill No. 94—An Act to appropriate money to purchase farm machinery, etc., at the California Polytechnic School	
Mar. 1—Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a state highway	\$50,000 00
Mar. 1—Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office	1,500 00
Mar. 1—Assembly Bill No. 1004—An Act providing for surveys and reports with estimates of cost of reclamation of the great central valley of California	300,000 00
Mar. 1—Assembly Bill No. 1400—An Act making an appropriation to pay the claim of J. Harry Russell	3,250 00
Mar. 1—Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep	10,000 00
Mar. 1—Senate Bill No. 626—An Act to amend Section 3075 of the Political Code of the State of California	
Mar. 1—Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code"	
Mar. 1—Senate Bill No. 933—An Act making an additional appropriation for the support of the Preston School of Industry	1,000 00
Mar. 1—Senate Bill No. 966—An Act to provide for the purchase of filing cases in the office of the Department of Engineering	1,000 00
Mar. 2—Senate Bill No. 381—An Act to provide for the purchase of an additional lot for the use of the State Normal School at San Francisco	60,000 00
Mar. 2—Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind	950 00
Mar. 2—Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lughen against the State of California	100 00
Mar. 2—Assembly Bill No. 1360—An Act to provide for a state exhibit at the Panama-California Exposition to be held in San Diego	500,000 00
Mar. 2—Senate Bill No. 914—An Act making an appropriation for compiling, publishing and distributing the revenue laws of the State of California	2,000 00
Mar. 2—Senate Bill No. 1234—An Act to appropriate money for the purchase of standards of weights and measures	1,500 00
Total amount bills submitted	\$3,927,123 70
Amount of bills in former report	11,029,067 60
Total	\$14,956,191 30

BILLS REPORTED FAVORABLY.

Assembly Bill No. 41	\$15,000 00
Assembly Bill No. 27	500 00
Assembly Bill No. 166	10,000 00
Assembly Bill No. 224	30,000 00
Assembly Bill No. 9	25,000 00
Assembly Bill No. 165	5,000 00
Assembly Bill No. 288	5,000 00
Assembly Bill No. 615	5,000 00
Assembly Bill No. 616	10,000 00
Senate Bill No. 141	750 00
Assembly Bill No. 221	15,000 00
Assembly Bill No. 222	15,000 00
Assembly Bill No. 891	
Assembly Bill No. 892	25,000 00
Assembly Bill No. 361	
Assembly Bill No. 706	107,110 00
Assembly Bill No. 707	11,000 00
Assembly Bill No. 209	1,000 00
Assembly Bill No. 210	400 00
Assembly Bill No. 1065	

Total, brought forward			
Assembly Bill No.	736		\$13,000 00
Assembly Bill No.	1092		60,000 00
Assembly Bill No.	1153		10,000 00
Assembly Bill No.	1154		1,500 00
Senate Bill No.	364		4,500 00
Assembly Bill No.	1143		1,000 00
Assembly Bill No.	1149		750 00
Assembly Bill No.	1376		500 00
Assembly Bill No.	1377		375 00
Assembly Bill No.	1379		5,500 00
Senate Bill No.	585		12,000 00
Senate Bill No.	658		500 00
Senate Bill No.	659		1,000 00
Senate Bill No.	661		2,000 00
Assembly Bill No.	706		111,500 00
Assembly Bill No.	707		6,875 00
Assembly Bill No.	961		40,000 00
Assembly Bill No.	386		5,200 00
Assembly Bill No.	720		65,000 00
Assembly Bill No.	721		12,000 00
Assembly Bill No.	722		10,000 00
Assembly Bill No.	723		2,500 00
Assembly Bill No.	724		11,000 00
Assembly Bill No.	725		12,344 87
Assembly Bill No.	866		250,000 00
Assembly Bill No.	2		32,000 00
Assembly Bill No.	226		62,000 00
Assembly Bill No.	172		5,000 00
Assembly Bill No.	687		136 00
Assembly Bill No.	1058		7,500 00
Assembly Bill No.	1309		
Assembly Bill No.	1310		
Assembly Bill No.	1311		
Assembly Bill No.	544		453 96
Senate Bill No.	260		
Senate Bill No.	30		60,000 00
Senate Bill No.	36		10,000 00
Senate Bill No.	55		15,000 00
Senate Bill No.	142		3,000 00
Senate Bill No.	143		1,000 00
Senate Bill No.	363		2,000 00
Senate Bill No.	365		4,000 00
Senate Bill No.	367		10,000 00
Senate Bill No.	368		5,000 00
Senate Bill No.	370		3,500 00
Senate Bill No.	371		3,000 00
Senate Bill No.	558		3,200 00
Senate Bill No.	696		200,000 00
Assembly Bill No.	58		10,000 00
Assembly Bill No.	167		15,000 00
Assembly Bill No.	641		15,000 00
Assembly Bill No.	56		25,000 00
Assembly Bill No.	519		10,000 00
Assembly Bill No.	771		20,000 00
Assembly Bill No.	795		2,900 00
Assembly Bill No.	767		5,000 00
Assembly Bill No.	712		20,000 00
Assembly Bill No.	768		10,000 00
Assembly Bill No.	769		10,000 00
Assembly Bill No.	1392		1,500 00
Assembly Bill No.	789		100,000 00
Assembly Bill No.	1345		50,000 00
Assembly Bill No.	1540		5,000 00
Assembly Bill No.	735		50,000 00
Assembly Bill No.	310		200,000 00
Assembly Bill No.	1546		4,423 80
Senate Bill No.	1238		1,930 40
Senate Bill No.	1239		16,000 00
Senate Bill No.	1240		35,000 00
Senate Bill No.	84		
Senate Bill No.	85		
Senate Bill No.	89		
Senate Bill No.	90		
Senate Bill No.	91		

Total, brought forward-----	\$14,956,191 30
Senate Bill No. 93-----	
Senate Bill No. 94-----	
Senate Bill No. 408-----	\$50,000 00
Senate Bill No. 929-----	1,500 00
	<hr/>
	\$2,004,849 03
Bills formerly reported favorably-----	813,975 77
	<hr/>
	\$2,818,824 80
Bills withdrawn-----	30,000 00
Bills re-referred-----	926,015 00
Reduction in appropriations-----	1,062,215 00
	<hr/>
	4,837,054 80
Amount of bills left in hands of committee-----	\$10,119,136 50
COGSWELL, Chairman.	

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III, of the Political Code to be designated Article XX, providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the Capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations; and repealing all Acts or parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended, and be re-referred to Committee on Ways and Means.

HINKLE, Chairman.

The above bill re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 1031—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Ways and Means.

HINKLE, Chairman.

The above bill re-referred to Committee on Ways and Means.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 710—An Act to amend Section 61 of an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JONES, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relating to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

JONES, Chairman.

The above reported bill ordered on file for second reading.

ON LIVE STOCK, DAIRIES, AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Assembly Bill No. 846—An Act to amend section one of an Act

entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March twenty-third, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAMILTON, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Senate Bill No. 349—An Act to regulate the sale of poultry and eggs—have had the same under consideration, and respectfully report the same back with amendment, and recommend that it do pass as amended.

HAMILTON, Chairman.

The above reported bill ordered on file for second reading.

ON AGRICULTURE, FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Assembly Bill No. 709—An Act providing for investigations upon the nature and means of control of diseases of vegetables and the relation of various cultural treatments thereto, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation.

JUDSON, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Senate Bill No. 870—An Act to amend an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JUDSON, Chairman.

The above reported bill ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 1056—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

CALLAGHAN, Chairman.

The above reported bill ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 716—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners and defining their duties, fixing their compensation and providing a special fund, and providing for the licensing of plumbers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 626—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by

the State of California in one or more of the public institutions of this State for the insane, who shall have arrived at the age of sixty years—have had the same under consideration, and respectfully report the same back without recommendation.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 489—An Act to protect labor unions; to prohibit any person or corporation in this State from causing or compelling any person or persons to enter into an agreement not to join or be a member of any labor organization as a condition of such person securing employment or continuing in the employment of such corporation; declaring what agreements between two or more persons shall not be deemed criminal; to prohibit false or deceptive representations by employers of labor; to prevent the guarding of other persons or property with arms or deadly weapons, except as permitted by this Act; to provide for the right of recovery of all damages workmen may sustain in consequence of false or deceptive representations; and to provide for penalties for violations of the provisions of this Act—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

ON BUILDING AND LOAN ASSOCIATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Building and Loan Associations, to whom was referred Senate Bill No. 960—An Act creating a bureau of building and loan supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses, providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith, providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports, providing penalties for violations of law and orders of the commissioner, repealing an Act approved March 21, 1905, entitled "An Act creating a bureau of building and loan supervision, providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners, prescribing their duties, powers and compensation, providing for a secretary, his powers and compensation, providing for the rental of offices for the use of the bureau and for traveling and office expenses, providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith, providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith; also repealing an Act approved March 23, 1907 entitled "An Act to amend section sixteen (16) of an Act entitled "An Act creating a bureau of building and loan supervision, providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners: prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation, providing for and

requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports, providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof; also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a bureau of building and loan supervision: providing for the appointment of administration officials therefore to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation, providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith,'" approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

MOTT, Chairman.

The above reported bill ordered on file for second reading

ON CORPORATIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER. Your Committee on Corporations, to whom was referred Assembly Bill No. 817—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered and known as section three hundred and fifty-nine a, relating to the issuance of preferred stock by corporations.

Also: Assembly Bill No. 467—An Act to regulate the use of transfers issued by street railroad companies in cities and towns of this State.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

JOEL, Chairman.

The above reported bills ordered on file for second reading

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No. 82—An Act to amend Section 25 of the Civil Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass; with minority report, that it do pass

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 263—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-three of the said Penal Code, relating to compelling a defendant to be a witness against himself in criminal actions and proceedings

Also: Assembly Bill No. 1121—An Act to amend Section 337 of the Code of Civil Procedure of the State of California and to add a new section to said Code of Civil Procedure, to be known as and numbered Section 337a, both relating to the time of the commencement of actions other than for the recovery of real property.

Also: Senate Bill No. 337—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3224, relating to the standard of weights and measures for flour and bran in sacks.

Also: Senate Bill No. 338—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 236, relating to selling or offering

for sale flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, with minority report, that they do not pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO March 3, 1911

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade

Also: Assembly Bill No. 912—An Act to amend Section 499a of the Penal Code of California, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

Also: Senate Bill No. 501—An Act to amend section five hundred forty-two a of the Code of Civil Procedure, relating to attachment, liens, and the time when such liens begin and expire

Also: Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

Also: Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

KEHOE, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 886—An Act to repeal section nineteen hundred and nineteen of the Civil Code of the State of California, relating to the compounding of interest—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass; with minority report, that it do pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 811—An Act to add a new section to the Penal Code of California, to be numbered 306, relating to the advertisement of medicines and medical treatment and providing for violations thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended; with minority report, that it do not pass.

KEHOE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 384—An Act to amend Section 217 of the Penal Code of California, relating to punishment for assault with intent to commit murder, and providing a penalty for the crime of assault with intent to murder.

Also: Assembly Bill No. 1527—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State

Also: Assembly Bill No. 1386—An Act to amend section thirteen hundred and seventy-five of the Code of Civil Procedure, relating to the publication of notice to creditors.

Also: Assembly Bill No. 1495—An Act to amend Section 1386 of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons.

Also: Senate Bill No. 984—An Act relating to the opening of streets through cemeteries.

Also: Senate Bill No. 878—An Act to amend Section 1667 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 58—An Act establishing a state normal school at Fresno, county of Fresno, State of California, and making an appropriation for the construction of a building, and the maintenance of said school.

Also: Assembly Bill No. 167—An Act making an appropriation for the equipment, support and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Also: Assembly Bill No. 519—An Act to provide a State highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville county road to the western terminus of Lake Tahoe wagon road at Smith's Flat, a state highway, and making an appropriation therefor.

Also: Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof.

Also: Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose.

Also: Assembly Bill No. 767—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' Building, and to build an addition thereto equal in its dimensions to the present structure, providing for its equipment, and making an appropriation therefor.

Also: Assembly Bill No. 768—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and erect thereon a new and modern combination grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

Also: Assembly Bill No. 769—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Which were re-referred to us from other committees—have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment, and making an appropriation therefor, which was re-referred to us from the Committee on Public Buildings and Grounds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

MESSAGE FROM THE GOVERNOR

The following message was read:

EXECUTIVE OFFICE.
SACRAMENTO, CAL., March 2, 1911

To the Assembly of the State of California:

I return to you herein Assembly Bill No. 741, without my approval.

The purpose of the bill is to establish and validate Reclamation District No. 799 of the county of Contra Costa. It presents features vastly different from those presented by validating bills of like character that have come to me. Certain land-owners in the county of Contra Costa, by proceedings in accordance with the Political Code, sought to form Reclamation District No. 799 in that county. Included within the boundaries of the district was a portion of the land of one Portman. After the formation of the district by the approval of the board of supervisors of the county of Contra Costa, Portman applied to the Attorney General for the use of the name of the people of the State in an action of *quo warranto* to determine the validity of the district, and the Attorney General authorized an action of that character. Portman asserts that he has been engaged in the reclamation of his land included within that district; that he has purchased a dredger or ditcher for the purpose of constructing levees; has actually proceeded with that construction, and has mortgaged his land for the sum of \$14,000 to carry on the work. He asserts, in addition, that he has a reclamation district of his own, and that this district exists either as a *de jure* or *de facto* district. He prosecuted the action authorized by the Attorney General in the Superior Court of the county of Contra Costa, inquiring into the validity of District No. 799, and that action has been tried. The case is now either under submission or awaiting filing of briefs in that Superior Court. The effect of the present Act will be to have the Legislature, by a short cut, in a suit now pending for decision before the Superior Court of Contra Costa County, render a decision in that action.

Under the peculiar circumstances of this particular case, I do not feel that this should be done. For these reasons I have vetoed the bill.

Respectfully submitted.

HIRAM W. JOHNSON
Governor of California.

The question being put, "Shall the bill become a law notwithstanding the veto of the Governor?"

The roll was called, and the veto sustained by the following vote:

AYES—None.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, March, McDonald, McGowan, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Smith, Stevenot, Stuckenberg, Sutherland, Telfer, Tibbits, Walsh, Williams, Willie, and Mr. Speaker—61.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 2, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on March 1, 1911, adopted Senate Concurrent Resolution No. 13—Approving two certain amendments to the charter of the city of Eureka, in Humboldt County, State of California, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 21st day of June, 1909.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTHEWSON, Assistant Secretary

The above Senate concurrent resolution referred to Committee on Municipal Corporations

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Committee Substitute for Senate Bill No. 1010—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

Also: Senate Bill No. 1011—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1191 thereof, concerning appointing time for judgment.

Also: Senate Bill No. 1125—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Also: Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure, to be known and designated as Section 604, relating to the payment of juror's and reporter's fees in actions other than criminal.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted under suspension of the rules

Senate Joint Resolution No. 24—Relative to recognition of American passports by foreign nations.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Committee Substitute for Senate Bill No. 1010 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 1011 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1125 read first time, and referred to Committee on Judiciary.

Senate Bill No. 786 read first time, and referred to Committee on County and Township Governments.

Senate Joint Resolution No. 24 read, and referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 14—Relative to a building for the California State Library, the Supreme Court and the District Court of Appeal, Third District.

Also: Assembly Concurrent Resolution No. 20—Approving the charter of the city of Pomona, county of Los Angeles, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 16th day of February, 1911.

Also: Assembly Joint Resolution No. 10—Relating to Federal aid for the Indian schools of the Northern California Indian Association in Yolo County, California.

Also: Assembly Joint Resolution No. 6—Relating to the establishment and operation of postal savings banks in California by the United States Government.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above resolutions ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 293—An Act to amend an Act entitled an Act to amend an Act entitled "An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901, approved February 8, 1911, relating to the classification of municipal corporations.

Also: Assembly Bill No. 1067—An Act to amend section one of an Act entitled "An Act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885.

Also: Assembly Bill No. 499—An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal.

Also: Assembly Bill No. 729—An Act to amend Section 500 of the Political Code, relating to clerks in the register's office and their salaries.

Also: Assembly Bill No. 730—An Act to amend Section 485 of the Political Code, relating to appointments of Surveyor General.

Also: Assembly Bill No. 174—An Act to pay the claim of A. G. Lafferty against the State of California and making an appropriation therefor.

Also: Assembly Bill No. 207—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 272—An Act to provide for the erection of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Also: Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Also: Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Also: Assembly Bill No. 127—An Act appropriating money for the equipment of the trade buildings at the Preston School of Industry.

Also: Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Also: Assembly Bill No. 1003—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Also: Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085, and 2112, of the Political Code of the State of California, and to add two new sections to said code to be known as Sections 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed as amended the following:

Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

Also: Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the controller.

Also: Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Also: Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Also: Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX, Chapter I, relating to executions, by adding a new section thereto, to be known as Section 681a.

Also: Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

Also: Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions.

And we respectfully request your honorable body to concur in the Senate amendments to all of said bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 663?"

On page 2, of the printed bill, amend line 30, after the word "pressmen", by inserting a "comma" and the word "bookbinders".

Also: On page 2, of the printed bill, amend line 33, by inserting after the word "compositors" the words "other than machine operators".

Also: On page 2, of the printed bill, amend line 35, by inserting after the word "month" the following "and provided, that no employee shall receive any compensation for any day, or part of any day he or she does not work, excepting full legal holidays, and the fifteen days vacation allowed by an Act entitled "An Act providing for vacations for certain employees of the State, approved March 15, 1909."

The roll was called, and Senate amendments to Assembly Bill No. 663 were concurred in by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Hamilton, Hinkle, Jasper, Judson, Kennedy, Lamb, Lyon of Los Angeles, Maher, McDonald, McGowan, Mendenhall, Mott, Nolan,

Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1096?"

On page 1, Section 1, line 2, strike out the words "so as to make said section", and insert in lieu thereof the following: "to".

The roll was called, and Senate amendment to Assembly Bill No. 1096 was concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1097?"

On page 1, Section 1, line 2, strike out the words "so as to make said section", and insert in lieu thereof the following: "to".

Also: On page 1, Section 1, line 3, strike out the word "Section".

The roll was called, and Senate amendments to Assembly Bill No. 1097 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Gerdes, Griffiths, Guill, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 497?"

On page 1, Section 1, line 3, strike out the word "Section".

Also: On page 1, Section 1, line 9, strike out the figures "1664", and insert in lieu thereof the following: "one thousand six hundred and sixty-four."

Also: On page 1, Section 2, line 6, strike out the figures "1704", and insert in lieu thereof the following "one thousand seven hundred and four".

Also: On page 1, Section 2, line 3, strike out the word "Section".

Also: On page 1, Section 3, line 1, strike out all of Section 3.

The roll was called, and Senate amendments to Assembly Bill No. 497 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Hinkle, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—54.

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 501?"

On page 1, Section 1, line 5, strike out the word "Section".

Also: On page 1, Section 2, line 1, strike out all of Section 2

The roll was called, and Senate amendments to Assembly Bill No. 501 were concurred in by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Denegri, Feeley, Gaylord, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 504?"

On page 2, Section 1, strike out all of lines 50, 51 and 52, and insert in lieu thereof the following: "No bill of exceptions, statement on motion for a new trial, notice of appeal, or notice or paper, other than amendments to the pleadings or an amended pleading, need be served upon any party whose default has been duly entered, or who has not appeared in the action or proceeding."

The roll was called, and Senate amendment to Assembly Bill No. 504 was concurred in by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Brown, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Gerdes, Guill, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, March, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 505?"

On page 1, Section 1, line 4, strike out the word "Section".

The roll was called, and Senate amendment to Assembly Bill No. 505 was concurred in by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Brown, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Gerdes, Guill, Harlan, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, March, McDonald, McGowen, Mott, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Bill ordered to enrollment.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:
By Mr. Cattell:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying resolution, the title of which reads as follows, viz: A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a section thereto to be known as Section 12, of Article 9, relating to the exemption from taxation of the property of institutions of higher learning.

CATTELL.

Member Sixty-seventh District.

Referred to Committee on Introduction of Bills.

By Mr. Walsh:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying joint resolution, the title of which reads as follows, viz: Relative to the granting to United States postal clerks an extension of the eight-hour law as applied to United States postal carriers.

WALSH,

Member Thirty-seventh District.

Referred to Committee on Introduction of Bills.

By Mr. Hewitt:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

HEWITT,

Member Eighth District.

Referred to Committee on Introduction of Bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

HEWITT,

Member Eighth District

Referred to Committee on Introduction of Bills.

RE-REFERENCE OF BILL.

On motion of Mr. Butler, Assembly Bill No 168 ordered re-referred to Committee on Judiciary.

CONSIDERATION OF CONSTITUTIONAL AMENDMENTS.

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to Section 18, Article 20, relative to the employment of females in the handling and sale of intoxicating liquors.

During consideration of Assembly constitutional amendment, the following amendment was submitted by Mr. Pofsley:

In Section 18, line 10, of the printed bill, after the word "women", insert the following: . "or the soliciting by women of the purchase".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for adoption.

Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors, of public officials.

During consideration of Senate constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 3, of the printed resolution as amended, strike out the sentence commencing in line 53 with the words "any person", and concluding in line 56 with the words "without nomination."

Amendment adopted.

AMENDMENT No. 2.

On page 7, line 205, of the printed resolution as amended, after the word "counties" insert a comma.

Amendment adopted.

Also:

By Mr. Clark:

AMENDMENT No. 1.

On page 2, line 31, of the printed resolution, strike out the period after the word "circulated", and insert in lieu thereof a semicolon (;).

Amendment adopted.

AMENDMENT No. 2.

On page 7, line 203, of the printed resolution, strike out the words "or city", and insert in lieu thereof the following: "city or town".

Amendment adopted.

AMENDMENT No. 3.

On page 7, beginning in line 205, of the printed resolution, strike out the words "more than", and all of lines 206 and 207, and insert in lieu thereof the following: "any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies".

Amendment adopted.

Senate constitutional amendment ordered to reprint, and on file for adoption.

SECOND READING OF BILLS.

Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the Assemblymen for the thirty-ninth session of the Legislature of the State of California during the sixty-first fiscal year

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In second line of the title, of the printed bill, after the word "the", insert "members of the".

Amendment adopted.

AMENDMENT No. 2.

In the third line of the title, of the printed bill, strike out the word "Assemblymen", and insert in lieu thereof the word "Assembly".

Amendment adopted.

AMENDMENT No. 3.

In line 5, Section 1, of the printed bill, after the word "of", where it first occurs, insert the words "the members of the".

Amendment adopted.

AMENDMENT No. 4.

In line 6, Section 1, of the printed bill, strike out the word "first", and insert the word "second".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 1552—An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy to

perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics," approved March 3, 1883, and the several Acts amendatory thereof: prescribing his duties; providing for his compensation, and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF BILLS.

Assembly Bill No 433—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by adding a new section thereto to be numbered 10y.

On motion of Mr. Wilson, bill withdrawn and ordered stricken from the file, and Assembly Bill No. 1094 taken up out of order.

Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No 1094 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denecri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 140—An Act to amend Section 1 of an Act entitled "An Act to provide for the investment of the moneys in the Estates of Deceased Persons Fund, and also to provide for payment of interest received into the State School Fund," approved February 22, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 140 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—66

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 841—An Act to amend sections twelve hundred and forty-five, twelve hundred and forty-six and twelve hundred and forty-eight of the Civil Code of the State of California, relating to proceedings on execution against homesteads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 841 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, and Mr. Speaker—65.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Cronin moved that the vote whereby Assembly Bill No. 713 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Benedict, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowen, Mott, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—54.

NOES—Messrs. Beckett, Bennink, Brown, Chandler, Cogswell, Cunningham, Guill, Kennedy, Lyon of San Francisco, McDonald, Mendenhall, Polsley, and Smith—13.

Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments.

During the consideration of the bill, Mr. Tibbits moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 3, Section 1, page 1, of the printed bill, strike out the word "three", and insert in lieu thereof the word "six".

Motion carried.

The Speaker appointed Mr. Tibbits as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 713, with instructions, do now report that the instructions of the Assembly have been carried out.

TIBBITS. Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

SPECIAL ORDER.

The hour of eleven o'clock and thirty minutes A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

The question being on concurring in Senate amendments to Assembly Bill No. 37.

Mr. Bohnett moved that the Assembly concur in all amendments adopted in the Senate on February 11, 1911.

OBJECTION.

Mr. Schmitt objected and asked that the question be divided.

Request granted.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 37?"

In line 7, of Section 15, on page 6, of the printed bill, between the words "where" and "manufactured" insert the words "stored or".

The roll was called, and Senate amendment to Assembly Bill No. 37 was concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—None.

Mr. Bohnett moved that the following six amendments be considered as a whole

Motion carried.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 37?"

Between the fifth and sixth paragraphs of Section 16, on page 7, of the printed bill, insert another paragraph as follows:

"6th. The keeping of alcoholic liquors at wholesale storage plants, receiving orders at such plants for said liquors, and the shipping of the same therefrom; *provided*, said liquors are not distributed or delivered to any person or place in no-license territory within the county in which such storage plants are located".

Also. In line 39, of Section 16, on page 7, of the printed bill, strike out the number "6th", and insert in lieu thereof the following: "7th".

Also. In lines 42 and 43, of Section 16, on page 7, of the printed bill, strike out the words "to any person or place".

Also. In line 45, of Section 16, on page 7, of the printed bill, strike out the word "three", and insert in lieu thereof the word "two".

Also. In line 45, of Section 16, on page 7, of the printed bill, strike out the words "*provided, further, that such deliveries are*", and insert in lieu thereof the following: "*are not delivered to any person or place in such territory within said county except as follows: (a) to other manufacturers of alcoholic liquors at the premises where*

they manufacture such liquors. (b) to wholesale storage plants from which such liquors are not delivered to any person or place in no-license territory within the county in which such plants are located: (c) to bona fide heads of households at their permanent residences: (d) to regularly licensed pharmacists at their places of business".

Also: In Section 16, on pages 7 and 8, of the printed bill, strike out lines 46, 47, and 48.

The roll was called, and Senate amendments to Assembly Bill No. 37 was concurred in by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—68.

NOES—None.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 37?"

SERIES OF AMENDMENTS TO BE DESIGNATED NO. 1.

By inserting in Section 1, line 2, of printed bill, after the word "portion", the following words: "of any township".

Also: By inserting in Section 1, page 2, line 8, of printed bill, after the word "county", the following words: "in which said township may be located".

Also: By striking out of Section 1, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 7, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 13, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of said Section 2, page 2, line 17, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 11, page 5, line 1 thereof, of the printed bill, the word "county", and insert in lieu thereof the word "township".

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Schmitt moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Callaghan, Coghlan, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Griffiths, Harlan, Hayes, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Tibbits, Walsh, Williams, and Wilson—36.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Freeman, Gaylord, Guill, Hamilton, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Smith, Telfer, Wyllie, Young, and Mr. Speaker—35.

Time, twelve o'clock and thirty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham,

Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—75

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House

Mr Bohnett moved that further proceedings under the call of the House be dispensed with.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Guill, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Smith, Stevenot, Sutherland, Wyllie, Young, and Mr Speaker—36.

NOES—Messrs Bishop, Callaghan, Coghlan, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hayes, Held, Kennedy, Lynch, Lyon of San Francisco, Maher, March, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Tibbits, Walsh, Williams, and Wilson—38.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and fifty minutes P. M., Mr. Cronin moved that further proceedings under the call of the House be dispensed with.

Roll call regularly demanded.

The roll was called, and the motion carried by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Flint, Freeman, Gaylord, Guill, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—Messrs Callaghan, Coghlan, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Griffiths, Hayes, Held, Kennedy, Lynch, Lyon of San Francisco, Maher, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Tibbits, Walsh, and Williams—30.

The roll of absentees was called, and the Assembly refused to concur in the above amendments by the following vote:

AYES—Messrs Callaghan, Coghlan, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Harlan, Hayes, Held, Jones, Kennedy, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Tibbits, Walsh, and Wilson—36.

NOES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Flint, Freeman, Griffiths, Guill, Hamilton, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Smith, Stevenot, Telfer, Williams, Wyllie, Young, and Mr. Speaker—39.

RECESS.

At twelve o'clock and fifty-five minutes P. M., on motion of Mr Brown, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

FURTHER CONSIDERATION OF BILL CONTINUED.

Mr. Slater moved that further consideration of Assembly Bill No. 37 be continued until the completion of the Senate file.

Motion carried.

THIRD READING OF SENATE BILLS.

Senate Bill No. 30—An Act to appropriate money to erect a building for the training department at the San Jose State Normal School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 30 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 36—An Act appropriating the sum of ten thousand dollars for the purpose of constructing and repairing the grounds, walks, lawns and gardens of the San Jose State Normal School, and for the purchase of the necessary loam, gravel, fertilizers, seed, plants, and shrubbery for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 36 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Guill, Hamilton, Hayes, Held, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and eighteen minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Senate Bill No. 55—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 55 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hamilton, Hayes, Held, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowan, Mendenhall, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Stevenot, Stuckenbruck, Telfer, Walsh, Williams, Wilson, and Wylie—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1232—An Act to make an appropriation for the contingent expenses of the Senate for the session of the thirty-ninth Legislature of the State of California during the sixty-second fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1232 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowan, Mendenhall, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, and Wylie—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 52—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto to be numbered 1255a, relating to the abandonment of condemnation proceedings and providing for costs upon such abandonment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 52 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McGowan, Mendenhall, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wylie, and Young—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 665—An Act to regulate the production and sale of certified butter.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 665 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Brown, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Held, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 646—An Act to add two new sections to the Code of Civil Procedure to be numbered and designated as Section 1183*b* and Section 1183*c*, relating to liens of mechanics and others.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 646 passed by the following vote:

AYES—Messrs. Beckett, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lynch, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Wyllie, and Young—50.

NOES—Mr. McDonald—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 647—An Act to amend section six hundred and sixty of the Civil Code, relating to fixtures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 647 passed by the following vote:

AYES—Messrs. Beckett, Bliss, Bohnett, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Wilson, and Wyllie—54.

NOES—Mr. McDonald—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 731—An Act to amend section four thousand and forty-nine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 79—An Act to amend Section 4300*a* of the Political Code of the State of California, relating to the county clerk's fees

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, Section 1, line 3, of the printed bill, after the number "4300a," insert the following: "The county clerk, in addition to the charges provided for in Section 4190, of this code:"

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 9, after the word "petitioner", insert the following: "; provided, that when the public administrator, in his official capacity, is the petitioner, he shall be required to pay said fee only out of the assets of the estate coming into his possession".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 498—An Act to amend an Act "to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto, to be numbered section two and one half:

During second reading of bill, the following amendment was submitted by the committee:

On page 1 of title, line 2, after the word "Act", insert the words "entitled an Act".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 497—An Act to amend an Act "to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," by amending section thirty-nine of said Act relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, first line of the title, strike out the words "An Act", and the quotation marks immediately preceding the word "to", and insert in lieu thereof the following: "sections fifteen, thirty, thirty-two, thirty-four, thirty-nine, fifty-five and sixty-one of an Act entitled "An Act".

Amendment adopted.

AMENDMENT No. 2.

On page 1, strike out of the fifth and sixth lines, of the title, the words "by amending section thirty-nine of said Act relating to the collection of taxes,".

Amendment adopted.

AMENDMENT No. 3.

Immediately after the enacting clause, and before Section 1, insert the following:

SECTION 1. Section fifteen of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, is hereby amended to read as follows:

Section 15. The board shall have the power, and it shall be their duty, to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers, and employees as may be required, and prescribe their duties. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary

irrigation works and the line for any canal or canals, and the necessary branches for the same, on any lands which may be deemed best for such location. Said board shall also have the right to acquire, by purchase, lease, contract, condemnation, or other legal means, all lands, and waters, and water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal, or canals, and works, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances. But no purchase or lease of any waters, or water rights, or canals or reservoirs, or reservoir sites, or irrigation works, or other property of any nature or kind, for any price, aggregate rental or consideration, in excess of ten thousand dollars, shall be final or binding on the district, nor shall the purchase price, rental or consideration, or any part thereof, be paid or rendered until a petition of a majority of the holders of title, or evidence of title, to lands within the district, such holders of title, or evidence of title, representing a majority in value of said land, according to the last equalized assessment roll of the district, if such has theretofore been made, and if such has not been made, then according to the equalized county assessment roll covering lands of such district, shall have been filed with the board and an order of the board made thereon confirming such purchase. Said board may also construct the necessary dams, reservoirs, and works for the collection of water for said district, and do any and every lawful act necessary to be done, that sufficient water may be furnished to each land owner in said district for irrigation purposes. The said board is hereby authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this Act, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this Act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this Act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings, the said board may sue, appear and defend in person or by attorneys, and in the name of such irrigation district. It shall be the duty of said board to establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of said lands, which must be printed in convenient form for distribution in the district. Said board shall have power generally to perform all such acts as shall be necessary to fully carry out the purposes of this Act.

SEC. 2. Section thirty of said Act is hereby amended to read as follows:

Section 30 For the purpose of constructing necessary irrigating canals and works, and acquiring the necessary property and rights therefor, and for the purpose of acquiring waters, water rights and other property necessary for the purposes of said district, and otherwise carrying out the provisions of this Act, the board of directors of any such district, must, as soon after such district has been organized as may be practicable, and also whenever thereafter the construction fund has been exhausted by expenditures herein authorized therefrom and it is necessary to raise additional money for said purposes, estimate and determine the amount of money necessary to be raised. And thereafter said board when petitioned by a majority of the holders of title, or evidence of title, to lands within the district, such holders of title, or evidence of title, representing a majority in value of said lands according to the equalized assessment roll of the district if such has theretofore been made, and if such has not been made, then according to the equalized county assessment roll covering the lands of such district, shall immediately call a special election, at which shall be submitted to the electors of such district, possessing the qualifications prescribed by this Act, the question whether or not the bonds of said district in the amount as set forth in said petition shall be issued. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notices must specify the time of holding the election, the amount of bonds proposed to be issued; and said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this Act governing the election of officers, *provided*, that no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes", or "Bonds—No", or words equivalent thereto. If a majority of the votes cast are "Bonds—Yes" the board of directors shall cause bonds in said amount to be issued, if a majority of the votes cast at any bond election are "Bonds—No", the result of such election shall be so declared and entered of record. Whenever thereafter a petition of the character hereinbefore provided for in this section is presented to the board it shall so declare of record in its minutes, and shall thereupon submit such questions to said electors in the same manner and with like effect as at such previous election.

SEC. 3. Section thirty-two of said Act is hereby amended to read as follows:

Section 32 The board may sell said bonds from time to time in such quantities

as may be necessary and most advantageous, to raise money for the construction of said canals and works, the acquisition of said property and rights, or the acquisition of any water or water rights, and otherwise to fully carry out the objects and purposes of this Act. Before making any sale the board shall, at a meeting, by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of the sale to be given, by publication thereof at least three weeks, in some newspaper published in the county where the office of the board of directors is located, and in any other newspaper, at its discretion. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals, and award the purchase of the bonds to the highest responsible bidder; *provided, however*, that they may reject all bids. Said board shall in no event sell any of the said bonds for less than the par value thereof.

Sec. 4. Section thirty-four of said Act is hereby amended to read as follows:

Section 34. In case the money raised by the sale of bonds issued be insufficient or in case the bonds be unavailable for the completion of the plan of canal and works adopted, and the acquisition of the necessary property, waters and water rights therefor, and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan, and the acquisition of such necessary property, waters and water rights, by levy of assessment therefor; *provided, however*, that such levy of assessments shall not be made except first an estimate of the amount required for such purposes has been made by said board, and the question as to the making of said levy submitted to a vote of the electors of the district. Before such question is submitted the order of submission shall be entered in the minutes of the board, stating the amount to be levied and the purpose therefor, and if submitted at a special election said order shall, in addition, fix the day of election. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept once a week for at least three successive weeks. Such notices must specify the time of holding the election, and the amount of assessment proposed to be levied. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this Act governing the election of officers, *provided*, that no informalities in conducting such an election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Assessment—Yes", or "Assessment—No," or words equivalent thereto. If a majority of the votes cast are "Assessment—Yes," the board of directors shall cause an assessment in the amount named in the order of submission to be levied; if a majority of the votes cast are "Assessment—No," the result of such election shall be so declared and entered of record."

Amendment adopted.

AMENDMENT No. 4.

On page 1, strike out all of line 1, of Section 1, and insert in lieu thereof the following: "Sec. 5. Section thirty-nine of said Act".

Amendment adopted.

AMENDMENT No. 5.

On page 1, Section 1 (changed to Sec. 5), line 3, insert immediately after the word "shall", the word "then".

Amendment adopted.

AMENDMENT No. 6.

On page 1, Section 1 (changed to Sec. 5), line 5, strike out the word "bonds", and insert in lieu thereof the word "bond".

Amendment adopted.

AMENDMENT No. 7.

On page 1, Section 1 (changed to Sec. 5), immediately after the semicolon at the end of the line, insert the following: "also, sufficient to pay in full all sums due, or that shall become due from the district, before the time for levying the next annual assessment on account of rentals or charges for lands, waters or water rights acquired by said district under lease or contract;"

Amendment adopted.

AMENDMENT No. 8.

On page 2, Section 1 (changed to Sec. 5), line 33, immediately after the word "district", insert the following: ", subject to assessment for the purposes of the district,".

Amendment adopted.

AMENDMENT No. 9.

On page 3, Section 2, line 1, strike out the figure "2", and insert in lieu thereof the figure "6".

Amendment adopted.

AMENDMENT No. 10.

On page 3, after Section 2 (changed to Sec. 6), insert the following:

"SEC. 7. Section fifty-five of said Act is hereby amended to read as follows:

Section 55. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund: *provided, however*, that when any lands, waters, water rights or other property shall be acquired by the district by any lease or contract, under the terms of which the consideration or rental shall be payable in such installments that a like amount shall be payable in each year of the life of such lease or contract, then such rental or consideration shall be paid out of the funds derived from the levying of annual assessments, or from the collection of rates, tolls and charges fixed and collected as hereinafter provided for. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair, and improvement of such portions of such canal and works as are completed and in use, including salaries of officers and employees, and installments of rental or consideration accruing under any lease or contract as hereinabove in this section mentioned, the board may in lieu (either in part or in whole) of levying assessments as herein provided for, fix rates of toll and charges, and collect the same from all persons using said canal for irrigation and other purposes.

SEC. 8. Section sixty-one of said Act is hereby amended to read as follows:

Section 61. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this Act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, except that for the purposes of organization, or for any of the purposes of this Act, the board of directors may, before the collection of the first assessment, incur an indebtedness not exceeding in the aggregate the sum of two thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at seven per cent per annum, *provided, however*, that nothing in this section contained shall be construed as limiting the right of the board to enter into any contract or lease for any lands, waters, water rights, or other property, as in this Act provided for, and by such lease or contract to bind the district for the payment of the rental or consideration specified in such lease or contract."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 422—An Act to amend Section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 437—An Act to amend section one thousand two hundred and fourteen of the Civil Code of the State of California, relating to the recording of conveyances.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 301—An Act entitled An Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 3, of the printed bill, after the word "charged", insert the word "may".

Amendment adopted.

AMENDMENT No. 2.

In line 5, of the printed bill, strike out the word "fifteen" in each place where it appears in said line, and in each place where stricken out insert in lieu thereof the word "twenty".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading

Senate Bill No. 494—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, of the printed bill, strike out all line 34, down to and including line 40.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading

Committee Substitute for Senate Bill No. 296—An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of olives, olive oil, salad oil, soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, repealing "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, also repealing "An Act to amend an Act entitled 'An Act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages (approved March 31, 1891), by adding thereto a new section after Section 4 thereof relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof," approved March 5, 1903.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 2, of the printed bill, after the word "manufacturing", insert a comma.

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 5, of the printed bill, after the word "beverages", insert "or Worcestershire or other sauce or sauces".

Amendment adopted.

AMENDMENT No. 3.

On line 6, page 2, of the printed bill, of Section 2, after the word "beverages", insert "or Worcestershire or other sauce or sauces".

Amendment adopted.

AMENDMENT No. 4.

In line 10, Section 3, page 3, of the printed bill, insert after the word "beverages", "or Worcestershire or other sauce or sauces".

Amendment adopted.

AMENDMENT No. 5

In line 11, page 4, Section 4, of the printed bill, insert after the word "beverages", the words "or Worcestershire or other sauce or sauces".

Amendment adopted.

AMENDMENT No. 6.

In line 20, page 5, of the printed bill, insert after the word "beverages", the words "or Worcestershire or other sauce or sauces".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of not less than 300,000 and not more than 400,000

During second reading of bill, the following amendments were submitted by the committee.

AMENDMENT No. 1.

In line 4 and 5, of the title, strike out the words "not less than 300,000 and not more than 400,000", and insert in lieu thereof the following: "more than 250,000 and less than 400,000."

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 4, of the printed bill, strike out the words "not less than 300,000 and not more than 400,000", and insert in lieu thereof the following "more than 250,000 and less than 400,000."

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 3, lines 3 to 7, of the printed bill, strike out the words "and an assistant justices' clerk, each of whom shall hold office at the pleasure of said justices and each shall give such bond to the county for the faithful performance of the duties of their office as said justices may require.", and insert in lieu thereof the following: "who shall hold office at the pleasure of said justices and shall give such bond for the faithful performance of the duties of his office as said justices may require"

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 3, line 11, of the printed bill, strike out the words "assistant justices' clerk."

Amendment adopted.

AMENDMENT No. 5

On page 2, Section 4, line 5, of the printed bill, strike out the words "or assistant clerk."

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 4, line 6 of the printed bill, strike out the words "or assistant clerk."

Amendment adopted.

AMENDMENT No. 7.

On page 3, Section 5, lines 4 and 5, strike out the words "except those collected for performing the marriage ceremony."

Amendment adopted.

AMENDMENT NO. 8.

On page 3, Section 6, lines 5, 6 and 7, of the printed bill, strike out the words "said assistant justices' clerk shall receive a salary of one thousand two hundred dollars per year."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 792—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness

Bill read second time, and ordered on file for third reading.

Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

During second reading of the bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 12, of the printed bill, after the word "payable", insert the words: "by him".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 383—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Bill read second time, and ordered on file for third reading

Senate Bill No. 384—An Act to amend Section 895 of the Penal Code and to repeal Sections 164, 896, 897, 898, 899, 900 and 901 of the Penal Code, all relating to grand juries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 385—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Bill read second time, and ordered on file for third reading

Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 390—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 391—An Act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered Section 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 395—An Act to add a new section to the Penal Code to be numbered Section 1506, relating to appeal from an order or judgment on habeas corpus.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1191—An Act to add a new section to the Penal Code to be numbered Section 907, relating to the duties of grand juries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926a, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine of the Political Code of the State of California, relating to the preservation of the public health.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 773—An Act relating to public health and safety, and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act, which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California,

and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto.

During second reading of the bill, the following amendment was submitted by the committee.

Amend Section 2, line 79, page 5, of printed bill, by inserting after the word "doctor", the words "as indicating or implying that he is a doctor of medicine".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 1238—An Act making an appropriation to pay the salaries and mileage of the Senators for the thirty-ninth session of the Legislature, during the sixty-second fiscal year.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1239—An Act making an appropriation for the pay of officers and employees of the Senate for the thirty-ninth session of the Legislature.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1240—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 84—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 85—An Act to appropriate money for the development of the water system at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 94—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a state highway connecting the counties of Trinity, Tehama and Shasta with the road system of Humboldt County.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the sixty-first and sixty-second fiscal years.

Bill read second time, and ordered on file for third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 1238, 1239, 1240, 84, 85, 89, 90, 91, 93, 94, 408, and 929.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem Cattell in the chair.

Senate Bills Nos. 1238, 1239, 1240, 84, 85, 89, 90, 91, 94, 408, and 929 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker pro tem Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911

GENTLEMEN, The Committee of the Whole have had under consideration Senate Bills Nos. 1238, 1239, 1240, 84, 85, 89, 90, 91, 94, 408, and 929, and do now report the same back, and recommend that they do pass.

CATTELL, Chairman.

CASES OF URGENCY.

The following resolutions were offered.

By Mr. Cogswell:

Resolved, That Senate Bill No. 1238 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Mr. Cogswell moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Giffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McDonald, McGowan, Mendenhall, Mott, Nolan, Polsky, Preisler, Randall, Rogers of Alameda, Rutherford, Ryan, Smith, Stevenor, Stuckenbruck, Teifer, Tibbitts, and Wilson—59.

NOES—None.

THIRD READING OF SENATE BILL.

Senate Bill No. 1238—An Act making an appropriation to pay the salaries and mileage of the Senators for the thirty-ninth session of the Legislature, during the sixty-second fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1238 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, and Wilson—57.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Also:

By Mr. Cogswell:

Resolved. That Senate Bill No. 1239 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage

Mr. Cogswell moved the adoption of the resolution.

The roll was called, and the resolution adopted, by the following vote:

AYES—Messrs. Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, and Wyllie—59.

NOES—None

THIRD READING OF SENATE BILL.

Senate Bill No. 1239—An Act making an appropriation for the pay of officers and employees of the Senate of the thirty-ninth session of the Legislature.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1239 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, Wyllie, and Young—56.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Also:

By Mr. Cogswell:

Resolved. That Senate Bill No. 1240 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage

Mr. Cogswell moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polesley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

THIRD READING OF SENATE BILL.

Senate Bill No. 1240—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1240 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Nolan, Polesley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At three o'clock and fifteen minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries and fees and compensation of officers of counties of the forty-eighth class.

Also: An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

CHANDLER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following Assembly joint resolution, herewith return the same with the recommendation that the author be permitted to introduce it. The title of said Assembly joint resolution is as follows:

Relative to the granting to United States postal clerks an extension of the eight-hour law as applied to United States postal carriers.

CHANDLER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following Assembly constitutional amendment, herewith return the same with the recommendation that the author be permitted to introduce it. The title of said Assembly constitutional amendment is as follows:

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a section thereto to be known as Section 12, of Article 9, relating to the exemption from taxation of the property of institutions of higher learning.

CHANDLER, Chairman.

Mr. Chandler moved the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Calhagan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polslev, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Telfer, Williams, Wilson, Wylie, Young, and Mr. Speaker—61.

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Hewitt: Assembly Bill No. 1559—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1560—An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Walsh: Assembly Joint Resolution No. 18—Relative to the granting to United States postal clerks an extension of the eight-hour law as applied to United States postal carriers.

Read, and referred to Committee on Federal Relations.

By Mr. Cattell: Assembly Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a section thereto to be known as Section 12, of Article 9, relating to the exemption from taxation of the property of institutions of higher learning.

Read, and referred to Committee on Constitutional Amendments.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts, with Senate Bill No. 616—and report that the same are not identical.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1030—An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for violation of this Act.

Assembly Bill No. 687—An Act making an appropriation to pay the claim of the San Diego Union Company.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

RULES SUSPENDED.

Mr. Coghlan moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 24.

The roll was called and the rules suspended by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shrago, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

CONSIDERATION OF SENATE JOINT RESOLUTION.

Senate Joint Resolution No. 24—Relative to recognition of American passports by foreign nations.

The question being on the adoption of the resolution.

The roll was called and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Shrago, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

Senate joint resolution ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 24.

WHEREAS, There is now pending in the Congress of the United States a resolution demanding the universal recognition by all nations of American passports so that there shall be no discrimination by any foreign power against any American citizen holding an American passport by reason of his race or creed, now, therefore, be it

Resolved by the Senate and Assembly jointly, That our Senators be instructed and our Representatives requested to use their best efforts to secure the adoption of this resolution so that all American citizens, without regard to their religion, may be on an equal footing when seeking to enter foreign countries and in possession of an American passport, and be it further

Resolved, That the Secretary of the Senate be instructed to send this resolution to the Speaker of the House of Representatives, the President of the Senate and the President of the United States by wire as soon as it shall be adopted by both houses of the Legislature.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

Being the question of concurring in Senate amendments to Assembly Bill No. 37.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 37?"

SERIES OF AMENDMENTS TO BE DESIGNATED NO. 2.

By adding to Section 7, at bottom of page 4, the following:

"Shall the number of saloons in this city, town or township be limited to -----?"

Yes	
No	

"Shall the license for each saloon in this city, town or township be fixed at \$ -----?"

Yes	
No	

"Shall alcoholic liquors be permitted and licensed to be sold wholesale in quantities of not less than ----- gallons, in this city, town or township?"

Yes	
No	

"Shall the location of saloons in this city, town or township be fixed at ----- feet from a church or public school situated in this city, town or township?"

Yes	
No	

"Shall the serving of wines and beers at regular meals in the dining-rooms of hotels and restaurants in this city, town or township be permitted?"

Yes	
No	

"And also any other question or proposition relating to the regulation of the traffic in alcoholic liquors which the qualified electors of any city, or town or township may desire to submit, shall be submitted by the proper authority in the manner and at the time as hereinbefore provided, upon petition filed therefor."

The roll was called, and the Assembly refused to concur in the above Senate amendments to Assembly Bill No. 37 by the following vote:

AYES—Messrs. Callaghan, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Hayes, Kennedy, Lynch, Lyon of San Francisco, McDonald, McGowan, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Tibbits, and Walsh—22.

NOES—Messrs. Beckett, Benedict, Bishop, Bhss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, March, Mendenhall, Mott, Polsley, Preisket, Randall, Rogers of Alameda, Rosendale, Rutherford, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Willie, Young, and Mr. Speaker—50.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 37?"

AMENDMENT No. 3

By striking out of Section 16, pages 7 and 8, of the printed bill, lines 39 to 59 inclusive, and insert in lieu thereof the following:

The keeping or storing of alcoholic liquors when manufactured, or at wineries, cellars, vaults, breweries, or warehouses, where such liquors are manufactured, kept, stored, sold or disposed of in wholesale lots or quantities, the sale, the receiving or filling of orders for such liquors at the above named places and the shipment and delivery of the same therefrom: *provided*, said liquors are not sold or delivered to any person, firm or corporation to be retailed in no-license territory within the county in which such wineries, cellars, vaults, breweries or warehouses are situated; *and provided further*, that none of said liquors so sold or delivered shall be drunk or consumed on the premises where sold or delivered, nor in quantities of less than two gallons, *and provided further*, that nothing in this Act shall prevent or prohibit the serving of wines or beers at regular meals in the dining-rooms of hotels and restaurants situated in no-license territory, subject, however, to the local ordinances governing the sale or distribution of liquor."

The roll was called, and the Assembly refused to concur in the above Senate amendment to Assembly Bill No. 37 by the following vote:

AYES—Messrs. Callaghan, Denegri, Gerdes, Hayes, Lyon of San Francisco, McDonald, McGowen, Nolan, Rumlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Walsh, and Williams—16

NOES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinchaw, Jasper, Judson, Kehoe, Lamb, Lynch, Maher, March, Mendenhall, Mott, Polesley, Preisker, Randall, Rogers of Alameda, Rosendale, Smith, Stevenot, Sutherland, Telfer, Wilson, Wylhe, Young, and Mr. Speaker—48.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 37?"

By inserting in Section 8, line 2, page 4, after the word "license", the following words: "or any other proposition submitted".

Also: By inserting in Section 8, line 4, page 4, after the word "license", the following words: "or any other proposition submitted".

Also: By striking out of Section 1, line 10, page 2, the word "to", being the first word in that line.

Also: Strike out the word "county", in Section 8, page 4, occurring after the word "or", in the "form of ballot", and insert in lieu thereof the word "township".

Also: In Section 8, line 2, insert quotation marks before and after the words "for license" and insert a comma (,) after the word "license".

Also: In Section 8, lines 3 and 4, insert quotation marks before and after the words "against license" and insert a comma (,) after the word "license".

Also: Add interrogation (?) point after the first and second proposition on page 5.

Also: Insert comma (,) after the word "provided" in line 6, of Section 9, page 5

Also: Insert comma (,) after the word "license" in Section 10, line 2.

Also: Insert comma (,) after word "provided" in Section 10, line 15, page 6

Also: Insert in Section 11, line 1, page 6, after the words "any city", the following words: "towns or" and strike out the words "or county" in same line.

Also: Strike out the period (.) in line 9, of Section 16, and insert in lieu thereof a semicolon (;)

Also: Insert in Section 16, line 13, after the word "provided", a comma (,)

Also: Strike out the period after the word "dispensed" in Section 16, line 21, page 7, and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) in Section 16, line 23, after the word "provided".

Also: Strike out the period (.) in Section 16, page 8, line 27, after the word "inspection" and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) after the word "provided" in Section 16, line 29, page 8.

Also: Strike out the period (.) after the word "inspection" in Section 16, page 8, line 36, and insert in lieu thereof a semicolon (;).

Also: Strike out the period (.) after the word "organization" in Section 16, page 8, line 38, and insert in lieu thereof a semicolon (,).

Also: Strike out the word "when" in Section 16, page 8, line 39, and insert in lieu thereof the word "where".

Also: Strike out the comma (,) after the word "breweries" in Section 16, line 40, page 8.

Also: Strike out the period (.) after the word "gallons" in Section 16, page 8, line 51, and insert in lieu thereof a semicolon (;).

Also: Transpose the five propositions and lines 2 to 7, inclusive, of Section 8, page 5, to a position or place under the first proposition on page 4, and transpose

lines 2 to 5, inclusive, on page 4 of said section underneath and following lines 2 to 7 of said section.

The roll was called, and the Assembly refused to concur in the above Senate amendments to Assembly Bill No. 37 by the following vote:

AYES—Messrs. Callaghan, Cunningham, Denegri, Feeley, Gerdes, Hayes, Kennedy, Lyon of San Francisco, McDonald, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, Shragia, Schmitt, and Walsh—16.

NOES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, March, McGowen, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—47.

Bill ordered transmitted to the Senate.

Senate Bill No. 721—An Act to amend the Political Code of the State of California by adding thereto a new section to be known as and numbered Section 2185c, relating to arrest, hearing and commitment of inebriates and drug habitués to a state hospital for the insane.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 721 passed by the following vote.

AYES—Messrs. Beckett, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—63.

NOES—Mr. Lamb—1.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Clark moved that the vote whereby Senate Bill No. 785 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beckett, Benedict, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Shragia, Slater, Stevenot, Sutherland, Telfer, Walsh, Wilson, Young, and Mr. Speaker—52.

NOES—None.

Senate Bill No. 785—An Act to amend Section 607e of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

During the reconsideration of the bill Mr. Clark moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, line 25, of the printed bill, strike out the word "hereto" and insert in lieu thereof the following: "are paid".

Motion carried.

The Speaker appointed Mr. Clark as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 735, with instructions, do now report that the instructions of the Assembly have been carried out.

CLARK, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

NOTICE OF MOTION TO RECONSIDER—(CONTINUED).

Mr. Gerdes moved that his notice of motion to reconsider the vote whereby Assembly Bill No. 1023 was passed, be continued until Tuesday, March 7, 1911.

Motion carried.

CONSIDERATION OF BILL OUT OF ORDER.

On motion of Mr. Bliss, Assembly Bill No. 1152 was ordered taken up out of order.

THIRD READING OF BILL.

Assembly Bill No. 1152—An Act to amend Sections 2319, 2319*a*, 2319*b*, 2319*c*, 2319*d*, 2319*e*, 2319*f*, 2319*h*, 2319*j* of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers, duties, and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said commissioner, and providing methods, means, and penalties for the enforcement of such powers and duties, and providing for the appointment of additional officers, fixing their compensation, and prescribing their duties.

During the third reading of the bill Mr. Bliss moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "horticulture" in line 6, Section 5, page 7, of the printed bill, insert the words "of such counties".

Also: After the word "from" in line 48, Section 1, page 3, of the printed bill, insert the words "the office of".

Also: On page 8, of the printed bill, strike out the figure "9", following the word "Sec.", and in lieu thereof insert the figure "8".

Also: On page 9, of the printed bill, strike out the figure "11", following the word "Sec.", and insert in lieu thereof the figure "9".

Motion carried.

The Speaker appointed Mr. Bliss as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1152, with instructions, do now report that the instructions of the Assembly have been carried out.

BLISS, Select Committee

Report of select committee, and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

CONSIDERATION OF BILLS OUT OF ORDER.

On motion of Mr. Coghlan, Assembly Bills Nos 1078, 1079 and 1080 were ordered taken up out of order.

THIRD READING OF BILLS.

Assembly Bill No. 1078—An Act to amend section ten of the Code of Civil Procedure of the State of California, relating to holidays.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1078 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Denegri, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1079—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1079 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Young, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1080 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Young, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Bohnett, the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Stuckenbruck, Mr. W. C. Wall was granted the privilege of the floor of the Assembly for the evening.

Through the courtesy of Mr. Hewitt, Mr. F. J. Mulvany was granted the privilege of the floor of the Assembly for the evening.

Through the courtesy of Mr. Williams, Mr. W. Hodgson was granted the privilege of the floor of the Assembly for the evening.

Through the courtesy of Mr. Randall, Mr. Meyer Lissner was granted the privilege of the floor of the Assembly for the evening.

THIRD READING OF BILLS.

Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901.'" which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18, and 19, and by adding a new section thereto to be numbered 26.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1089 passed by the following vote:

AYES—Messrs Bliss, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Feeley, Fitzgerald, Gaylord, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mott, Randall, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbitts, Walsh, Williams, Young, and Mr. Speaker—46.

NOES—Mr. Wilson—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113—An Act to amend Section 1874 of the Political Code of the State of California, providing for a free distribution of text-books in common schools.

On motion of Mr. Smith, consideration of bill made a special order for eleven o'clock of Tuesday, March 7, 1911.

Assembly Bill No. 1090—An Act to regulate the sale and use of hat pins

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1090 passed by the following vote:

AYES—Messrs Benedict, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Feeley, Fitzgerald, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McGowen, Mott, Polsley, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Tibbitts, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—Messrs Brown, Cronin, Gaylord, Hamilton, Harlan, Maher, McDonald, and Stevenot—8.

TITLE AMENDED.

The following amendment to title was submitted by Mr. Kennedy :

Strike out of line 1 of title, the words "sale and use", and insert in lieu thereof the following "wearing".

Amendment adopted

Title as amended read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor."

Mr. March moved that bill be made a special order for Tuesday, March 7, 1911.

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 882 passed by the following vote:

AYES—Messrs. Benedict, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Feeley, Fitzgerald, Gaylord, Hamilton, Harlan, Hayes, Held, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mott, Polsley, Randall, Rodgers of San Francisco, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—Messrs. Bliss, Cogswell, Cunningham, Maher, and Rosendale—5.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "Conservation Commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor.

Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such license; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring

certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations, and corporations, supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion of use of water for generating electricity, or electrical or other power otherwise than provided in this Act to be a misdemeanor, and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 789 and 735.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 789 and 735 considered

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER. SACRAMENTO, March 3, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bills Nos. 789 and 735, and do now report the same back, and recommend that they do pass

HEWITT, Chairman.

Mr. Cogswell moved that the report be adopted.

Motion carried.

Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing

and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "Conservation Commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 789 passed by the following vote:

AYES—Messrs. Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Feeley, Fitzgerald, Freeman, Gaylord, Hamilton, Harlan, Hayes, Hinkle, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Randall, Rodgers of San Francisco, Ryan, Shragia, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—50.

NOES—Mr. Poisley—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such license; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed, reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges, preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations, and corporations, supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control, limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion of use of water for generating electricity, or electrical or other power, otherwise than provided in this

Act to be a misdemeanor, and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

During consideration of bill, the following amendments were submitted by Mr. Clark:

AMENDMENT No. 1

On page 6, Section 10, line 5, immediately after the word "and", insert the following: "if such work is not so commenced and prosecuted the Board of Control may revoke its approval of the application; and such work".

Amendment adopted.

AMENDMENT No. 2.

On page 9, Section 20, line 14, immediately after the word "any", insert the word "State".

Amendment adopted.

AMENDMENT No. 3.

On page 9, Section 20, beginning with the word "the" in line 18, strike out the rest of the section, and insert in lieu thereof the following: "or if any state board or commission now existing shall hereafter have such powers conferred upon it, then the powers and duties of the Board of Control herein created shall vest in and be exercised by such board or commission, and said Board of Control shall thereupon cease to exist."

Amendment adopted.

AMENDMENT No. 4.

On pages 11 and 12, Section 30, strike out beginning with the word "either" in line 2, down to and including the word "power" in line 6, and insert in lieu thereof the following: "municipal corporations, other than irrigation districts or lighting districts, nor to the use by any irrigation district of water for the generation of electricity, electrical or other power only for use and distribution within its own limits, and as subsidiary to and mainly for the purpose of serving and carrying out irrigation, nor to the use by any lighting district of water for the generation of electricity, electrical or other power only for use and distribution within its own limits: *provided, however,* that all municipal corporations, other than irrigation districts and lighting districts, desiring to appropriate water for the generation of electricity, electrical or other power, and all irrigation districts and lighting districts desiring to appropriate water for the generation of electricity, electrical or other power, and all irrigation districts and lighting districts desiring to appropriate water for the generation of electricity, electrical or other power for the uses hereinabove in this section specified"

Amendment adopted.

AMENDMENT No. 5.

On page 12, Section 30, line 9, strike out the word "application", and insert in lieu thereof the word "appropriation".

Amendment adopted.

AMENDMENT No. 6

On page 12, Section 30, line 10, strike out the word "applicant", and insert in lieu thereof the word "appropriator".

Amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 701.—An Act to amend section ten, ten *a*, ten *b*, ten *c*, ten *d*, ten *e*, ten *f*, ten *g*, ten *h*, ten *i*, ten *j*, ten *k*, ten *l*, ten *m*, ten *n*, and ten *z*, of an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers: providing for detention homes

for said children, providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909."

On motion of Mr. Lamb, bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 185—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children; providing for their care, custody, and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom; establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10j, relating to probation officers in counties of the eighth, tenth, sixteenth, and seventeenth classes, and providing for an assistant probation officer in counties of the eighth class.

On motion of Mr. McGowen, bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 836—An Act to amend Chapter 107 of the general laws of the State of California entitled "An Act to provide for temporary floors in buildings more than two stories high in the course of construction, and for the protection of life and limb of workmen employed in such buildings from falling through joists and girders, and from falling bricks, rivets," etc., approved March 6, 1909.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 836 passed by the following vote:

AYES—Messrs Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Feeley, Fitzgerald, Freeman, Gaylord, Hamilton, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mott, Polsley, Randall, Rodgers of San Francisco, Ryan, Shragia, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292—An Act to amend Section 103½ of the Code of Civil Procedure of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 292 passed by the following vote:

AYES—Messrs Benedict, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Hamilton, Harlan, Hayes, Held, Hinkle, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mott, Polsley, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith,

Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 380—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices of the peace.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 380 passed by the following vote:

AYES—Messrs. Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Feeley, Fitzgerald, Freeman, Gaylord, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mott, Polsley, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, Wylie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1156—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909, by amending Section 10k, relating to probation officers in counties of the twentieth, twenty-ninth and thirtieth classes.

On motion of Mr. Harlan, bill withdrawn, and ordered stricken from the file.

Committee Substitute for Assembly Bill No. 998—An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

During the third reading of the bill Mr. Hinkle moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, Section 5, line 60, after the word "thereof" strike out the period and insert the following "and all such leases so executed shall reserve to the common council of the city of San Diego the right and privilege, by ordinance to annul, change or modify such leases as in its judgment may seem proper."

Also: On page 3, Section 6, line 74, after the word "act" strike out the period, and insert the following: "exclusive of the time in this section hereinbefore mentioned."

Also: On page 3, Section 7, after the period following the figure "7", strike out the balance of the section and insert the following: "The State hereby reserves unto itself at all times, the reasonable use of and access to all wharves, docks, piers, slips and quays hereafter constructed under the provisions of this Act, for any vessel or water craft owned, leased or operated by the State".

Also: Add a new section as follows:

"Sec. 8. This Act shall take effect immediately."

Motion carried.

The Speaker appointed Mr. Hinkle as such select committee

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read.

MR. SPEAKER: Your select committee of one, to whom was referred Committee Substitute for Assembly Bill No. 998, with instructions, do now report that the instructions of the Assembly have been carried out.

HINKLE, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

Assembly Bill No. 1022—An Act to provide for relief of soldiers, sailors and marines, who have served in the late Civil War, and to provide for pensions to such soldiers, sailors, and marines, under certain circumstances.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1022 passed by the following vote:

AYES—Messrs. Benedict, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Feeley, Fitzgerald, Freeman, Gaylord, Harlan, Hayes, Hinkle, Hinsbaw, Jasper, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—41.

NOES—Messrs. Butler, Cogswell, Mott, and Polsley—4.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICES OF MOTION TO RECONSIDER.

Mr. Brown gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1022 was this day passed.

Also:

Mr. Schmitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 882 was this day passed.

Assembly Bill No. 1107—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards: and to authorize such boards to appoint county foresters: and to prescribe the duties and fix the compensation of county foresters: and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1107 passed by the following vote:

AYES—Messrs. Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Feeley, Fitzgerald, Freeman, Hamilton, Harlan, Hayes,

Held, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McDonald, McGowen, Mott, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Walsh, Williams, Wilson, Wylhe, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1506—An Act relating to the Panama-Pacific International Exposition Commission of the State of California, and defining its powers and duties.

On motion of Mr. Schmitt, bill withdrawn and ordered stricken from the file.

Assembly Bill No. 368—An Act to repeal Article VIII of Title III, Part III, of the Political Code.

During the third reading of the bill, Mr. Benedict moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend by striking out all of Section 1, and inserting in lieu thereof the following: "Section 1 Sections 1634, 1635, 1636, 1637, 1638, 1639, 1640 and 1641 of the Political Code, relating to the taking of a school census, is hereby repealed."

Motion carried.

The Speaker appointed Mr. Benedict as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read.

MR. SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 368, with instructions, do now report that the instructions of the Assembly have been carried out

BENEDICT, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1195 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Feeley, Fitzgerald, Freeman, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mott, Randall, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walsh, Williams, Wilson, Wylle, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1011—An Act to add a new section to the Political Code to be numbered 4264a, relating to and fixing the compensation of grand and trial jurors in the counties of the thirty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1011 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Feeley, Fitzgerald, Freeman, Gaylord,

Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mott, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walsh, Wilson, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 191—An Act to amend section six hundred and thirty-seven *a* of an Act entitled "An Act to amend section six hundred and thirty-seven *a* of the Penal Code of California and to add thereto three new sections to be numbered six hundred and thirty-seven *f*, six hundred and thirty-seven *d*, and six hundred and thirty-seven *e*, all relating to protection of wild birds other than game birds and their nests and eggs, approved April 16, 1909.

During the third reading of the bill Mr. Stuckenbruck moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 25, of the printed bill, strike out the words "meadow lark".

Also: After the word "linnet", in line 27, insert the following: "and in the counties of Tehama, Butte, Sutter, Sacramento, Yolo, Colusa, Glenn, San Joaquin, Stanislaus, Tulare, and Kings, the meadow lark".

Motion carried.

The Speaker appointed Mr. Stuckenbruck as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 191, with instructions, do now report that the instructions of the Assembly have been carried out.

STUCKENBRUCK, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 162—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 162 passed by the following vote:

AYES—Messrs. Benedict, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Cogblan, Feeley, Fitzgerald, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mott, Polsley, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Smith, Telfer, Walsh, Williams, Wilson, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF BILL OUT OF ORDER.

On motion of Mr. Hamilton, Assembly Bill No. 1329 was taken up out of order.

THIRD READING OF BILL.

Assembly Bill No. 1329—An Act to add six new sections to the Political Code of the State of California relating to weights and measures.

During the third reading of the bill Mr. Hamilton moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out in line 24, on page 2, of the printed bill, all after the word "weights", and then down to and including line 35, on page 2, and insert in lieu thereof the following: "turpentine, seven pounds; menhaden oil, cod liver oil, whale oil, lard oil, neat's-foot oil, linseed (raw or boiled), and cottonseed oil, seven and one half pounds; olive oil, seven and five eighths pounds, and castor oil, eight pounds, *provided, however*, that if the weight herein established for any oil conflicts with the standard established for such oil by the national bureau of standards, then such standard as established by the national bureau of standards shall prevail.

"A gallon of each of the following named oils shall contain two hundred and thirty-one cubic inches, to wit: naphtha, kerosene, gasoline, sperm, paraffine and miners' oils."

Motion carried.

The Speaker appointed Mr. Hamilton as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1329, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMILTON, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 682—An Act providing for the organization and management of mutual fire insurance corporations and associations, and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

On motion of Mr. Clark, the consideration of bill was made a special order for eleven o'clock and thirty minutes of Wednesday, March 8, 1911.

Assembly Bill No. 476—An Act to amend an Act entitled "An Act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, by amending sections five, six, nine, twelve and thirteen of said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 476 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Feeley, Fitzgerald, Freeman, Gaylord, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowan, Mott, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Telfer, Walsh, Wilson, Young, and Mr. Speaker—47.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477—An Act to amend an Act entitled “An Act for the certification of land titles and the simplification of the transfer of real estate,” approved March 17, 1897, by amending Section 114 thereof and by adding three new sections thereto to be numbered 114a, 114b, and 114c, all relating to the fees of registrars and to the use of a part thereof in the creation of an assurance fund and providing for the custody and management of said fund and the determination and disposition of claims against the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 477 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Feeley, Fitzgerald, Freeman, Gaylord, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDona-ald, McGowen, Mott, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF INTENTION TO MOVE TO AMEND RULES.

Mr. Coghlan gave notice that on the next legislative day he would move to amend the Standing Rules of the Assembly as follows:

Amend Rule No. 71 by adding thereto the following words: “*Provided that during night sessions, this rule may be suspended by a vote of the majority of the members present, without notice or reference to committee.*”

Also: By striking out the period at the end of said line and inserting in lieu thereof a semicolon.

ADJOURNMENT.

At ten o'clock and twenty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Saturday, March 4, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Saturday, March 4, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher,

Malone, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rogers of Alameda, its further reading was dispensed with.

LEAVES OF ABSENCE.

On motion of Mr. Cunningham, leave of absence was granted Mr. Mullally for the day.

On motion of Mr. Bohnett, leave of absence was granted Mr. Stevenot for the day.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Lyon, Messrs. John H. Lane and J. J. Conlin were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Randall, Dr. J. A. Scherer was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Kennedy, Mr. W. A. Paddock was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Rogers, Mr. P. M. Carey was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Gaylord, Mr. S. Snell was granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1284—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class

Also Assembly Bill No. 1557—An Act to amend Section 4250 of the Political Code of the State of California, relating to fees and salaries of county officials—have had the same under consideration, and respectfully report the same back, with amendments and recommend that it do pass as amended

ROGERS of Alameda, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1555—An Act to amend section four thousand two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class

Also: Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers of the eighteenth class

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 968—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended

CALLAGHAN, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 267—An Act to repeal Section 453i of the Civil Code of the State of California, relating to life, health, accident and annuity or endowment insurance on the assessment plan—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

CALLAGHAN, Chairman.

The above reported bill ordered on file for second reading.

ON CLAIMS

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 1119—An Act appropriating money to pay the claim of Louis U. Hoin against the State of California

Also: Senate Bill No. 1120—An Act appropriating money to pay the claim of Frank Mattison against the State of California.

Also: Senate Bill No. 1121—An Act appropriating money to pay the claim of J. W. Kavanaugh against the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to the Committee on Ways and Means.

HINKLE, Vice-Chairman.

The above reported bills re-referred to Committee on Ways and Means.

Also.

ASSEMBLY CHAMBER SACRAMENTO, March 4, 1911

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I Wolfe against the State of California.

Also Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California

Also Senate Bill No. 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Also: Senate Bill No. 1115—An Act appropriating money to pay the claim of Leo Preisker against the State of California

Also Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California

Also: Senate Bill No. 1117—An Act appropriating money to pay the claim of Chlo Lloyd against the State of California.

Also: Senate Bill No. 1118—An Act appropriating money to pay the claim of H. P. Travers against the State of California.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass and be re-referred to Committee on Ways and Means.

HINKLE, Vice-Chairman

The above reported bills re-referred to Committee on Ways and Means.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 56—An Act appropriating money for the erection of buildings on and acquiring title to the land of the State branch agricultural experiment station, located at Riverside, California, and for general improvements thereon, which was re-referred to us from the Committee on Universities—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof, which was re-referred to us from the Committee on Public Lands and Forestry—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1492—An Act to add a new section to the Penal Code of the State of California to be known and numbered as Section 628f, relating to gathering clams, and prescribing a penalty for gathering clams under a certain size or for having more than a certain number in one's possession.

Also: Assembly Bill No. 957—An Act to add a new section to the Penal Code of the State of California to be numbered Section 635j, relating to the protection and preservation of fish

Also Assembly Bill No. 1373—An Act to add three new sections to the Penal Code of the State of California, to be numbered Sections 626p, 626q, and 626r.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

GRIFFITHS, Chairman.

The above reported bills ordered on file for second reading.

SENATE MESSAGE

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Read and referred to Committee on Constitutional Amendments.

REQUEST FOR PERMISSION TO INTRODUCE A CONCURRENT RESOLUTION

The following request for permission to introduce a concurrent resolution was filed:

By Mr. Randall:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER I ask permission to introduce the accompanying Concurrent Resolution, the title of which reads as follows, viz: 'Assembly Concurrent Resolution

inviting the National Encampment of the Grand Army of the Republic to hold its forty-sixth annual encampment in the city of Los Angeles, California."

RANDALL,
Member Seventy-fourth District.

Referred to Committee on Introduction of Bills.

RESOLUTION.

The following resolution was offered:

By Mr. Chandler:

WHEREAS, The Senate of the United States has been justly regarded as one of the highest tribunals of the world; and

WHEREAS, The Senate of the United States has brought itself low in the sight of the people, and also brought upon them profound humiliation by its action in deliberately seating as representative of the people a man concerning whom it has been clearly and notoriously shown that bribery was used in his election

Now, therefore, be it

Resolved, That in seating William Lorimer as a member of the United States Senate this nation has been humiliated, that the esteem with which the United States Senate is held has thereby been lowered, that it is with regret that we see the names of our United States Senators among the forty-six who voted to seat this man, and we feel that such flagrant corruption should not go unrebuked.

Mr. Chandler moved the adoption of the resolution.

MOTIONS.

Mr. Schmitt moved that the resolution be laid on the table.

Motion lost.

Mr. Schmitt moved that the further consideration of resolution be continued until three o'clock and thirty minutes P. M. of Monday, March 6, 1911.

Motion lost.

AMENDMENT.

During the consideration of resolution, the following amendment was offered by Mr. Young:

Strike out from the last lines of the resolution the words "such flagrant corruption should not go unrebuked" and insert in lieu thereof the following: "such flagrant corruption should not have gone unrebuked by the United States Senate".

Amendment adopted.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs Beckett, Benedict, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Farwell, Flint, Gaylord, Griffin of Modesto, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rutherford, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—Messrs Bennink, Bishop, Brown, Cunningham, Feeley, Freeman, Griffiths, Hayes, Lynch, March, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, and Walker—16.

NOTICE OF MOTION TO RECONSIDER.

Mr. Coghlan gave notice that on the next legislative day he would move a reconsideration of the vote whereby the resolution relative to the election of Senator Lorimer was this day adopted.

EXPLANATION OF VOTE.

The following explanation of vote was sent to the desk, and ordered printed in the Journal:

By Mr. Brown:

I voted against the adoption of this resolution, not because I approve of the action of the United States Senate in allowing Senator Lorimer to retain his seat in the Senate, because I disapprove of it, but because I am opposed to the Assembly censuring the Senators of this State in Congress without giving them an opportunity to be heard in explanation of their votes or defense of their conduct.

RULES SUSPENDED.

Mr. Bohnett moved that the rules be suspended for the purpose of taking up the second-reading file.

The roll was called and the motion carried by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Crosby, Cunningham, Fairwell, Feeley, Flint, Freeman, Griffin of Modesto, Griffiths, Gull, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stuckenbruck, Sutherland, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

SECOND READING OF BILLS.

Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 1, of the printed bill, strike out the words "twenty-five", and insert in lieu thereof "fifteen".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 6, of the printed bill, after the word "river", insert "between the east boundary line of section nine, township six north, range one east, Humboldt meridian, and the mouth of said river".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 3, line 3, of the printed bill, after the word "river", insert "between the east boundary line of section nine, township six north, range one east, Humboldt meridian, and the mouth of said river".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 4, line 5, of the printed bill, strike out the word "twenty-five", and insert in lieu thereof "fifteen".

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 4, line 6, of the printed bill, strike out the words "and paid".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 5, line 1, of the printed bill, strike out the figure "5", and insert in lieu thereof the figure "6".

Amendment adopted.

AMENDMENT No. 7.

On page 2, after Section 4, insert the following: "Sec 5 Whenever the parties benefited by the protection of the banks of said Mad River shall deposit to the credit of the Department of Engineering any sum of money for the purpose of undertaking the said survey and work, along said river, there shall be expended out of the money herein appropriated, and under the direction of the said department, a like sum to be used for the said work."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 519—An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville county road to the western terminus of Lake Tahoe wagon road at Smith's Flat, a state highway, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 3, Section 1, of the printed bill, strike out the following: "twenty thousand dollars (\$20,000)", and insert in lieu thereof the words "ten thousand dollars".

Amendment adopted.

AMENDMENT No 2

Strike out all of Section 3, and Section 4, of the printed bill, and insert in lieu thereof the following:

SEC. 3. This Act shall take effect and be in force from and after July 1, 1912.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 858—An Act to amend Section 1521 of the Political Code, relating to the powers and duties of the State Board of Education.

During second reading of bill, the following amendment was submitted by the committee:

On page 3, of the printed bill, strike out all of Section 9.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 1073—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands: to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 21, 1907.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, of the title of said Act, after the word "Act", insert the following: "entitled, 'An Act'"

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 1, page 1 of the printed bill, after the word "therein", strike out the comma and insert in lieu thereof the word "of".

Amendment adopted.

AMENDMENT No 3.

In line 22, Section 1, page 2, of the printed bill, after the word "shall", insert a comma.

Amendment adopted.

AMENDMENT No 4.

In line 23, Section 1, page 2, of the printed bill, after the word "game", insert a comma.

Amendment adopted.

AMENDMENT No 5.

In line 36, Section 1, page 2, of the printed bill, strike out the comma after the word "Act", and insert in lieu thereof a semicolon.

Amendment adopted.

AMENDMENT No. 6.

In line 43, Section 1, page 2, of the printed bill, strike out the semicolon after the word "ocean", and insert in lieu thereof a comma; also in said line 43, after the word "and", insert the following: "upon which".

Amendment adopted.

AMENDMENT No. 7.

In lines 44 and 45, Section 1, page 2, of the printed bill, strike out the following: "from any of such lands".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to prevent the taking of fish by means of weirs, dams, nets, traps or seines in certain tide water on the coast of Mendocino County," approved March 25, 1909.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1545—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at the Panama-Pacific Exposition at the city of San Francisco in the year 1915.

During second reading of bill, the following amendments were submitted by Mr. Brown:

Amend the title of the printed bill, by striking out all of lines 7 and 8 thereof, and inserting in lieu thereof the words "domestic or foreign expositions".

Amendment adopted.

Also:

Strike out all lines 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 in Section 1, pages 1 and 2, of the printed bill, and insert in lieu thereof the following

"4056b. The boards of supervisors of the several counties within the State of California, or any of them, are hereby authorized and empowered to levy a special tax on the taxable property within their respective counties, for the purpose of creating a fund to be used for collecting, preparing, and maintaining an exhibition of the products and industries of the county at any domestic or foreign exposition, for the purpose of encouraging immigration and increasing trade in the products of the State of California; *provided*, the total tax levies for such purposes in any one year shall not exceed six cents on each one hundred dollars of taxable property in the county, according to the assessment roll: *provided, however*, that no such levy shall be made by such board of supervisors except by a two-thirds vote of the members of the board.

SEC. 2 This Act shall take effect and be in force from and after its passage "

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1051—An Act to amend Section 4282 of the Political Code, providing for the compensation of officers in counties of the fifty-third class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1053—An Act to amend Section 1426*n* of the Civil Code, relating to fees of county recorders.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 5, of the printed bill, after the word "indexed", strike out the period and insert in lieu thereof the following: "*provided, if more than one claim be described therein, he shall collect fifteen cents for each such additional claim.*"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1070—An Act to amend Section No. 4261 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; the compensation of jurors and grand jurors, and the clerk of the board of supervisors in counties of the thirty-second class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend title of bill as follows. Strike out the figures "4261" in line 2, of the title, and insert in lieu thereof the figures "4249."

Amendment adopted.

AMENDMENT No. 2.

In line 6, of the title, strike out the words "and the clerk of the board of supervisors".

Amendment adopted.

AMENDMENT No. 3.

In line 7, of the title, strike out words "thirty-second", and insert in lieu thereof the word "twentieth".

Amendment adopted.

AMENDMENT No. 4

Strike out the figures "4261" on line 1, of Section 1, page 1, of the printed bill, and insert in lieu thereof the figures "4249."

Amendment adopted.

AMENDMENT No. 5

In line 3, Section 1, page 1, of the printed bill, strike out the words "thirty-second", and insert in lieu thereof the word "twentieth"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 466—An Act to regulate the organization of fraternal insurance associations.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In Section 3, page 2, line 4, of the printed bill strike out the figures "7500", and in lieu thereof insert the figures "4500"

Amendment adopted.

AMENDMENT No. 2.

In Section 6, page 3, line 4, of the printed bill, after the word "them", insert the following words: "At the time of the loss".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 1293—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 1, of the printed bill, strike out the figure "3", and insert in lieu thereof the following: "1".

Amendment adopted.

AMENDMENT No. 2.

On page 1, between lines 3 and 4, of the printed bill, insert the following:

1793 (1) The holders of city, or city and county, certificates are eligible to teach in cities, or cities and counties, in which such certificates were granted, in schools or classes of grades corresponding to the grades of such certificates, and when elected shall be dismissed only for insubordination or other causes, as mentioned in section seventeen hundred and ninety-one of this code, duly ascertained and approved by the boards of education of such cities, or cities and counties.

(2) City superintendents of public schools, elected by city boards of education, shall be elected for a term of four years, and said city boards of education shall have full power to fix the salary of all employees.

(3) The holders of special city, or city and county, certificates are eligible to teach the special branches mentioned in their certificates in the grades of all schools in the city, or city and county, in which such certificates were granted, corresponding to the grade of said special certificates

Amendment adopted.

AMENDMENT No. 3.

On page 1, line 4, of the printed bill, strike out "Section 3" and insert in lieu thereof the following (3).

Amendment adopted.

AMENDMENT No. 4.

After line 13, of the printed bill, insert the following SEC. 2. This Act shall take effect July 1, 1911.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

During second reading of bill, the following amendments were submitted by Mr. Williams:

AMENDMENT No. 1.

In line 4, Section 1, strike out the word "Act", and substitute the word "laws".

Amendment adopted.

AMENDMENT No. 2.

In Section 2, lines 8 and 9, strike out the words "Superintendent of Public Instruction", and insert therein the words "State Controller".

Amendment adopted.

AMENDMENT No. 3.

In Section 3, line 2, strike out the words "or superintendent".

Amendment adopted.

AMENDMENT No. 4.

In Section 8, line 6, strike out the words "be eligible under this Act", and insert in lieu thereof the following: "be entitled to receive annual retirement salaries under the provisions of this Act".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1180—An Act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers in counties of the sixteenth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In line 4, on page 1, of the printed bill, insert after the word "county" the words "and township".

Amendment adopted.

AMENDMENT No. 2

On page 4, of the printed bill, strike out all of Section 6, beginning with line 96, and insert in lieu thereof the following:

"6. The tax collector, three thousand two hundred and fifty dollars per annum (in lieu of the tax collector's present compensation of eighteen hundred dollars salary and fifteen hundred dollars commissions on licenses collected by the county), *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following clerks, deputies and employees, who shall be appointed by the tax collector, and shall be paid salaries as follows: one deputy tax collector at a salary of one hundred and twenty-five dollars per month; one stenographer to the tax collector at a salary of fifty dollars per month; and such copyists as the tax collector may appoint at a salary of not to exceed two dollars per day each; *provided, however*, that the total amount of salary and compensation paid to such copyists shall not exceed the sum of six hundred dollars per annum; such copyists to be paid for their services on the presentation and filing with the board of supervisors of said county a duly verified claim therefor. The salaries of the deputies, clerks and employees herein provided for shall be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid; *provided, however*, that the compensation of said copyists shall be paid on the presentation and filing of claims with the board of supervisors as heretofore provided."

Amendment adopted.

AMENDMENT No. 3

On page 5, of the printed bill, in line 154, insert after the word "assessors" the words "and clerks".

Amendment adopted.

AMENDMENT No. 4

On page 5, of the printed bill, in line 157, insert after the word "deputies" the words "and clerks".

Amendment adopted.

AMENDMENT No. 5.

On page 5, of the printed bill, in line 158a, insert after the word "deputies" the words "and clerks".

Amendment adopted.

AMENDMENT No. 6.

On page 7, of the printed bill, strike out beginning with the word "provided" in line 229, and then down to and including the word "law", in line 234, and insert in lieu thereof the following: "*provided, further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For serving a coroner's subpoena, the same fees and mileage as are now or may hereafter be allowed by law for the service of a subpoena issued out of a justice's court.

For transporting prisoners to the county jail, the actual expenses of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law."

Amendment adopted.

AMENDMENT No. 7.

In line 252, on page 8, of the printed bill, strike out the words "in criminal cases."

Amendment adopted.

AMENDMENT No. 8.

Insert after line 255, on page 8, of the printed bill, the following:

"18. The official court shorthand reporter shall receive for all services of every kind and character required of him in the Superior Court, except for transcribing his notes into longhand, the sum of eighteen hundred dollars per annum, to be paid in equal monthly installments by the county as the salaries of county officers are paid. For transcribing his notes into longhand, the official court shorthand reporter shall be allowed the following compensation in criminal cases, to be paid by the county when such transcription shall be ordered by the court, to wit: for an original and three carbon copies, twenty-four cents per folio. In all other cases, such reporter shall receive the fees allowed by law for transcribing.

19. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 790—An Act to amend section three hundred and seventy-seven of the Code of Civil Procedure, relating to actions for the death of one not a minor caused by the unlawful act of another.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the enacting clause and insert as follows:

Section 3051 of the Civil Code is hereby amended to read as follows.

Section 3051 Every person who, while lawfully in possession of an article of personal property renders any service to the owner thereof, by labor or skill, employed for the protection, improvement, safe-keeping, or carriage thereof, has a special lien thereon, dependent on possession, for the compensation, if any, which is due to him from the owner for such service, a person who makes, alters, or repairs any article of personal property, at the request of the owner, or legal possessor of the property, has a lien on the same for his reasonable charges for the balance due for such work done and materials furnished, and may retain possession of the same until the charges are paid; and livery or boarding or feed stable proprietors, and persons pasturing horses or stock, have a lien dependent on possession, for their compensation in caring for, boarding, feeding, or pasturing such horses or stock, and laundry proprietors and persons conducting a laundry business have a general lien, dependent on possession, upon all personal property in their hands belonging to a customer, for the balance due them from such customer for laundry work; and veterinary proprietors and veterinary surgeons shall have a lien, dependent on possession, for their compensation in caring for, boarding, feeding, and medical treatment of animals; and keepers of garages for automobiles shall have a lien, dependent on possession, for their compensation in caring for and safe keeping such automobiles

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 509—An Act amending section number 59 of the Civil Code, relating to marriages which are incestuous and void.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "follows" in the enacting clause of the printed bill, insert "SECTION 1. Section 59 of the Civil Code of the State of California is hereby amended to read as follows."

Amendment adopted.

AMENDMENT No. 2

In line 1, of the printed bill, strike out "Section 1", and in lieu thereof insert "59"

Amendment adopted.

AMENDMENT No. 3

Strike out of the title, the word "amending", and insert in lieu thereof "to amend".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

SPEAKER PRO TEM. IN THE CHAIR.

At twelve o'clock and fifteen minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Assembly Bill No. 375—An Act entitled "An Act to amend section two thousand and thirty-one of the Code of Civil Procedure of the State of California, relating to depositions of witnesses in civil actions and proceedings."

During second reading of bill, the following amendment was submitted by the committee:

In line 21, of the printed bill, strike out the word "and", and insert the words "together with an".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 197—An Act to amend Section 850 of the Code of Civil Procedure of the State of California, relating to notice of trial or hearing thereof in justices' courts.

During second reading of bill, the following amendment was submitted by the committee:

In line 38, page 2, of the printed bill, strike out all after the comma, and strike out lines 39, 40 and 41, down to the period.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1479—An Act to add a new section to the Code of Civil Procedure of the State of California to be known as section one thousand seven hundred and twenty-six a, relating to the payment of the burial expenses of deceased persons.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 27, page 2, of the printed bill, after the words "public administrator", add the following: "or his attorney".

Amendment adopted.

AMENDMENT No. 2

In line 29, page 2, of the printed bill, after the words "public administrator", add the following: "or his attorney".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 864—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts,

and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," by amending sections one, two, fifteen and one half, seventeen, thirty and thirty-five thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1439—An Act to amend Section 940 of the Code of Civil Procedure, relating to appeals.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1440—An Act to repeal Section 941 of the Code of Civil Procedure, relating to undertakings or deposits on appeal.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1441—An Act to amend Section 947 of the Code of Civil Procedure, relating to undertakings.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1442—An Act to amend Section 948 of the Code of Civil Procedure, relating to justification of sureties on undertakings on appeal.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1443—An Act to amend Section 949 of the Code of Civil Procedure, relating to undertakings to stay proceedings.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 373—An Act entitled "An Act to amend section one thousand nine hundred and eighty-six of the Code of Civil Procedure of the State of California, relating to the issuance of subpoenas."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1445—An Act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California, and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the State

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1478—An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners, and the defrayal of the expense thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1083—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 1, line 18, of the printed bill, after the comma following the word "one", insert the following: "and shall also be allowed by the county his actual expense when summoned before the State Board of Equalization, in pursuance of an Act entitled "An Act to carry into effect the provisions of Section 14, of Article 13, of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation".

Amendment adopted.

AMENDMENT No. 2

On page 2, Section 1, lines 24 and 25, of the printed bill, strike out the words "poll taxes or road poll taxes", and in lieu thereof insert the following: "nor shall such assessor receive any compensation or commission for the collection of poll taxes or road poll taxes."

Amendment adopted.

AMENDMENT No. 3

On page 3, Section 1, line 68, of the printed bill, after the semicolon insert the following: "provided, however, that the county clerk shall be entitled to receive and retain for his own use all fees allowed by the Government of the United States of America in any matter pertaining to the naturalization of aliens; and".

Amendment adopted

AMENDMENT No. 4.

On page 3, Section 1, after the word "paid" in line 76, change the period to a semicolon, and insert the following: "provided, further, that in case county or city and county officers perform municipal duties imposed by a charter framed under the provisions of sections 8 and 8½ of Article XI of the Constitution, the compensation of such officers may be apportioned by the board of supervisors in proportion to the duties rendered as county officers under general laws and rendered as municipal officers under charter provisions, and the compensation determined to be for the performance of municipal duties shall be paid from funds raised for municipal purposes and the compensation determined to be for county duties shall be paid from funds provided by Sections 3714 and 4305 of this Code.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1537—An Act to amend Section 4099a of the Political Code of the State of California, relating to duty of auditor with respect to minor orphans or half orphans.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 714—An Act to provide for the work of exterminating and preventing the multiplication of anopheles mosquitoes, for the assessment of the cost and expense of such work upon the lands in the district benefited thereby, and for the condemnation of lands and property necessary for the purpose

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On line 2, of the title after the word "Anopheles", insert the words "and other species of".

Amendment adopted.

AMENDMENT No. 2.

In line 5, Section 1, page 1, after the word "or", strike out the words "malaria carrying", insert in lieu thereof "other species of".

Amendment adopted.

AMENDMENT No. 3.

In line 15, Section 4, page 2, strike out the words "five hundred", and insert in lieu thereof the word "fifty"

Amendment adopted.

AMENDMENT No. 4.

In line 7, Section 4, page 2, strike out the words "malaria carrying", and insert in lieu thereof "other species of".

Amendment adopted.

AMENDMENT No. 5

In line 18, Section 4, page 2, strike out the figures "\$500 00", and insert in lieu thereof the figures "\$50 00".

Amendment adopted

AMENDMENT No. 6.

In line 8, page 3, Section 8, after the word "Anopheles", insert the words "or other species of"; and after the word "mosquitoes", in the same line, insert the words "or both as the case may be".

Amendment adopted.

AMENDMENT No. 7.

On page 5, Section 11, line 7, strike out the word "Anopheles", and insert in lieu thereof the word "the designated".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1383—An Act to provide for the sanitation of public plunge baths in the State of California.

Bill read second time, and ordered to engrossment and third reading.

Committee Substitute for Assembly Bill No. 1199—An Act to add a new section to the Political Code of the State of California, to be numbered 2636, providing for the naming of highways and avenues.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1554—An Act to amend Section 1622 of the Political Code of the State of California, relating to county and state school money.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 710—An Act to amend Section 61 of an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 846—An Act to amend Section 1 of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March 23, 1907.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 709—An Act providing for investigations upon the nature and means of control of diseases of vegetables and the relation of various cultural treatments thereto, and making an appropriation therefor.

On motion of Mr. Cogswell, bill re-referred to Committee on Ways and Means.

Assembly Bill No. 1056—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 1, lines 17, 18 and 19, strike out the words "specified percentage (not more than two and one half per cent of the face amount of the policy and of any existing dividend additions thereto)", and insert in lieu thereof the following: "surrender charge of not more than two and one half per cent of the face amount of the policy and of any existing dividend additions thereto".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 626—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, who shall have arrived at the age of sixty years.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 489—An Act to protect labor unions; to prohibit any person or corporation in this State from causing or compelling any person or persons to enter into an agreement not to join or be a member of any labor organization as a condition of such person securing employment or continuing in the employment of such corporation; declaring what agreements between two or more persons shall not be deemed criminal; to prohibit false or deceptive representations by employers of labor; to prevent the guarding of other persons or property with arms or deadly weapons, except as permitted by this Act; to provide for the right of recovery of all damages workmen may sustain in consequence of false or deceptive representations; and to provide for penalties for violations of the provisions of this Act.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of printed bill, after the words "An Act" on page 1, and insert in lieu thereof the following

To amend Section 679 of the Penal Code of California, and to add a new section to the Penal Code of California to be numbered 680a, and to protect workmen

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 679 of the Penal Code of California is hereby amended to read as follows:

Section 679. Any person or corporation within the state, or agent, or officer on behalf of such person or corporation, who shall hereafter cause or compel any person to enter into an agreement either written or verbal, not to join or be a member of any labor organization as a condition of such person securing employment or continuing in the employment of any such person or corporation, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not less than two hundred nor more than one thousand dollars, or imprisoned in the county jail not less than one month nor more than six months, or both such fine and imprisonment.

SEC. 2. A new section is hereby added to the Penal Code of California, to be numbered 680a and to read as follows:

Section 680a. 1. No agreement, combination or contract by or between two or more persons to do or procure to be done, or not to do or not procure to be done, any act in contemplation or furtherance of any trade dispute between employers and employees, in the State of California, shall be deemed as criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as a crime, nor shall such agreement, combination or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto. Nothing in this Act shall exempt from punishment otherwise than is herein excepted, any person guilty of conspiracy for which punishment is now provided by any of the laws of this State, but such laws shall, as to the agreement, combination and contracts heretofore referred to, be construed as if this Act was therein contained. *provided*, that nothing in this section shall be construed to authorize force or violence.

2. It shall be unlawful for any company, corporation, or other employer of labor doing business in this State, by himself, themselves, its or their agents, or attorneys to induce, influence, persuade or engage workmen of any class or calling into this State to work in any of the departments of labor in this State, through or by means of false or deceptive representations, false advertisements or false pretensions concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of employment, or as to the existence or non-existence of a strike or other trouble pending between employer and employee, at the time or prior to such an engagement. Failure to state in an advertisement, proposal or contract for the employment of workmen that there is a strike, lockout or other labor trouble at the place of the proposed employment, when in fact such strike, lockout or other labor troubles then

actually exist at such place, shall be deemed a false advertisement and misrepresentation for the purposes of this section.

3. Any person or persons who shall hire, aid, assist, or abet in hiring through private detective agency or otherwise, persons to guard with arms or deadly weapons of any kind, other persons or property, within this State, or any person or persons who shall come into this State armed with deadly weapons of any kind for any such purpose, without permit in writing from the board of supervisors of the county, or city and county, wherein the person, persons, or property to be protected is situated shall be guilty of a misdemeanor; *provided*, that nothing contained in this section shall be construed to interfere with the right of any person, persons, or companies, corporations, society, association or organization in guarding and protecting their property as may now be provided by law but this section shall be construed only to apply where workmen are brought into this State or induced to go from one place to another in this State by any false pretenses, false advertising or deceptive representation, or brought into this State under arms or removed from one place to another in this State under arms.

4. Any company, corporation or other employers, of labor of any kind doing business in this State, as well as his, their, or its agent, attorney, servants, or associations found guilty of violation of paragraphs 2 and 3 of this section, or any part thereof, shall be fined not less than five hundred dollars nor more than two thousand dollars, or confined in the county jail not less than one month nor more than six months, or both such fine and imprisonment, and any workman or workmen who have sustained damages by reason of any person's or corporation's non-compliance with paragraph 2 of this section shall have the right of action for recovery of all damages so sustained.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 817—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered and known as section three hundred and fifty-nine *a*, relating to the issuance of preferred stock by corporations.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 1 following the word "existing", on line 5, of the printed bill, and insert in lieu thereof the following "or hereafter to be formed in this State may provide for the classification of its capital stock into preferred and common stock and different classes of preferred stock, *provided, however*, that no preference shall be granted nor shall any distinction be made between the classes of stock either as to voting power or as to the statutory or constitutional liability of the holders thereof to the creditors of the corporation.

Such preferred stock may be issued by the consent of stockholders representing at least two thirds of the capital stock given at a meeting called for that purpose in such manner and upon such notice as is required by Section 359 of the Civil Code of the State of California for a meeting of stockholders to authorize the increase of the capital stock of a corporation. A certificate of the proceedings of such meeting, under the corporate seal, signed and sworn to by the president or vice-president, and by the secretary or assistant secretary of the corporation, must be filed in the office of the clerk in the county or city and county, where the original articles of incorporation of the corporation acting hereunder are filed and a certified copy thereof, certified by such clerk, shall be filed in the office of the Secretary of State.

In every case where any preferred stock is issued by any corporation, the holders of the outstanding capital stock of such corporation shall first be offered an opportunity to purchase such preferred stock in proportion to their holdings, before such preferred stock shall be disposed of in any other way.

Amendment adopted.

Bill read second time, ordered to reprint, engrossment, and third reading.

Assembly Bill No. 467—An Act to regulate the use of transfers issued by street railroad companies in cities and towns of this State.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In line 2, of the title of the printed bill, after the word "cities", insert a comma and the words "cities and counties".

Amendment adopted.

AMENDMENT No. 2.

In Section 1, line 1, after the word "any", insert the word "street"

Amendment adopted.

AMENDMENT No. 3.

In Section 1, line 2, after the word "city", insert a comma and the words "city and county".

Amendment adopted.

AMENDMENT No. 4.

In Section 1, line 3 strike out the word "is", and insert in lieu thereof the word "are".

Amendment adopted.

AMENDMENT No 5

In Section 1, line 5, strike out all of line 5, and insert in lieu thereof the following "at any time within thirty minutes from the time of arrival at the transfer point."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 263—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-three of said Penal Code, relating to compelling a defendant to be witness against himself in criminal actions and proceedings.

Bill read second time, and ordered to engrossment and third reading.

HOUR OF RECESS EXTENDED.

On motion of Mr. Bohnett, the hour of recess was extended until the completion of the second reading file.

Assembly Bill No. 1121—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, and to add a new section to said Code of Civil Procedure to be known and numbered as Section 337a, both relating to the time of commencement of actions other than for the recovery of real property.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 912—An Act to amend Section 499a of the Penal Code of California, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

During second reading of bill, the following amendment was submitted by the committee:

Beginning with the word "or" where it appears the second time in line 9, of the printed bill, strike out all down to and including the second comma in line 12, and insert in lieu thereof the following: "in such manner as to supply any electric current for heat or light or power to any electric lamp, or apparatus, or device, by or at which electric current for heat or light or power is consumed or otherwise used or wasted, without passing through any meter provided for the measuring and registering of the quantity passing through such electric wire or apparatus, or wilfully acts in any manner so as to evade or cause the evasion of payment therefor."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 886—An Act to repeal section nineteen hundred and nineteen of the Civil Code of the State of California, relating to the compounding of interest.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 384—An Act to amend Section 217 of the Penal Code of California, relating to punishment for assault with intent to commit murder, and to provide a penalty for the crime of assault with intent to commit murder.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1527—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the State.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1386—An Act to amend section thirteen hundred and seventy-five of the Code of Civil Procedure, relating to the publication of notice to creditors.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1495—An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the period in line 5, Section 1, of the printed bill, strike out the following: "twenty-five hundred dollars of said appropriation shall be payable on and after the first day of January, 1912, and twenty-five hundred dollars of said appropriation to be payable on and after the first day of January, 1913.

Amendment adopted.

AMENDMENT No. 2.

Add a new section to the printed bill, to be numbered three and to read as follows: Sec. 3. This Act shall take effect and be in force from and after July 1, 1912.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 641, 519, and 1540.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Assembly Bills Nos. 641, 519, and 1540 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 641, 519 and 1540, and do now report the same back, and recommend that they do pass.

CATTELL, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

UNANIMOUS CONSENT GRANTED.

Mr. Coghlan asked for, and was granted, unanimous consent to submit committee report out of order.

HOUR OF RECESS EXTENDED.

On motion of Mr. Bohnett, the hour of recess was extended until the completion of the business before the House.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 15—Approving five certain amendments to the charter of the city of San Diego, which were adopted and approved at a special election held therein February 14, A. D. 1911.

Also: Assembly Concurrent Resolution No. 24—Relative to approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

COGHLAN, Chairman.

The above resolutions ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1500—An Act to amend an Act entitled "An Act for the support of certain cemeteries in Tehama County," approved April 1, 1872.

Also: Assembly Concurrent Resolution No. 23—Relative to approving the charter of the city of Vallejo

Also: Senate Bill No. 44—An Act providing that in the event of no election having been held for the election of officers in the municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected

at the time of the incorporation shall continue in office until after the municipal election to be held in 1912

Have had the same under consideration, and respectfully report the same back, and recommend that they respectively do pass and be adopted

COGHLAN, Chairman.

The above reported bills, etc., ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO March 4, 1911

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1406—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance or information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violations of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed," approved March 23, 1907—have had the same under consideration and respectfully report the same back with amendments, and recommend that it do pass as amended

COGHLAN, Chairman.

The above reported bill ordered on file for second reading.

RULES SUSPENDED.

Mr. Hinkle moved that the rules of the Assembly be suspended for the purpose of considering Senate Concurrent Resolution No. 15.

The roll was called, and rules suspended by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohuett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Farwell, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Sutherland, Walsh, and Wyllie—46.

NOES—None.

Senate Concurrent Resolution No. 15—Approving five certain amendments to the charter of the city of San Diego, which were adopted and approved at a special election held therein February 14, A. D. 1911.

The question being on the adoption of Senate concurrent resolution

The roll was called, and Senate Concurrent Resolution No 15 adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohuett Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Freeman, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Polsley, Randall, Rutherford, Ryan, Sbragia, Schmitt, Slater, Sutherland, Walsh Williams, Wilson, and Wyllie—48.

NOES—None.

Ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No 15

Approving five certain amendments to the charter of the city of San Diego, in the county of San Diego, State of California, voted for and ratified by the qualified electors of the said city of San Diego, at a special election held therein for that purpose, on the 14th day of February, 1911

WHEREAS, In accordance with the provisions of section eight of article eleven of the Constitution of the State of California, the city of San Diego, a municipal corporation in the county of San Diego, State of California, framed a charter, which was duly ratified by a vote of the people of said city, at a special election held for that purpose on the 2d day of March, 1889, which charter was duly approved by the legislature of the State of California, on the 16th day of March, 1889, by a joint resolution, entitled "Senate Joint Resolution No. 5, approving the charter of the city of San Diego, in the county of San Diego, California, voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the second day of March, 1889", and,

WHEREAS, The said charter of the said city of San Diego, ratified and approved as aforesaid, has now been in force for more than two years since its said adoption and approval and since it has been amended, the same not having been amended in the two years last past, and

WHEREAS, More than fifteen per cent of the qualified voters of the said city of San Diego petitioned the legislative authority of the said city of San Diego to submit four certain amendments to said charter to the qualified voters of said city for approval, which proposed amendments are hereinafter designated and numbered amendments number one, two, three and four; and

WHEREAS, The legislative authority of the said city of San Diego also proposed nine other amendments to the said charter of the said city of San Diego, making in all thirteen proposed amendments to the charter of the said city of San Diego, and

WHEREAS, The legislative authority of the said city of San Diego, did by ordinance number four thousand two hundred and ninety of the ordinances of said city, adopted by the common council of said city on the fifth day of December, 1910, and entitled "An ordinance submitting to the voters of the city of San Diego, certain proposed amendments to the charter of said city, and calling a special election therefor", which ordinance was approved by the mayor of said city on the sixth day of December, nineteen hundred and ten, and pursuant to section eight, of article eleven of the Constitution of the State of California, duly submitted to the qualified electors of the said city of San Diego, said thirteen amendments to the charter of the said city of San Diego; and,

WHEREAS, Said thirteen proposed amendments to said charter were in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, published for twenty days after the passage and approval of said ordinance number four thousand two hundred and ninety, in the city official newspaper, of San Diego, to wit "San Diego Union and Daily Bee, a daily newspaper published and of general circulation in said city of San Diego" and

WHEREAS, The said legislative authority of the said city of San Diego, did by said ordinance number four thousand two hundred and ninety, call a special election to be held in the said city of San Diego, on Tuesday, the 14th day of February, 1911, for the purpose of submitting to the qualified electors of the said city of San Diego, said thirteen proposed amendments to said charter, and

WHEREAS, Said special election was held in the said city of San Diego on the said fourteenth day of February, nineteen hundred and eleven, which day was more than forty days after the said proposed amendments had been published for twenty days in the said "San Diego Union and Daily Bee", and

WHEREAS, On the twentieth day of February, nineteen hundred and eleven, at a regular meeting of the common council of said city of San Diego, held in accordance with law and the charter of said city of San Diego, the said common council duly and regularly canvassed the returns of said special election, and duly declared the results thereof, and did thereby find and determine that eight of said proposed amendments designated in said ordinance number four thousand two hundred and ninety as propositions five, six, seven, eight, nine, ten, eleven and twelve had not been ratified by a majority of the electors voting thereon, and that each and all of the other amendments in said ordinance number four thousand two hundred and ninety, mentioned and hereinafter particularly set forth, being amendments numbers one, two, three, four and thirteen, and submitted to the Legislature of the State of California for approval or rejection, were, and each of them was duly ratified by more than a majority of the electors voting thereon, and the said common council being by law and the charter of said city duly authorized to conduct manage and control the holding of elections and all matters pertaining to elections in the said city of San Diego; and

WHEREAS, At said special election so held on the said fourteenth day of February, 1911, five of the said thirteen proposed amendments to the said charter of the said city were duly ratified by more than a majority of the electors voting thereon, and

WHEREAS, The said five amendments, and each of them so ratified by the electors of the said city of San Diego at said special election, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without

power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California, and are in the words and figures as follows, to wit:

"Repeal Subdivision 45 of Section 1, of Chapter 2, of Article II of said charter."

"Repeal Subdivision 46 of Section 1, of Chapter 2, of Article II of said charter."

"Amend Section 6 of Chapter 2, of Article II of said charter, so the same will read as follows:

Section 6. Every grant of a franchise right or privilege, shall be subject to the right of the majority of the electors of said city, voting at any election, at any time thereafter to repeal, change or modify the said grant, and every ordinance making such grant shall contain a reservation of such right to repeal, amend or modify said ordinance."

"Amend Section 9, of Chapter 2, of Article II of said charter, so that the same will read as follows:

Section 9. Every franchise or privilege to construct or operate street or inter-urban railroads upon any public street, highway or public property, hereafter proposed to be granted by said common council, shall be granted for a period of not greater than fifty (50) years, upon the terms and conditions as follows, and not otherwise:

An applicant for any franchise or privilege above mentioned shall file an application therefor with said common council, and thereupon said common council shall in its discretion advertise the fact of said application, together with a statement that it is proposed to grant the same, as applied for or as changed by said common council, in the official newspaper of said city. Said advertisement must state that bids will be received for such franchise and that it will be awarded to the highest bidder, and the same must be published in such newspaper once a day for ten successive days. The full publication must be completed not less than twenty days nor more than thirty days before any further action can be taken thereon.

The publication must state the character of the franchise or privilege proposed to be granted, the term for which it is granted, and the route to be traversed; that sealed bids therefor will be received up to a certain hour and day named therein, and that the successful bidder and his assigns must, during the life of said franchises, pay to the said city two per cent (2%) of the gross annual receipts of the person, partnership or corporation to whom the franchise is awarded, arising from its use, operation or possession. No percentage shall be paid for the first five (5) years succeeding the date of the franchise, but thereafter such percentage shall be payable annually, and in the event said payment is not made, said franchise shall be forfeited, *provided, further*, that if the franchise be a renewal of a right already in existence the payment of said percentage of gross receipts shall begin at once.

In case the franchise granted shall be an extension of an existing system of street railroad, then the gross receipts shall be estimated to be one half of the proportion of the total gross receipts of said system which the mileage of such extension bears to the total mileage of the whole system, and said estimate shall be conclusive as to the amount of the gross receipts of said extension.

Said advertisement shall also contain a statement that the said franchise will be struck off, sold and awarded to the person, firm or corporation who shall make the highest cash bid therefor; *provided only*, that at the time of the opening of said bids any responsible person, firm or corporation present or represented may bid for said franchise or privilege, a sum not less than ten per cent above the highest sealed bid therefor, and said bid so made may be raised not less than ten per cent by any other responsible bidder, and said bidding may so continue until finally said franchise shall be struck off, sold, and awarded by said common council to the highest bidder therefor in gold coin of the United States. Each sealed bid shall be accompanied with cash or a certified check, payable to the treasurer of said city, for the full amount of said bid, and no sealed bid shall be considered unless said cash or check is enclosed therewith and the successful bidder shall deposit, at least, ten per cent of the amount of his bid with the clerk of said city before the franchise shall be struck off to him. And if he shall fail to make such deposit immediately, then and in that case his bid shall not be received, and shall be considered as void, and the said franchise shall then and there be again offered for sale to the bidder who shall make the highest cash bid therefor, subject to the same conditions as to deposit as above mentioned. Said procedure shall be had until said franchise is struck off, sold, and awarded to a bidder who shall make the necessary deposit of at least ten per cent of the amount of his bid therefor, as herein provided. Said successful bidder shall deposit with the clerk of said city, within twenty-four hours after the acceptance of his bid, the remaining ninety per cent of the amount thereof, and in case he or it shall fail to do so, then the said deposit theretofore made, shall be forfeited, and the said award of said franchise shall be void, and the said franchise shall then and there, by said common council, be again offered for sale to the highest bidder therefor, in the same manner and under the same restrictions as heretofore provided, and in case said bidder shall fail to deposit with the clerk of said city the remaining ninety per cent of his bid within twenty-four hours after its acceptance, the award to him of said franchise shall be set aside, and the deposit theretofore made by him shall be forfeited, and no further proceedings for a sale of said franchise shall be had unless the same shall be readvertised and again offered for sale in the manner heretofore provided.

Work to construct railroads along or upon any public street or highway, a fran-

chise for which shall have been granted in accordance with the terms of this section, shall be commenced in good faith within not more than four months from the granting of any such franchise, and if not so commenced within said time said franchise so granted shall be declared forfeited, and shall be completed within not more than three years thereafter, and if not so completed within said time said franchise so granted shall be forfeited; *provided*, that for good cause shown the common council may by resolution extend the time for completion thereof, not exceeding three months.

The owner of the franchise or privilege shall plank, pave or macadamize the entire length of the street, used by his or its track, between the rails, and for two feet on each side thereof, and between the tracks, if there be more than one, whenever ordered to do so by said common council, and shall keep the same constantly in repair, flush with the street, and with good crossings.

The said common council shall have power to regulate the rate of speed, and pass ordinances to protect the public from danger or inconvenience in the operation of such roads, and the rates of fare and charges for transporting passengers and goods thereon shall be subject to the regulation by said common council.

Two or more lines of street railway, operated under different managements, may by lease or contract, use the same street or tracks upon such terms as may have been agreed upon between the companies operating such railways; and two lines of street railway operated under different managements may be permitted to use the same street or tracks for a distance of five blocks without such lease or contract, upon payment of an equal portion for the construction of the tracks and appurtenances used by said railways jointly, but in no case shall a company owning or operating one line of street railway be permitted to condemn the right to occupy and use the same street or tracks for a distance of more than five blocks consecutively.

The successful bidder for any franchise or privilege struck off, sold, and awarded under this section shall file a bond running to said city, with, at least, two good and sufficient sureties; to be approved by said common council, in a penal sum by it to be prescribed and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfil and perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and sureties upon said bond. Said bond shall be filed with said common council within five days after such franchise is awarded, and upon the filing and approval of such bond, the said franchise shall, by said common council, be granted by ordinance to the person, firm or corporation to whom it has been struck off, sold, or awarded, and in case that said bond shall not be so filed, the award of such franchise shall be set aside, and any money paid therefor shall be forfeited, and said franchise shall, in the discretion of said common council, be readvertised, and again offered for sale in the same manner, and under the same restrictions, as hereinbefore provided.

No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this section, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another, in bidding for the purpose thereof."

"Amend Article VII of the charter, by adding a new section thereto, to be known as Section 4, which shall read as follows:

Section 4. The members of the board of education shall each receive as compensation the sum of six hundred dollars (\$600.00) per annum, in monthly installments."

AND, WHEREAS, The said proposed amendments, and each one of them, so ratified, have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, in accordance with section eight of article eleven, of the Constitution of the State of California; now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, (a majority of all the members elected to each house voting for and concurring therein), That said amendments to the said charter of the said city of San Diego as proposed and submitted to, and adopted and ratified by the qualified electors of the said city of San Diego, be and the same are, and each one of them is, hereby approved as a whole without amendment or alteration for and as amendments to and as part of the charter of the said city of San Diego.

EXPLANATION OF VOTE.

The following explanation of vote was received, and ordered printed in the Journal:

By Mr. Rogers of Alameda:

MR. SPEAKER: I hereby request that the following explanation for my vote on resolution by Mr. Chandler, relating to action of United States Senate on vote seating Mr. Lorimer, of Illinois, be printed in the Journal of this day.

That no evidence except newspaper reports of the investigation of Senator Lorimer was before the House, that the House was not in possession of the facts

upon which the United States Senate acted when said vote was taken by them; that no man should be first condemned and tried afterward; that even the lowest criminal has the right to be heard before the tribunal which tries him; that while I, morally, believe that Senator Lorimer committed the crime of bribery to secure his seat in the United States Senate, legally sitting as a judge, or as a juror to hear the evidence, and to pass judgment thereon, I have nothing before me which permits me to draw the conclusion that Senator Lorimer is guilty of said crime, or that the United States Senate acted improperly in seating Senator Lorimer.

MOTION TO AMEND RULES.

In accordance with notice given on previous day, Mr. Lyon of Los Angeles, moved to amend the Standing Rules of the Assembly as follows:

In Rule 41, strike out the following "No member shall be allowed to speak more than thirty minutes upon any question, except by leave of the House", and in lieu thereof insert the following: "No member shall be allowed to speak more than five minutes upon any question except by leave of the House, and except further, the author shall be allowed five minutes to open and five minutes to close."

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—55.

NOES—Mr. Coghlan—1.

RECESS

At twelve o'clock and forty-five minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

LEAVE OF ABSENCE.

On motion of Mr. Mendenhall, leave of absence was granted Mr. Guill for the day.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 811—An Act to add a new section to the Penal Code of California, to be numbered 306, relating to the advertisement of medicines and medical treatment and providing for violations thereof.

During the consideration of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

After the enacting clause, insert the following "Section 1. A new section is hereby added to the Penal Code of the State of California to be numbered 306, and to read as follows":

Amendment adopted.

AMENDMENT No. 2.

In line 1, of the printed bill, before the word "any", insert the following: "306".

Amendment adopted.

AMENDMENT No 3

In line 2, of the printed bill, after the word "who", strike out the comma and insert the following "publishes or causes to be published".

Amendment adopted

AMENDMENT No. 4.

In line 2, of the printed bill, strike out the words "the newspapers", and insert in lieu thereof "any newspaper".

Amendment adopted.

AMENDMENT No. 5

Strike out all of line 3, of the printed bill, and insert in lieu thereof the following: "magazine, periodical, or other publication of general or".

Amendment adopted.

AMENDMENT No. 6.

In line 4, of the printed bill, after the word "or", where it first occurs, insert the following: "who shall send, or cause to be sent".

Amendment adopted.

Bill ordered to reprint, engrossment, and third reading.

Committee Substitute for Assembly Bill No. 310—An Act to provide for the accomplishment of the work of constructing of a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives No. 1084, sixty-first Congress, third session, and making an appropriation for such work.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Committee Substitute for Assembly Bill No. 310 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911

GENTLEMEN. The Committee of the Whole have had under consideration Committee Substitute for Assembly Bill No. 310, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman

Mr. Bohnett moved the adoption of the report.

Motion carried.

Bill read second time, and ordered to engrossment and third reading.

THIRD READING OF SENATE BILLS.

Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure to be numbered Section 1057a, relating to justification by corporate surety on bonds or undertakings

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 788 passed by the following vote:

AYES—Messrs. Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Coghlan, Crosby, Farwell, Freeman, Griffin of Modesto, Griffiths, Harlan, Held, Hinkle, Hinshaw, Jasper, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Sutherland, Tibbits, Walker, Walsh, Wilson, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 84—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 84 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Rennink, Bliss, Brown, Butler, Chandler, Clark, Farwell, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Sutherland, Tibbits, Williams, Wilson, Young, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Bill read second time, and ordered on file for third reading

Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relative to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 1, line 22, of the printed bill, strike out the word "State".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 22, of the printed bill, after the word "treasury", add the following words "of the county in which such bank is situated,".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 23, of the printed bill, strike out the words "State School Land Fund", and insert in lieu thereof the words "treasury of said county";.

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, lines 24 and 25, of the printed bill, strike out the words "State Controller", and insert in lieu thereof the words "county treasurer of said county".

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 1, line 26, of the printed bill, strike out the word "which" at the beginning of the line, and insert in lieu thereof the word "whom".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 1, lines 26 and 27, of the printed bill, strike out the words "to which such persons are entitled.", and insert in lieu thereof the words, "who are entitled thereto,".

Amendment adopted.

AMENDMENT No. 7.

On page 2, Section 1, line 29, of the printed bill, strike out the words "and three".

Amendment adopted.

AMENDMENT No. 8.

On page 2, Section 1, line 32, of the printed bill, strike out the period at the end of the line, and add the following words: "and all moneys referred to in subdivision three of this section shall be paid out on the order of the court appointing such receiver."

Amendment adopted.

AMENDMENT No. 9.

On page 2, Section 1, line 33, of the printed bill, strike out the words "into the said fund.", and insert in lieu thereof the words "under subdivisions two and three of this section,".

Amendment adopted.

AMENDMENT No. 10.

On page 2, Section 1, line 35, of the printed bill, strike out the comma after the word "State", and insert in lieu thereof a period, and after the period add the following words: "All moneys held by any county treasurer under subdivision three of this section, when such moneys have escheated to the State as heretofore provided, shall be paid by the county treasurer into the state treasury,".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 870—An Act to amend an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 716—An Act governing and regulating plumbing, providing a State plumbing board, local boards of examiners, and defining their duties, fixing their compensation, and providing a special fund, and providing for the licensing of plumbers.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 337—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3224, relating to the standard of weights and measures for flour and bran in sacks

Bill read second time, and ordered on file for third reading.

Senate Bill No. 338—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 556, relating to selling or offering for sale flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 501—An Act to amend section five hundred forty-two *a* of the Code of Civil Procedure, relating to attachment liens, and the time when such liens begin and expire.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, of the printed bill, in line 6, strike out the word "when", and insert the word "until".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all in the title, and insert the following:

An Act to amend Section 10 of an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859, and all Acts amendatory thereof.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 10 of an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859, and all Acts amendatory thereof, is hereby amended so as to read as follows:

Section 10. The cemetery lands and property of any associations, formed pursuant to this Act, shall be exempt from all public taxes, rates, and assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietors. But the proprietors of lots, or plots, in such cemeteries, their heirs, or devisees, may hold the same exempt therefrom, so long as the same shall remain dedicated to the purposes of a cemetery.

SEC. 2. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains for cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 2, and in lieu thereof insert the following:

"SEC. 2. Any person claiming ownership of any cemetery lot may file in the office of the county recorder, in which such cemetery is situated, a verified statement describing the lot so claimed by him, together with a statement of his name and of the place at which the notice referred to in section three of this Act may be served upon him. No fee shall be charged by the county recorder for filing such statement.

SEC. 3. In the rules and regulations provided for in section one of this Act, it shall, among the other matters therein set forth, be provided that no human remains shall be exhumed, taken up, or removed from any such cemetery unless notice of the intended action shall have been given to the person claiming ownership of the cemetery lot in which said human remains are interred, by serving such notice upon him personally in the same manner as summons in a civil action is served.

SEC. 4. If no person has filed the statement provided for in Section 2 of this Act, or if the person who has filed such statement can not be found at the place

therein designated by him, or if said notice is served, and the person so notified does not within thirty days, after the service of said notice, complete the removal of said human remains, the persons in charge of said cemetery may without cost to the owner of said lot, remove said human remains and reinter the same in a careful and respectful manner, at a place to be designated in the rules and regulations aforesaid, and the remains of no more than one person shall be interred in one grave, and a headboard shall be placed on said grave.

SEC. 5. Immediately after said remains are so interred, the person causing the same to be done shall file in the office of the coroner of said city and county, or of the county, in which said city is situated, a statement of the name of the person whose remains are so removed, together with all other data available concerning said remains, and also a description of the place where said remains are reinterred.

SEC. 6. Nothing herein contained shall authorize the taking of private property without due compensation first made.

SEC. 7. All Acts or parts of Acts in conflict herewith are hereby repealed.

Amendment adopted

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 984—An Act relating to the opening of streets through cemeteries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 878—An Act to amend Section 1667 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the State.

Bill read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following Assembly concurrent resolution, herewith returns the same with the recommendation that the author be permitted to introduce it. The title of said Assembly concurrent resolution is as follows:

Relating to inviting the National Encampment of the Grand Army of the Republic to hold its forty-sixth annual encampment in the city of Los Angeles, California.

CHANDLER, Chairman.

SPECIAL ORDER SET.

On motion of Mr. Bohnett, the consideration of above committee report was made a special order for Monday, March 6, 1911, immediately after the reading of the Journal.

THIRD READING OF BILLS

Assembly Bill No. 1092—An Act to appropriate money to erect, construct and equip a training school at the San Jose State Normal School.

Assembly Bill No. 41—An Act appropriating money to purchase furniture and equipment for the use of the San Jose State Normal School.

On motion of Mr. Telfer, Assembly Bills Nos. 1092 and 41 were withdrawn and ordered stricken from the file.

Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission to have power to regulate and control the business of furnishing certain

commodities and performing certain services to or for the public, and to that end amending section twenty-two of article twelve, and repealing section twenty-three of article twelve of the Constitution of the State of California.

During the consideration of Assembly constitutional amendment, the following amendments were submitted by Mr. Chandler:

AMENDMENT No. 1.

After the word "proposes" in line 5, of the printed resolution, insert the words "to the people of the State of California".

Amendment adopted.

AMENDMENT No 2

Commencing with the word "there" in line 8, of the printed resolution, strike out down to and including the period after the figures "1921" in line 17, and in lieu of the matter stricken out insert the following: "There is hereby created a railroad commission which shall consist of five members and which shall be known as the Railroad Commission of the State of California. The commission shall be appointed by the Governor from the State at large; *provided*, that the Legislature, in its discretion, may divide the State into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable and *provided, further*, that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the Governor immediately after the adoption of this section to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration, one of whom shall be appointed to hold office until January 1, 1917, two until January 1, 1919, and two until January 1, 1921."

Amendment adopted.

AMENDMENT No. 3.

Commencing with the word "and" in line 39, strike out down to and including the word "commission" in line 45, and in lieu of the matter stricken out insert a period, and the following "The act of a majority of the commissioners when in session as a board, shall be deemed to be the act of the commission, but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every order made by a commissioner so designated pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the order of the commission."

Amendment adopted.

Assembly constitutional amendment ordered to reprint, with a rush order, reëngrossment, and on file for adoption.

Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 226 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Crosby, Farwell, Flint, Freeman, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Polesley, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Wilson, Willie, Youne, and Mr Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 58—An Act establishing a State Normal School at Fresno, county of Fresno, State of California, and making an appropriation for the construction of a building and the maintenance of said school.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the words "An Act", and insert the following: Providing for the improving and caring for the grounds of the Fresno State Normal School and making an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, for the purpose of improving and caring for the grounds of the Fresno State Normal School.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants for the amount herein appropriated in favor of the officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

SEC. 3. This Act shall take effect immediately.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 167—An Act making an appropriation for the equipment, support and maintenance of the Branch Agricultural Experiment station in Imperial County.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the word "twenty", and insert in lieu thereof the word "fifteen".

Amendment adopted.

AMENDMENT No. 2

In line 2, Section 2, of the printed bill, strike out the word "twenty", and insert in lieu thereof the word "fifteen".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair ground, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

In lines 6 and 7, Section 2, of the printed bill, strike out the following: "directors of the State Agricultural Society", and insert in lieu thereof "person or persons authorized by law to receive the same".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 767—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' Building, and to build an addition thereto equal in its dimensions to the present structure, providing for its equipment and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of line 6, of the title, the words "and to build an addition".

Amendment adopted.

AMENDMENT No. 2

Strike out line 7, of the title, and strike out of line 8, of the title, the words "providing for its equipment".

Amendment adopted.

AMENDMENT No. 3

Strike out of Section 1, of the printed bill, all after the comma in line 8, and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 4.

In line 2, Section 2, of the printed bill, strike out the following "forty thousand (\$40,000.00)", and insert in lieu thereof the words "five thousand".

Amendment adopted.

AMENDMENT No. 5.

In lines 6 and 7, Section 2, of the printed bill, strike out the words "directors of the State Agricultural Society", and insert in lieu thereof the following: "person or persons authorized by law to receive the same".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, Section 1, of the printed bill, strike out the word "forty", and insert in lieu thereof the word "twenty".

Amendment adopted.

AMENDMENT No. 2.

Strike out of Section 3, of the printed bill, the words "This Act shall take effect immediately", and insert in lieu thereof the words "This Act shall take effect and be in force from and after July 1, 1912".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 768—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park, near the city of

Sacramento, State of California, and erect thereon a new and modern combination, grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of the title in the printed bill, and insert in lieu thereof the following: "An Act providing for the erection of a grand stand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor."

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 1, in the printed bill, and insert in lieu thereof the following:

SECTION 1. The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to erect a grand stand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California.

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for said sum of ten thousand dollars in favor of the person or persons authorized by law to receive the same, and the State Treasurer is hereby authorized and directed to pay the same.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 58, 167, 771, 767, 712, and 768.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 58, 167, 771, 767, 712 and 768 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bills Nos. 58, 167, 771, 767, 712 and 768, and do now report the same back, and recommend that they do pass

HEWITT, Chairman.

NOTICE OF INTENTION TO MOVE TO AMEND RULES.

Mr. Bohnett gave notice that on the next legislative day he would move to amend the Standing Rules of the Assembly as follows:

Amend Rule 14 of the Standing Rules of the Assembly by inserting between lines 15 and 16 of said rule, as the same appears on page 131 of the legislative hand-book, the following.

"The bills upon third reading file shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of two thirds of the members present, *provided*, that if a bill is passed on file for any reason, other than the absence of the author by leave of the Assembly, note of the fact shall be made in the General File and when passed on file a second time, the bill shall be ordered to the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file, shall be omitted from the General File.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds.

During third reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

In line 3, of the printed bill, strike out the word "Section"

Amendment adopted.

AMENDMENT NO. 2

In line 6, of the printed bill, after the word "districts" where it first appears, insert ", protection districts".

Amendment adopted.

During the third reading of the bill, Mr. Sutherland moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "State" in line 7, of printed bill, insert the following: "or any permanent road division organized pursuant to the provisions of Part III, Title VI, Article IX of this Code".

Motion carried.

The Speaker appointed Mr. Sutherland as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 142, with instructions, do now report that the instructions of the Assembly have been carried out.

SUTHERLAND, Select Committee

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade.

During third reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

In line 6, of the printed bill after the word "any", insert "employer, other than a common carrier or municipal corporation, is permitted"

Amendment adopted

AMENDMENT No 2

In line 8. of the printed bill, before the word "wages", insert the word "servant's".

Amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 796—An Act to amend the Civil Code of the State of California, by adding three new sections thereto to be numbered 3474, 3475 and 3476, requiring all assignments of wages to be earned in the future to be recorded in the county in which such wages are to be earned, and prescribing the effect thereof, and the fees therefor: and requiring all assignments of wages to be earned in the future when the assignor thereof is a married man or woman to be signed by the wife or husband of the assignor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 796 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Rohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Held, Hinkle, Hinchaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowan, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Struckenbruck, Sutherland, Tibbits, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors relating to roads.

During the third reading of the bill, Mr. Maher moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out lines 127 to 140, inclusive, on page 5. of the printed bill, and in lieu thereof insert the following

"12 In their discretion, they may set apart on any public road or highway a strip of land (for a side path), and make an order designating the width of such path and cause the lines separating the path from the road to be located and marked by stakes or posts, placed at such distances apart as they shall deem proper. After said paths have been set apart, and the lines separating the same from the road have been located and marked, as aforesaid, the use of the same is hereby restricted to pedestrians and riders of bicycles, and other vehicles propelled solely by the power of the rider.

Expense of erecting and maintaining such path may be charged to the general county fund, the general road fund, and the district fund of the district or districts benefited."

Motion carried.

The Speaker appointed Mr. Maher as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 1307, with instructions, do now report that the instructions of the Assembly have been carried out.

MAHER, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1302—An Act to amend section four thousand two hundred and sixty-three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1302 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt Slater, Stuckenbruck, Sutherland, Walker, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

TITLE AMENDED.

The following amendment to title was submitted by Mr. Rutherford:

After the word "class", add the following: "and adding a new section thereto to be numbered 4263a."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1402—An Act entitled "An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime"

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1402 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cronin, Crosby, Farwell, Flint, Gaylord, Griffin of Modesto, Hamilton, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McGowan, Mendenhall, Mott, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Walker, Wyllie, and Young—44.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

SPEAKER PRO TEM. IN THE CHAIR.

At three o'clock and fifteen minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Assembly Bill No. 1207—An Act to amend Section 4243 of the Political Code, relating to salaries and fees of officers in counties of the fourteenth class, and to amend Section 4243a of said Code, relating to fees and mileage of jurors in counties of the fourteenth class.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1207 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe,

Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Polsley, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wyllie, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1340—An Act to amend Section 3513 of the Political Code, relating to the non-payment of principal and interest for state lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1340 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Telfer, Walker, Walsh, Wyllie, and Young—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1342—An Act to amend Section 3659 of the Political Code, relating to the duty of the register of the State Land Office in relation to land sold by the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1342 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Griffiths, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Mott, Polsley, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stuckenbruck, Telfer, Walsh, Wyllie, and Young—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1344—An Act to repeal Sections 3444, 3496, and 3501 of the Political Code, relating to affidavit for purchase of state lands, when applicant is a female.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1344 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Griffiths, Hamilton, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, Mendenhall, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Telfer, Walsh, and Young—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1346—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1346 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of San Francisco, March, Mendenhall, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stuckenbruck, Telfer, Walsh, Wyllie, and Young—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1347—An Act to amend Section 3408*d* of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason; providing a method for the sale at public auction of indemnity certificates or scrip entitling the owner to have selected for him government lands in lieu thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1347 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Pierman Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Polsley, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Tibbits, Walsh, Wyllie, and Young—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1348—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1348 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Telfer, Wyllie, and Young—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At three o'clock and forty-five minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly in the chair.

Assembly Bill No. 1349—An Act providing for the conveyance by quitclaim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

During the third reading of the bill, Mr. Benedict moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 7, strike out the word "government", and insert in lieu thereof the following "Governor"

Motion carried.

The Speaker appointed Mr. Benedict as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1342, with instructions, do now report that the instructions of the Assembly have been carried out

BENEDICT, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 1350—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lieu selections, in accordance with the provisions of Section 3406 of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1350 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Gaylord, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wyllie, Young, and Mr. Speaker—50.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 6532c thereof, relating to the terms of office of directors in non-profit coöperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1534 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Gaylord, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, March, Mendenhall, Mott, Polsley, Randall, Rogers of

Alameda, Rosemdale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wyllie, Young and Mr. Speaker—48

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 219—An Act to amend an Act defining and regulating the business of banking, by adding a new section thereto to be numbered Section 33a.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 219 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Crosby, Farwell, Flint, Gaylord, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosemdale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Walsh, Wyllie, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 943 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Coghlan, Cogswell, Crosby, Farwell, Flint, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Rogers of Alameda, Rosemdale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wyllie, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 944—An Act to amend Section 1548 of the Political Code, relating to binding of school documents, postage, expressage, printing, etc., for school superintendents.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 944 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosemdale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Sutherland, Telfer, Walker, Walsh, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 945—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent of schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 945 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, March, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Sutherland, Telfer, Walker, Walsh, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1008—An Act to validate the organization and incorporation of municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1008 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Harlan, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, Mendenhall, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1009—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1009 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State, power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

During the third reading of the bill, Mr. Schmitt moved that the Speaker appoint a select committee of one to amend the bill as follows:

After line 6, of printed bill, insert the following: "All such franchises shall be subject to and under the provisions of the 'Broughton Act'".

Motion carried.

The Speaker appointed Mr. Schmitt as such select committee.

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1150, with instructions, does now report that the instructions of the Assembly have been carried out.

SCHMITT, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1526—An Act to authorize the legislative body of a municipality of the fifth class to create a water system district within its boundaries, provide a system of water bonds for the construction of a water system therein and to provide for the payment of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1526 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Griffin of Modesto, Griffiths, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 291 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Gaylord, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1314—An Act to amend Section 4240 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the eleventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1314 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Farwell, Flint, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Judson,

Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, Mendenhall, Mott, Polesley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wylbe, Young, and Mr. Speaker—50.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

During the third reading of the bill Mr. Benedict moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out of line 9, of Section 1, page 1, of printed bill, the words "or tide lands."

Motion carried.

The Speaker appointed Mr. Benedict as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 1343, with instructions, do now report that the instructions of the Assembly have been carried out.

BENEDICT, Select Committee

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

Assembly Bill No. 1351—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1351 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Griffiths, Hamilton, Harlan, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Mott, Polesley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Stuckenbruck, Sutherland, Telfer, Walker, Wylbe, Young, and Mr. Speaker—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1328 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Mott, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wylbe, Young, and Mr. Speaker—44.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SUSPENSION OF RULES.

Mr. Griffiths moved that the rules be suspended for the purpose of considering reports of committees out of order.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs Beckett, Benedict, Benmink Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cronin, Crosby, Farwell, Flint, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Rodgers of San Francisco, Rogers of Alameda, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wyllie, Young, and Mr Speaker—42

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 377—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection and preservation of game.

Also: Assembly Bill No. 601—An Act to amend Sections 626, 626a, 626g, 632 and 634 of the Penal Code of California relating to fish and game.

Also: Assembly Bill No. 739—An Act to amend Sections 626, 626a, 626d, 626f, 626k, and 627b of the Penal Code of California, relating to the protection and preservation of fish and game.

Also: Assembly Bill No. 326—An Act to amend Section 626a of the Penal Code of California, relating to the killing of doves.

Also: Assembly Bill No. 1066—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection of ducks, and other game, in said section mentioned.

Also: Assembly Bill No. 1017—An Act to amend Sections 626, 626a, 626d, 626f, and 627b, of the Penal Code of the State of California, relating to the protection and preservation of game.

Also: Assembly Bill No. 384—An Act to amend Section 217 of the Penal Code of California, relating to punishment for assault with intent to commit murder, and providing a penalty for the crime of assault with intent to murder.

Also: Assembly Bill No. 613—An Act to amend Section 626d of the Penal Code of the State of California, relating to bag limits.

Also: Assembly Bill No. 632—An Act to amend Section 626 of the Penal Code of California.

Also: Assembly Bill No. 104—An Act to amend the Penal Code of the State of California by repealing Section 626i thereof, relating to the number of deer that may be killed during any season, and by amending Section 626f thereof, relating to deer.

Also: Assembly Bill No. 624—An Act to amend Section 626 of the Penal Code of the State of California, relating to the protection and preservation of game.

Also: Assembly Bill No. 590—An Act to amend Sections 626 and 631a of the Penal Code of the State of California, relating to the protection and preservation of fish and game.

Also: Assembly Bill No. 538—An Act to amend Section 626d of the Penal Code of the State of California, relating to the bag limit of certain game.

Also: Assembly Bill No. 326—An Act to amend Section 626a of the Penal Code of California, relating to the killing of doves

Have had the same under consideration and respectfully report the same back with the following committee substitute therefor

Committee Substitute for Assembly Bills Nos. 377, 590, 601, 624, 632, 739, 1017, 1039, 1066, 326, 538, 613, 104, and 378. An Act to amend Sections 626, 626a, 626d, 626f, 626g, and 626m of the Penal Code of the State of California, relating to the protection of fish and game, and adding a new section thereto to be known and numbered as Section 626p, and recommend that the committee substitute do pass.

GRIFFITHS, Chairman

Committee substitute adopted.

Assembly Bills Nos. 377, 601, 739, 326, 1066, 1017, 384, 613, 632, 624, 590, 538, and 326 withdrawn.

Committee substitute ordered on file without reference.

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Assembly Bill No. 1475—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Also: Assembly Bill No. 1476—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

LYNCH, Chairman

The above reported bills ordered on file for second reading

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 702—An Act amending Section 264 of the Penal Code, fixing the punishment for rape—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CRONIN, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 252—An Act to amend Subdivision 1 of Section 261 of the Penal Code—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

CRONIN, Chairman

The above reported bill ordered on file for second reading

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1122—An Act to amend Section 14 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1909; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGHLAN, Chairman.

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 323—An Act providing that in the event of no election having been held for the election of officers of municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Also: Assembly Bill No. 705—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract.

Also: Assembly Bill No. 1462—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result

from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be known as section twenty-one *a*, relating to the proof of posting and publishing of notices.

Also: Assembly Bill No. 1463—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be known as section five *a*, relating to the proof of posting and publishing of notices.

Also: Assembly Bill No. 1456—An Act to amend Section 33 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Also: Assembly Bill No. 1508—An Act to amend Section 679*a* of the Penal Code.

Also: Senate Bill No. 552—An Act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park music and advertising purposes.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

COGHLAN, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1457—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory", approved March 19, 1889, and to add a new section thereto to be designated as Section 14.

Also: Assembly Bill No. 1458—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations", approved March 11, 1909, by adding thereto a new section to be designated as Section 2*a*, and by amending Section 4 thereof.

Also: Assembly Bill No. 1461—An Act to amend an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality", approved March 27, 1897.

Have had the same under consideration and respectfully report the same back with the following committee substitutes therefor:

Committee Substitute for Assembly Bill No. 1457—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto, to be designated as section one *a*, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities.

Also: Committee Substitute for Assembly Bill No. 1458—An Act to amend an Act, entitled "An Act to provide for the consolidation of municipal corporations", approved March 11, 1909, by adding thereto a new section to be designated as Section 2*a*, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending Section 4 of said Act.

Also: Committee Substitute for Assembly Bill No. 1461—An Act to provide for the sale of an excess of water when owned by a municipality, and repealing an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

COGHLAN, Chairman

Committee substitutes adopted, and ordered on file without reference
Assembly Bills Nos. 1457, 1458, and 1461 withdrawn.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 454—An Act to amend section twenty-one of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the state for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof; and the determination of their validity, and making provisions for the payment of such bonds and the dis-

posal of their proceeds" approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGHLAN, Chairman.

The above reported bill ordered on file for second reading.

ON LABOR AND CAPITAL

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 1334—An Act to regulate the employment of females in public places—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

ON CONSERVATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER Your Committee on Conservation, to whom was referred Assembly Bill No. 828—An Act to amend Section 2493m of the Political Code relating to land uncovered by the recession or drainage of the waters of inland lakes—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

CLARK, Chairman

The above reported bill ordered on file for second reading.

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to the use of slot machines—and report that the same has been correctly engrossed.

RANDALL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No. 507—An Act to amend Section 4235 of the Political Code of the State of California, relating to the compensation of officers of counties of the sixth class and their assistants and deputies.

Assembly Bill No. 1310—An Act to amend Sections 2521, 2522 and 2552 of the Political Code, relating to the officers appointed by the State Harbor Commission of the port of San Francisco and their duties

Assembly Bill No. 1552—An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax.

Assembly Bill No. 1302—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics", approved March 3, 1883, and the several Acts amendatory thereof; prescribing his duties; providing for his compensation, and making an appropriation therefor

And report that the same have been correctly engrossed.

RANDALL, Chairman.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to the use of slot machines.

During the third reading of the bill, Mr. Cronin moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "chance" in line 19, page 2, of the printed bill (as amended in Assembly March 1, 1911), insert the following "and every person, who has in his possession or under his control, either as owner, lessee, agent, employee, mortgagee, or otherwise, or who permits to be placed, maintained or kept, in any room, space,

enclosure or building, owned, leased or occupied by him, or under his management or control, any card dice, or any dice having more than six faces or bases each, upon the result of action of which any money or other valuable thing is staked or hazarded, or as a result of the operation of which any merchandise, money, representative or article of value, check or token, redeemable in or exchangeable for money or any other thing of value, is won or lost or taken, when the result of action or operation of such dice is dependent upon hazard or chance."

Also: In line 3, of the title, strike out the period (.) after the word "machines", and insert in lieu thereof the following: "or card dice, or other dice having more than six faces or bases each."

Also: In line 3, Section 1, page 1, of the printed bill, after the word "and", insert the word "to".

Motion carried.

The Speaker appointed Mr. Cronin as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 870, with instructions, do now report that the instructions of the Assembly have been carried out.

CRONIN, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 265—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto to be numbered three hundred and seventy-four *a*, relating to the loading of vessels with garbage or other refuse with intent to dump the same upon the waters bordering upon the State of California, and dumping garbage thereon.

During the third reading of the bill, Mr. Harlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 1, line 24, strike out the word "effect", and insert in lieu thereof the word "affect".

Motion carried.

The Speaker appointed Mr. Harlan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 265, with instructions, do now report that the instructions of the Assembly have been carried out.

HARLAN, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

NOTICE OF INTENTION TO AMEND RULES CONTINUED.

On motion of Mr. Coghlan, his previous notice of intention to amend Standing Rules of the Assembly, was continued until the next legislative day.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Monday, March 6, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Monday, March 6, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Raudall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—50.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Lyon of Los Angeles, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Slater, Messrs. Joseph H. Hunt, Henry P. Dimond, Robert James, and Argyle Baker were granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1133—An Act to amend Section 4258 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-ninth class—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

ON PUBLIC LANDS AND FORESTRY

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. SPEAKER Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires

Also Assembly Bill No. 1341—An Act to amend Section 3570 of the Political Code, relating to the abandonment or relinquishment of state lands embraced in

certificates of purchase, by conveyance of title, by the owner of the lands to the State of California.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

FLINT, Chairman.

The above reported bills ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled an Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended.

YOUNG, Chairman.

The above reported bill ordered on file for second reading.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911

MR. SPEAKER: Your special committee appointed by the Speaker pursuant to resolution for the purpose of investigating the books and accounts of the Board of Fish and Game Commissioners, and the manner in which, and the purpose for which the moneys received by said commission have been expended, and the charges of extortion by employees of said commission, and the acts and conducts of said employees, beg leave to submit the following partial report:

Your committee, on the 21st day of February, 1911, met in room 120 of this building, with Chairman F. J. Walker in the chair, for the purpose of organization. At such meeting necessary stenographers, clerk and sergeant-at-arms were employed. On the evening of said day said committee, with its attachés, proceeded to the city of San Francisco, and on the following morning met on the second floor of the Merchants' Exchange building in said city at ten o'clock A. M. and at once took complete control and charge of all the books and papers connected with or belonging to the said Fish and Game Commission, and placed the same under seal, and thereafter issued subpoenas for witnesses and sent telegrams to the district attorneys and sheriffs of the various counties throughout the State, requesting such information as they may have in their possession relative to the matter under investigation.

Said committee deemed it necessary to employ the services of an expert accountant for the purpose of experting the books of said commission, and therefore the services of Prentiss Maslin of Sacramento were secured and he immediately came to San Francisco and took charge of said books and accounts and began necessary work of experting the same, which said work has not been yet completed.

Pending such time as the expert was engaged in the work of experting the books as aforesaid, your committee proceeded to the business of examining witnesses with reference to the acts and conduct of the employees of the Fish and Game Commission and the charges that the deputies of said commission had demanded and extorted money from various Chinese engaged in the business of shrimp fishing under the promise by said deputies to said Chinese of immunity from arrest for illegal acts, and the following named witnesses were sworn and examined and their testimony taken as to said matters:

Chu Che, Lu Can, Yung Ben, Chung Taa Ting, Ong Tong, Ah Chung, Li Ki Tung, Lee Hay, Lee Kai Chung, Lee Fong, Yuen Hon Yoke, Ow Yueng (Vice-Consul), Gint Jee, Harry Johnson, and Philip Nicklas.

The following named witnesses were sworn and examined and their testimony taken in rebuttal:

E. M. McMillan, C. B. Woods, L. A. Gross, J. H. Davis, F. E. Booth, E. G. Pedlar, and N. B. Schofield.

From the testimony of the foregoing witnesses, your committee finds that covering a period of several years certain deputies in the employ of the said Fish and Game Commission have been engaged in a systematic course of extortion of money from the said Chinese shrimp fishermen under promise by said deputies of immunity from arrest and prosecution for the commission of acts in violation of the fish and game laws, and that said Chinese engaged in the business of shrimp fishing, have paid large sums of money to such deputies by reason thereof.

By reason of the evidence adduced at the hearing by said committee as aforesaid, and as a result of the disclosures made by the testimony of said witnesses, your committee has been informed by said commission that they have discharged from the employ of said commission the following named deputies, to wit C. B. Woods and E. M. McMillan.

Said commission assigned as a reason for discharging said deputies the facts set forth in the letters given in full and attached hereto

March 1, 1911.

E. M. McMillan, Esq., San Francisco, Cal.:

SIR: You are hereby removed as a deputy fish and game commissioner of the State Board of Fish and Game Commissioners of California for conduct unbecoming such officer. The conduct referred to was testified to by you under oath before the investigation committee of the Legislature now conducting its hearings at San Francisco, and consists, according to your statements, of drinking in saloons with Chinese, representing other Chinese accused and then on trial for infractions of the fish and game laws, and also in playing the Chinese lottery game, which in itself is a violation of the law of this State.

You will forthwith surrender your commission and badge as such deputy to this office. By order of the board.

Very truly yours,

FISH AND GAME COMMISSION.

JNO P BABCOCK, Chief Deputy

March 1, 1911.

C. B. Woods, Esq., San Francisco, Cal.:

SIR: You are hereby removed as a deputy fish and game commissioner of the State Board of Fish and Game Commissioners of California, for conduct unbecoming such officer. The conduct referred to was testified to by you under oath before the investigation committee of the Legislature now conducting its hearings at San Francisco, and consists, according to your statements, of drinking in saloons with Chinese, representing other Chinese accused and then on trial for infractions of the fish and game laws.

You will forthwith surrender your commission and badge as such deputy to this office. By order of the board.

Very truly yours,

FISH AND GAME COMMISSION.

JNO P BABCOCK, Chief Deputy

SAN FRANCISCO, CAL. March 1, 1911.

Hon. Frank J. Walker, Assembly Committee, San Francisco, Cal.:

DEAR SIR: For your information we inclose you herewith a copy of a letter this day addressed to Deputies McMillan and Wood. We have the honor to be,

Yours respectfully,

FISH AND GAME COMMISSION.

JNO P BABCOCK, Chief Deputy

Owing to the fact that the expert employed by the committee to expert the books and accounts of said commission had not completed his work and could not report to your committee the result of his labors, your committee, by reason thereof, has been unable to proceed with the investigation of said books and accounts, and the expenditures of money by said commission or the effect and result of the work of said commission, and the committee therefore, on the 1st day of March, 1911, adjourned until such time as said report by such expert has been completed, which we are informed will be about the 9th of March, and therefore, your committee has made no investigation as to the knowledge of said commission or its chief deputy concerning the said acts of the deputies of said commission in extorting money from the Chinese as aforesaid, and have deferred such investigation until the hearings of said committee are resumed, when all matters touching the acts and conduct of the said commission and the said chief deputy will be fully inquired into.

Your committee further reports that in submitting through its chairman the resolution with reference to the account of the expenses of said committee during its investigation, does not include in said account the expense of the employment of the expert, inasmuch as his labors have not yet been completed.

From the investigation thus far made by your committee they are of the opinion and belief that a thorough and full inquiry and investigation should be made as to matters which will be embodied in the report of the expert and which will be shown as a result of his work in experting the books and accounts of said commission, and that a further investigation is necessary which will involve additional expense, and your committee therefore recommends that some provision be made whereby the

sum of twelve hundred dollars (\$1200) be appropriated for the use of this committee, or so much thereof as may be necessary to complete the investigation

Respectfully submitted

(Signed)

F. J. WALKER, Chairman.
JOHN C. MARCH.
GEORGE H. HARLAN.
FRED H. HALL.
J. W. STUCKENBRUCK.

Report read and referred to Committee on Contingent Expenses and Accounts.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 306—An Act to amend Sections 1196, 1197, 1205 and 1211 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to the following Senate bills:

Senate Bill No. 356—An Act to authorize and regulate the possession, use, transportation and sale of trout or other fish, by persons engaged in the business of propagating and rearing such fish, and by persons who transport such fish, and by persons who purchase fish so reared.

Also: Senate Bill No. 31—An Act to establish a standard of weights and measures in the State of California; to regulate weights and measures and weighing and measuring instruments and devices and providing for the inspection and sealing thereof, to prevent the use and sale of false weights and measures and weighing and measuring instruments and devices; to prevent the sale of goods, wares and merchandise by false weight or measure; authorizing counties, incorporated cities, incorporated towns, and incorporated cities and counties of the State of California to appoint sealers of weights and measures and to define the powers and duties of such sealers; to provide penalties for violation of the provisions of this Act relating to the foregoing and for the admission in evidence of copies of the State's standard of weights and measures furnished under the provisions of this Act.

Also: Senate Bill No. 240—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four "a," providing for the formation of religious corporations

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 931—An Act to amend the Political Code of California by adding thereto a new section to be numbered 4156b, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of, or act as counsel for any person or persons, association or corporation accused of a crime in any county or city and county in the State, during their incumbency.

Also: Assembly Bill No. 941—An Act to amend sections three thousand one hundred and ninety-seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trade-marks.

Also: Assembly Bill No. 797—An Act to provide permanent headquarters in the Capitol building for the Grand Army of the Republic, to designate the purposes for which the same shall be used.

Also: Assembly Bill No. 718—An Act to protect fraternal, benevolent and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Also: Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers.

Also Senate Bill No. 1140—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and one half class to fix their jurisdiction and to provide for officers of said courts, and to fix the compensation of certain officers thereof," which Act became a law under constitutional provision, without the Governor's approval, March 5, 1901, relating to the prosecuting attorney, and to the service of applications for writs of habeas corpus in cases arising in said courts, and to the imprisonment of persons convicted in said courts, and to add a new section to said Act to be numbered section five and one half, relating to the presiding judges of such courts.

Also: Senate Bill No. 988—An Act to authorize cities of the first and one half class to have and exercise jurisdiction in certain cases outside of their territorial limits.

Also: Senate Bill No. 955—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909.

Also: Senate Bill No. 1127—An Act to add a new section to the Political Code to be numbered section four thousand one hundred fifty-six *b*, relating to the duties of district attorneys in counties of the first class.

Also: Senate Bill No. 1096—An Act to amend sections one thousand seventy-five, one thousand seventy-seven and one thousand seventy-eight of the Political Code, relating to boards of election commissioners, and providing for clerks and secretaries for such boards.

Also: Senate Bill No. 504—An Act to amend Section 4052*b* of the Political Code of the State of California relating to conveyance of lands to incorporated cities for public park, library or playground purposes by county boards of supervisors.

Also: Senate Bill No. 712—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14, and 16 of an Act entitled an Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903, and adding a new section thereto to be known and designated as Section 16*a*, relating to voting or ballot machines.

Also: Senate Bill No. 793—An Act amending section ten of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Senate Bill No. 610—An Act to amend Section 1515 of the Penal Code, relating to the taking, filing and preservation of evidence taken before coroners.

Also Committee Substitute for Senate Bill No. 1030—An Act to provide for the sale of an excess of water when owned by a municipality, and repealing an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

Also: Senate Bill No. 1153—An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to confidential communications.

Also: Senate Bill No. 1194—An Act to amend Section 199 of the Penal Code of the State of California relating to the competency of jurors.

Also: Senate Bill No. 617—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Also: Senate Bill No. 961—An Act controlling the sanitation of shellfish grounds and premises where shellfish are opened, packed or prepared for the market, and controlling the sale of oysters and shellfish for food purposes and providing a penalty for the violation thereof.

Also: Senate Bill No. 1153—An Act to add a new section to the Code of Civil Procedure to be numbered Section 391.

Also: Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches and other places and providing for the punishment for violation of this Act.

Also: Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the reformatory building under officers' and boys' dining-room at the Preston School of Industry.

Also: Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 771—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State.

Also: Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also: Senate Bill No. 212—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 1160—An Act to amend Section 1181 of the Civil Code, relating to proof and acknowledgment of instruments.

WALTER N. PARRISII, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 522—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 523—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 524—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 525—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 521—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars, eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Also: Senate Bill No. 1047—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the San Joaquin River, and appropriating fifteen thousand dollars for said purpose.

Also: Senate Bill No. 1088—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 11—An Act establishing a State Normal School at Fresno, county of Fresno, State of California, and making an appropriation for the maintenance of said school.

Also: Senate Bill No. 15—An Act appropriating money for the erection of buildings on, and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Also: Senate Bill No. 1248—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Also: Senate Bill No. 25—An Act to create a "State Bureau of Criminal Identification and Investigation"; providing for the appointment of a board of managers of said bureau, defining their qualifications, term of office, duties and powers; providing for the appointment of a director, six clerks and one stenographer, fixing the compensation of said managers, director, clerks and stenographer; providing for the manner of paying the same, and providing for the expense of equipping and maintaining the office of said bureau, and making an appropriation therefor.

Also: Senate Bill No. 355—An Act legalizing the formation and organization of

Homeland Reclamation District No. 780, in the counties of Kings and Tulare, State of California.

Also: Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Also: Senate Bill No. 6—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the said Political Code to be numbered 461, all relating to the State School Fund.

Also: Senate Bill No. 16—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system and to that end amending Section 1760 of the Political Code to be numbered 461, all relating to the State School Fund.

Also: Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State, which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 894 read first time, and referred to Committee on Military Affairs.

Senate Bill No. 1147 read first time, and referred to Committee on Common Carriers.

Senate Bill No. 1140 read first time, and referred to Committee on Judiciary.

Senate Bill No. 988 read first time, and referred to Committee on Judiciary.

Senate Bill No. 955 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 1127 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1096 read first time, and referred to Committee on Election Laws.

Senate Bill No. 504 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 772 read first time, and referred to Committee on Election Laws.

Senate Bill No. 793 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 610 read first time, and referred to Committee on Judiciary.

Committee Substitute for Senate Bill No 1030 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 1155 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1194 read first time, and referred to Committee on Judiciary.

Senate Bill No. 617 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 961 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 1153 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1063 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 156 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1086 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 771 read first time, and referred to Committee on Military Affairs.

Senate Bill No. 208 read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

Senate Bill No. 212 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1160 read first time, and referred to Committee on Judiciary.

Senate Bill No. 522 read first time, and referred to Committee on Live Stock, Dairies and Dairy Products

Senate Bill No. 523 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 524 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 525 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 521 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1047 read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Senate Bill No. 1088 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 11 read first time, and referred to Committee on Education.

Senate Bill No. 15 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1248 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 25 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 355 read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Senate Bill No. 13 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 6 read first time, and referred to Committee on Education.

Senate Bill No. 16 read first time, and referred to Committee on Education

Senate Bill No. 1052 read first time, and referred to Committee on Revenue and Taxation.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed as amended Assembly Bill No. 382—An Act to amend Section 1490 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons

Also: Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition

of life estates, homesteads, community property or property held by joint tenants on owner's death in certain cases.

Also: Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code as to proof and acknowledgment of instruments.

Also: Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Also: Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Also: Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof.

And we respectfully request your honorable body to concur in the Senate amendments to said bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 382?"

By striking out of Section 1, line 9, the word "and", and inserting in lieu thereof the word "or".

The roll was called, and Senate amendment to Assembly Bill No. 382 was concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Nolan, Polsley, Randall, Rimling-r, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—64

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 913?"

On page 1, Section 1, lines 9 and 10, strike out the words "vests in the surviving joint tenant or joint tenants of such property", and insert in lieu thereof the following: "terminated".

Also: On page 2, Section 1, lines 13, 14, and 15, strike out the following: "or if such person was a married woman who at the time of her death was the owner of community property which passed upon her death to the surviving husband,".

Also: On page 2, Section 1, line 23, strike out the word "absolutely".

Also: On page 2, Section 1, lines 26 and 27, strike out the words "or community property".

Also: On page 2, Section 1, lines 25 and 26, strike out the words "vested in the surviving joint tenant or joint tenants", and insert in lieu thereof the following: "terminated".

Mr Bohnett moved that the amendments be printed in the Journal and the question of concurring go over for one day.

Motion carried.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1160?"

On page 1, of title, line 2, strike out the word "as", and insert in lieu thereof the word "relating".

Also: On page 1, strike out all of Sec. 2.

The roll was called, and Senate amendments to Assembly Bill No. 1160 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan,

Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Wyllie, Young, and Mr. Speaker—63.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 270?"

In lines 4 and 5, Section 1, of printed bill, strike out the words "to be paid to the Board of Managers of the Southern California State Hospital".

Also: In line 5, Section 1, of the printed bill, strike out the words "by them" after the word "be".

The roll was called, and Senate amendments to Assembly Bill No 270 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronn, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 587?"

On lines 4 and 5, Section 1, of printed bill, strike out the words "to be paid to the Board of Managers of the Southern California State Hospital".

Also On line 5, Section 1, of printed bill, strike out the words "by them", after the word "be".

The roll was called, and Senate amendments to Assembly Bill No. 587 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Cunningham, Denegri, Farwell, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowan, Mendenhall, Mott, Nolan, Polsley, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 269?"

On page 1, Section 1, line 3, strike out the words "for the period of four years from the date of his appointment unless sooner removed by the Governor", and insert in lieu thereof the following: "at the pleasure of the Governor".

Also: On page 2, Section 2, line 3 strike out the words and brackets "[two] deputies", and insert in lieu thereof the following: "one deputy".

Also: On page 2, Section 2, line 4, strike out the word "deputies", and insert in lieu thereof the word "deputy".

Also: On page 6, Section 10, line 2, strike out the words "two thousand four hundred", and insert in lieu thereof the following: "three thousand six hundred".

Also: On page 6, Section 10, line 3, strike out the word "each", and insert in lieu thereof the word "the".

Also: On page 6, Section 10, line 9, strike out the word "each", and insert in lieu thereof the word "the".

Also: On page 7, Section 11, line 3, strike out the word "each", and insert in lieu thereof the word "the".

Also: On page 7, Section 11, line 3, strike out the figures and brackets "\$10,000".

Also: On page 7, Section 11, line 6, strike out the figures and brackets "\$5,000".

The roll was called, and Senate amendments to Assembly Bill No. 269 were concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Croun, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rumluger, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Bill ordered to enrollment.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:

By Mr. Crosby:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. "An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor."

CROSBY,

Member Forty-seventh District

Referred to Committee on Introduction of Bills.

By Mr. Wyllie:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the eighteenth class

WYLLIE,

Member Twenty-seventh District

Referred to Committee on Introduction of Bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act to amend section four thousand two hundred and seventy-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class

WYLLIE,

Member Twenty-seventh District

Referred to Committee on Introduction of Bills

By Mr. Hamilton:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act making an appropriation to pay the claim of McNear Company, a corporation, against the State of California, for rent of the armory building at Petaluma, California.

HAMILTON,

Member Thirteenth District

Referred to Committee on Introduction of Bills.

BILL WITHDRAWN FROM COMMITTEE.

Mr. Young moved that Assembly Bill No. 293 be withdrawn from the Committee on Engrossed and Enrolled Bills.

Motion carried.

Bill withdrawn from committee, and on motion of Mr. Young, ordered transmitted to the Senate.

MOTION TO AMEND RULES.

In accordance with notice given on previous day, Mr. Bohnett moved to amend the Standing Rules of the Assembly as follows:

Amend Rule 14 of the Standing Rules of the Assembly by inserting between lines 15 and 16 of said rule, as the same appears on page 131 of the legislative hand-book, the following:

"The bills upon third reading file shall be considered in the order in which they appear upon the file, unless otherwise ordered by unanimous consent or by vote of two thirds of the members present; *provided*, that if a bill is passed on file for any reason, other than the absence of the author by leave of the Assembly, note of the fact shall be made in the General File and when passed on file a second time, the bill shall be ordered to the foot of the file, and notice of the fact of the bill having been passed on file prior to the order placing it at the foot of the file, shall be omitted from the General File.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—64.

NOES—None.

RESOLUTION.

The following resolution was offered:

By Mr. Walker:

WHEREAS, There was appointed by the Speaker of the Assembly pursuant to resolution adopted, the following named members of the Assembly, to wit: F. J. Walker, chairman, J. W. Stuckenbruck, G. H. Harlan, Fred H. Hall, and John C. March, as a special committee for the purpose of investigating the acts and conduct of the Fish and Game Commission of the State of California and its deputies and employees; and

WHEREAS, Said resolution provided that said committee be authorized to employ such attachés as are necessary to carry on such investigation, and

WHEREAS, The said investigation was partially completed in the city of San Francisco; and

WHEREAS, The said committee has submitted the following as a statement of its actual expenses:

To railroad fare, Sacramento to San Francisco and return, for members of committee and attachés.....	\$45 00
Hotel accommodations, meals, etc., for members of committee and attachés	394 25
Compensation of stenographers, clerk, sergeant-at-arms and interpreter, etc	247 00
Office room for stenographers, etc	23 00
Telephone, telegraph, stationery, etc.....	31 65
Total	\$740 90

Now, therefore, the undersigned chairman recommends that the said committee be allowed its actual expenses as above set forth and the same be paid to F. J. Walker, chairman, for said committee

(Signed) F. J. WALKER Chairman

Resolution read and referred to Committee on Contingent Expenses and Accounts.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Joint Resolution No. 7—Relative to the pending treaty with Japan.

During the consideration of the Assembly joint resolution, Mr Polsley moved to amend the Assembly joint resolution as follows:

Strike out all after the word "relative" in the title, and insert in lieu thereof the following: "to foreign immigration."

WHEREAS, The presence in this country of large numbers of natives of Asia, including Japanese and Hindoos, is a great menace to the peace and happiness of our laboring classes, and is likely to cause great uneasiness and race prejudice among our people, and

WHEREAS, It is evident that the increase in the number of Japanese, Hindoos, and other natives of Asia on the Pacific coast and their taking the place of white men, women and children will tend to pauperize many of our own race, and

WHEREAS, The people of this nation are anxiously looking forward to the work of this Congress with the confidence that many measures bearing upon the welfare of our common country will be enacted, and

WHEREAS, The people of the Pacific coast believe that there is no subject in which a majority of the people are more vitally interested than the restriction of immigration of unassimilable races, and especially in view of the fact that the sources of many of the great plagues and diseases are to be found in the Orient; and

WHEREAS, It is believed that the number of such peoples in this country is rapidly increasing in spite of certain reported official statements to the contrary, now, therefore, be it

Resolved by the Assembly and Senate, jointly. That the first consideration should be given to those of our own race who have, by their blood and labor, built up this country to its proud position, and that there should be some policy of conservation of the resources of the country for our own children, rather than for those of an unassimilable race, and be it further

Resolved. That our Senators and Representatives in Congress be urged to use their utmost endeavor to have placed in all treaties more restrictive features to the end that as soon as possible all immigration of unassimilable races may be entirely prohibited, and our inheritance reserved to our own children, and be it further

Resolved. That this resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives and to each of our Senators and Representatives in Congress

Amendment adopted.

Assembly joint resolution ordered to reprint, reëngrossment, and on file for adoption.

THIRD READING OF BILLS.

Assembly Bill No. 1182—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California and adding a new section to the Political Code of the State of California to be numbered Section 462, relating to the public schools and creating a fund for their support.

Bill passed on file.

Assembly Bill No. 156—An Act to appropriate money for the construction and furnishing of dormitories for the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 156 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda,

Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Young, and Mr. Speaker—70.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining-hall and kitchen of the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer system of the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 153—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Bill passed on file.

Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the superintendent of public instruction.

Assembly constitutional amendment passed on file.

Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

Assembly constitutional amendment passed on file.

Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission, to have power to regulate and control the business of furnishing certain commodities and performing certain services to or for the public, and to that end amending section twenty-two of article twelve, and repealing section twenty-three of article twelve of the Constitution of the State of California.

Assembly constitutional amendment passed on file.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights.

Assembly constitutional amendment passed on file.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors of public officials.

On motion of Mr. Clark, the consideration of Senate Constitutional Amendment No. 23 was made a special order for Tuesday, March 7, 1911, at eleven o'clock and thirty minutes A. M.

SECOND READING OF BILLS.

Assembly Bill No. 56—An Act appropriating money for the erection of buildings on and acquiring title to the land of the State branch agricultural experiment station, located at Riverside, California, and for general improvements thereon.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 769—An Act authorizing and directing the directors of the State Agricultural Society to plow, check, and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2, Section 2, of the printed bill, strike out the following: "twenty-five thousand (\$25,000.00)", and insert in lieu thereof the words "ten thousand".

Amendment adopted.

AMENDMENT No. 2

In lines 7 and 8, Section 2, of the printed bill, strike out the words "directors of the State Agricultural Society", and insert in lieu thereof "person or persons authorized by law to receive the same".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos 56 and 769.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos 56 and 769 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

GENTLEMEN. The Committee of the Whole have had under consideration Assembly Bills Nos. 56 and 769, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 283—An Act amending Section 995 of the Penal Code, relating to motion to set aside indictment and information.

Bill passed on file.

Assembly Concurrent Resolution No. 8—Relative to the appointment of a commission on aerial navigation.

Assembly concurrent resolution passed on file.

Assembly Joint Resolution No. 4—Relative to the appointment of a commission on aerial navigation.

Assembly joint resolution passed on file.

Assembly Bill No. 491—An Act to repeal an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909.

Bill passed on file.

Assembly Bill No. 488—An Act to provide for the regulation of the business of watchmen, guards, and private detectives in the State of California; to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Bill passed on file.

Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Bill passed on file.

Assembly Bill No. 592—An Act to amend sections six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Bill passed on file.

Assembly Bill No. 928—An Act to amend Section 980 of the Code of Civil Procedure of the State of California, relating to appeals from justices' courts.

On motion of Mr. Bohnett, bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 704—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Bill passed on file.

Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Bill passed on file.

Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

Bill passed on file.

Assembly Bill No. 366—An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Bill passed on file.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill passed on file.

Assembly Bill No. 1081—An Act to amend section five hundred ninety-six of the Penal Code, relating to the poisoning of animals or bees.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1081 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—69.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135—An Act to amend Section 190 of the Penal Code, relating to the punishment of murder

TIME FOR SPEAKING EXTENDED.

On motion of Mr. Coghlan, the time for speaking was extended five minutes to Mr. Cattell.

HOOR OF RECESS EXTENDED.

On motion of Mr. Young, the hour of recess was extended for further consideration of Assembly Bill No. 135.

Mr. Chandler moved that the further consideration of Assembly Bill

No. 135 be made a special order for Tuesday, March 7, 1911, at eleven o'clock A. M.

Motion lost.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 135 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Hall, Hayes, Held, Hinkle, Hinchaw, Jasper, Joel, Judson, Kelhoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowan, Mendenhall, Mott, Mullally, Randall, Rodgers of San Francisco, Ryan, Sbragia, Slater, Smith, Stuckenbruck, Telfer, Walsh, Williams, and Young—46

NOES—Messrs. Beatty, Bennink, Bishop, Callaghan, Chandler, Crosby, Fitzgerald, Flint, Gaylord, Guthrie of Modesto, Griffiths, Guill, Hamilton, Harlan, Jones, Lynch, Malone, McDonald, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Stevenot, Sutherland, Tibbitts, Walker, Wilson, Wythe, and Mr. Speaker—31

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and fifty-five minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 349—An Act to regulate the sale of poultry and eggs

Bill passed on file.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for State lands.

Bill passed on file.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill passed on file.

Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital

Bill passed on file.

Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 373 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Cunningham, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowan, Mendenhall Mott, Mullally, Preisker, Randall, Rumlinger, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 459—An Act to amend Section 2470 of the Civil Code, relating to register of persons and firms to be kept by the county clerk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 459 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mott, Nolan, Preisker, Randall, Rumlinger, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 458—An Act authorizing suits against the State concerning certain real property and regulating the procedure therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 458 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Brown, Cattell, Chandler, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mott, Mullally, Nolan, Polley, Preisker, Randall, Rumlinger, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Telfer, Walker, Wilson, Wyllie, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code, relating to certificates of partnership and the execution and filing thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 461 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Cattell, Chandler, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Jasper, Jones,

Joel. Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Wilson, Wyllie, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Bill passed on file.

Senate Bill No. 478—An Act to amend Section 128 of the Civil Code, by providing that a cross-complainant in an action for divorce need not be or have been a resident of the State, or of the county in which the action is brought or pending, but must personally verify the cross-complaint and all but certain amendments thereto.

Bill passed on file.

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and thirty minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Senate Bill No. 192—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by amending Section 8 thereof, and by adding a new subdivision thereto to be known as Subdivision 16.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 192 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, and Wilson—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 460—An Act to amend Section 2466 of the Civil Code, relating to the use of fictitious names, and duties of those using them.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 460 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, and Wilson—60.

NOES—Mr. March—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 644—An Act to amend sections one, two, three, four, six, fifteen, sixteen, eighteen, twenty-one and twenty-seven of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and water courses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the boards of supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 644 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Benniuk, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Williams, Wilson, and Wylhe—50.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 364—An Act appropriating money for the purchase of a standpipe and water pipes to repipe grounds and buildings of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 364 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Benniuk, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Slater, Smith, Stevenot, Telfer, Tibbits, Williams, Wilson, and Wylhe—54.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

Senate Bill No. 718—An Act to add a new section to the Political Code of the State of California, to be known as Section 2185b, relating to the admission of voluntary patients to state hospitals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 718 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Williams, Wilson, and Wylhe—59.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 696—An Act to amend section one of an Act entitled “An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885,” approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the “revolving fund” provided for in said Act.

Bill passed on file.

Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating, vinous or alcoholic liquors within or contiguous to certain state buildings and grounds.

Bill passed on file.

Senate Bill No. 363—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 363 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Telfer, Tibbits, Williams and Wyllie—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 365—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 365 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Cunningham, Denegri, Feeler, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbrana, Schmitt, Slater, Smith, Stevenot, Stuckebruck, Telfer, Tibbits, Wilson, Wyllie, and Young—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 731—An Act to amend section four thousand and forty-nine of the Political Code of the State of California, relating to the publication of the proceedings of boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 731 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Cattell, Cogswell, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Geldes, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Wilson, Wyllie, and Young—56

NOES—None

Title read and approved

Bill ordered transmitted to the Senate

Senate Bill No. 79—An Act to amend Section 4300a of the Political Code of the State of California, relating to the county clerk's fees.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 79 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Cogswell, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Geldes, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Wilson, and Wyllie—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 498—An Act entitled an Act to amend an Act "to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto, to be numbered section two and one half

Bill passed on file.

Senate Bill No. 497—An Act to amend an Act "to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," by amending section thirty-nine of said Act relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

Bill passed on file.

Senate Bill No. 422—An Act to amend Section 1665a of the Political Code of the State of California, relating to teaching of various languages in at least one public school in cities of the first class.

Bill read third time

The question being on the passage of the bill

The roll was called, and Senate Bill No. 422 passed by the following vote.

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Geldes, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lynch, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of

Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, and Wyllie—53.

NOES—Messrs. Hamilton, Lamb, and Polsley—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 437—An Act to amend section one thousand two hundred and fourteen of the Civil Code of the State of California, relating to the recording of conveyances.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 437 was refused passage by the following vote:

AYES—Messrs. Beckett, Beunink, Bohnett, Butler, Cunningham, Denegri, Feeley, Freeman, Hall, Hamilton, Harlan, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Malone, Mendenhall, Mott, Mullally, Nolan, Freisker, Randall, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, and Wilson—32.

NOES—Messrs. Beatty, Benedict, Bliss, Brown, Callaghan, Cattell, Chandler, Coghlan, Farwell, Fitzgerald, Flint, Griffin of Modesto, Hayes, Hinshaw, Joel, Kennedy, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Polsley, Rimlinger, Rosendale, Rutherford, Sbragia, Schmitt, Walker, and Wyllie—30.

Bill ordered transmitted to the Senate

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances

Bill passed on file.

Committee Substitute for Senate Bill No. 296—An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of olives, olive oil, salad oil, soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, repealing "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, also repealing "An Act to amend an Act entitled 'An Act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages,' (approved March 31, 1891) by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof," approved March 5, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 296 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Randall, Rimlinger,

Rogers of Alameda, Rosendale, Rutherford Shragia, Slater Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, and Willie—56
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of more than 250,000 and less than 400,000.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 540 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Coghlan, Cronin, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, and Williams—51.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

During the third reading of the bill Mr. Rogers of Alameda moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out after the word "contain", in lines 2 and 3, in Section 2, page 2, of printed bill, the following: "in addition to the facts required by law to set out in an ordinary suit to quiet title,".

Motion carried.

The Speaker appointed Mr. Rogers of Alameda as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER, Your select committee of one, to whom was referred Senate Bill No. 685, with instructions, do now report that the instructions of the Assembly have been carried out.

ROGERS of Alameda, Select Committee

Report of select committee and amendment adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions

Bill passed on file.

Senate Bill 792—An Act to legalize bonds to be issued and sold by municipalities where authority for such issuance has already been given by a vote of not less than two thirds of the electors of such municipalities voting upon the question of incurring such indebtedness.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 792 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Catbll, Chandler, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Shragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, and Wilson—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

Bill passed on file.

Senate Bill No. 383—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Bill passed on file.

Senate Bill No. 384—An Act to amend Section 895 of the Penal Code and to repeal Sections 164, 896, 897, 898, 899, 900 and 901 of the Penal Code, all relating to grand juries.

Bill passed on file.

Senate Bill No. 385—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Bill passed on file.

Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Bill passed on file.

Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Bill passed on file.

Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Bill passed on file.

Senate Bill No. 390—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Bill passed on file.

Senate Bill No 391—An Act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Bill passed on file.

Senate Bill No 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

Bill passed on file.

Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered Section 1324, relating to the testimony of witness

refusing to answer on the ground that such answer will incriminate himself.

Bill passed on file.

Senate Bill No. 395—An Act to add a new section to the Penal Code to be numbered Section 1506, relating to appeal from an order or judgment on habeas corpus.

Bill passed on file.

Senate Bill No. 1191—An Act to add a new section to the Penal Code to be numbered Section 907, relating to the duties of grand juries.

Bill passed on file.

Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926a, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

Bill passed on file.

Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

Bill passed on file.

Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine of the Political Code of the State of California, relating to the preservation of the public health.

Bill passed on file.

Senate Bill No. 85—An Act to appropriate money for the development of the water system at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 85 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Smith, Stuckenbruck, Telfer, Tibbits, Walker, Williams, Wilson, and Wyllie—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 89—An Act to appropriate money for the purchase of equipment for shops and laboratories at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 89 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mott, Nolan, Paisley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Stevenot, Telfer, Tibbits, Williams, Wilson, and Wyllie—58.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. SPEAKER Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

An Act making an appropriation to pay the claim of McNear Company, a corporation, against the State of California, for rent of the armory building at Petaluma, California.

Also An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor.

Also An Act to amend Section 4276 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class.

Also An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and compensations of officers of the counties of the eighteenth class.

CHANDLER, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1911.

MR. SPEAKER Your Committee on Introduction of bills, to whom was referred the following Assembly concurrent resolution, herewith returns the same with the recommendation that the author be permitted to introduce it. The title of said Assembly concurrent resolution is as follows:

Relating to inviting the National Encampment of the Grand Army of the Republic to hold its forty-sixth annual encampment in the city of Los Angeles, California.

CHANDLER, Chairman.

Mr. Chandler moved the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimplinger, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Williams, and Wilson—65.

NOES—None

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Randall: Assembly Concurrent Resolution No. 25—Relating to inviting the National Encampment of the Grand Army of the Republic to hold its forty-sixth annual encampment in the city of Los Angeles, California.

Resolution read, and referred to Committee on Military Affairs.

By Mr. Hamilton: Assembly Bill No. 1561—An Act making an appropriation to pay the claim of McNear Company, a corporation, against the State of California, for rent of the armory building at Petaluma, California.

Bill read first time, and referred to Committee on Claims.

By Mr. Crosby: Assembly Bill No. 1562—An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor.

Bill read first time, and referred to Committee on Ways and Means.

By Mr. Wyllie: Assembly Bill No. 1563—An Act to amend Section

4247 of the Political Code of the State of California, relating to the salaries and compensation of officers of counties of the eighteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

Also: Assembly Bill No. 1564—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class.

Bill read first time, and referred to Committee on County and Township Governments.

NOTICE OF MOTION TO RECONSIDER.

Mr. Hinshaw gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 437 was this day refused passage.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 240—An Act to amend section one of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and as amended by Act approved March 20, 1905, and relating to age of school children.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 240 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Rimplinger, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Williams, and Wilson—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136—An Act to amend Section 219 of the Penal Code, relating to the punishment of persons convicted of wrecking railroad trains.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Bohnett moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beckett, Benedict, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Gerdes, Griffin of Modesto, Griffiths, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Randall, Rimplinger, Rodgers of San Francisco, Ryan, Slater, Smith, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, and Wilson—49.

NOES—Messrs Beatty, Bennink, Bishop, Bliss, Callaghan, Chandler, Crosby, Fitzgerald, Flint, Gavlord, Guill, Hamilton, Harlan, Jones, Lamb, Lynch, Preisker,

Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Sutherland, Walker, Wyllie, and Young—26.

Time, four o'clock and three minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Geides, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, and Young—75.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and eight minutes P. M., Mr. Bohnett moved that further proceedings under the call of the House be dispensed with.

Roll call regularly demanded.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, McGowen, Mullally, Nolan, Preisker, Randall, Rumliger, Ryan, Smith, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Wilson, and Young—42.

NOES—Messrs. Beatty, Griffin of Modesto, Griffiths, Jasper, Mott, Polsley, Rodgers of San Francisco, Rogers of Alameda, and Schmitt—9.

The roll of absentees was called, and bill passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Cattell, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Geides, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mullally, Nolan, Randall, Rumliger, Rodgers of San Francisco, Ryan, Sbragia, Smith, Stuckenbruck, Telfer, Walsh, and Williams—45.

NOES—Messrs. Beatty, Bennink, Bishop, Callaghan, Chandler, Clark, Crosby, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Lynch, McDonald, Mott, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Sutherland, Tibbits, Walker, Wilson, Wyllie, and Young—33.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1353—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Bill passed on file.

Assembly Bill No. 15—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Bill passed on file.

Assembly Bill No. 1193—An Act to add a new section to the Political Code of the State of California, to be designated and numbered three hundred and thirty-one, relating to the appointment to office of relatives by state officers and judges.

During the third reading of the bill Mr. Brown moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the period in line 11, Section 1, of the printed bill, insert the following:
"Any such officer or judge who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred, or more than one thousand dollars, and shall forfeit his office."

Also: Strike out the word "of" at the end of line 5, in Section 1, of the printed bill.

Also: Strike out the words "first cousin", in line 6, Section 1, of the printed bill.

Also: Insert between the word "the" and the word "degree" in line 5, Section 1, of the printed bill, the word "third".

Also: In line 11, Section 1, of the printed bill, strike out the word "of first cousin". Insert between the word "the" and the word "degree" in line 11, Section 1, the word "third".

Also: Amend the title as follows: Strike out the period after the word "judges" in line 5, of the title, and insert in lieu thereof a semicolon, and add the following: "and fixing the penalty for making such appointments."

Also: Strike out in line 4, of the title, the words "relating to" and insert in lieu thereof the word "prohibiting".

Also: Strike out the word "Political" in line 2, of the title, and insert in lieu thereof the word "Penal".

Also: Strike out the word "three" in line 3, of the title, and insert in lieu thereof the word "six".

Also: Strike out the word "thirty-one" in line 4, of the title, and insert in lieu thereof the word "eighty-one".

Also: Strike out the words "three hundred and thirty-one" in line 3, of Section 1, of the printed bill, and insert in lieu thereof the words "six hundred and eighty-one".

Motion carried

The Speaker appointed Mr. Brown as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read.

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1193, with instructions, do now report that the instructions of the Assembly have been carried out

BROWN. Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 674—An Act to amend section one thousand ninety-six of the Penal Code of the State of California.

Bill passed on file.

Assembly Bill No. 1123—An Act to add a new section to the Political Code to be known as section two thousand eight hundred ninety-six, relating to public ferries.

Bill passed on file.

Assembly Bill No. 1190—An Act to amend section number twelve of an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards and defining the term boulevard," approved March 22, 1905, and amended April 15, 1909, the amendment relating to the definition of the term "boulevard."

Bill passed on file

Assembly Bill No. 885—An Act to amend Sections 2, 3, 13 and 21, of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof", approved March 23, 1907.

Bill passed on file

Assembly Bill No. 1173—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Bill passed on file.

Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Bill passed on file

Assembly Bill No. 1377—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor

Bill passed on file.

Assembly Bill No. 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors respecting roads.

Bill passed on file.

Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1019 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maloue, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER HEWITT IN THE CHAIR.

At four o'clock and twenty minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

CONSIDERATION OF BILL OUT OF ORDER.

Mr. March asked for, and was granted, unanimous consent to take up Assembly Bill No. 1286 out of order.

THIRD READING OF BILL.

Assembly Bill No. 1286—An Act to add a new section to the Penal Code of the State of California to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

During the third reading of the bill Mr. March moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, line 7, strike out the word "and".

Also: On page 1, line 8, strike out the word "or".

Also: On page 1, line 8, strike out the comma after the word "aison", and insert in lieu thereof the following: "or robbery".

Motion carried.

The Speaker appointed Mr. March as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1286, with instructions, do now report that the instructions of the Assembly have been carried out.

MARCH, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies.

Bill passed on file.

Assembly Bill No. 468—An Act to amend Section 513 of the Code of Civil Procedure of the State of California, relating to exception to sureties and proceedings thereon, or on failure to except.

Bill passed on file.

Assembly Bill No. 990—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries.

Bill passed on file.

Assembly Bill No. 1486—An Act to amend Section 2468 of the Civil Code of the State of California, relating to fictitious partnerships.

Bill passed on file.

Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines in the Moquelumne River.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 700 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Coghlan, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Geides, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—71.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 11—An Act to amend section three hundred and thirty of the Penal Code of the State of California, relating to gambling.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 11 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Crosby, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Ryan, Smith, Stuckenbruck, Sutherland, Telfer, Walker, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1452 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Smith, Stevenot, Stuckenbruck, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1503—An Act to amend Section 3466 of the Political Code of the State of California, relating to reclamation districts and to the collection of unpaid assessments in reclamation districts.

Bill passed on file.

Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 313 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow, and to levy assessments to erect and construct and maintain such levees, dikes and other works, and to pay the necessary costs and expenses of maintaining such districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties, and to make said Act applicable to such districts

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1535 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Cozswell, Cronin, Cunningham, Denegri, Feeley, Freeman, Gaylord, Geides, Gillin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinchshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wythe, Young, and Mr. Speaker—67

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER CONTINUED.

On motion of Mr Coghlan, his notice of motion to reconsider the vote whereby the resolution relative to the seating of Lorimer in the United State Senate be reconsidered, was continued until three o'clock and thirty minutes P. M. of Tuesday, March 7, 1911.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 947—An Act to amend Section 628a of the Penal Code of the State of California, relating to striped bass

Assembly Bill No. 388—An Act to amend Section 349a of the Penal Code, relating to imprints, labels, trade-marks, etc., prohibiting the misrepresentation thereof, and providing penalties for such misrepresentation.

Assembly Bill No. 570—An Act making an appropriation for the furnishing and equipping of a cottage for the accommodation of male patients at the Mendocino State Hospital

Assembly Bill No. 781—An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller.

Assembly Bill No. 253—An Act making an appropriation for the use of the creamery department of the California Polytechnic School and making provision for the return of said appropriation to the state treasury.

Assembly Bill No. 408—An Act to add a new section to the Code of Civil Pro-

cedure of California to be known as Section 1810a, relating to conveyances by guardians

Assembly Bill No. 407—An Act to amend Section 766 of the Code of Civil Procedure of California relating to partition of real property.

Assembly Bill No. 472—An Act to amend the Political Code of the State of California by adding a new section to be numbered four thousand one hundred thirty-five b, relating to the recording of certain instruments once in the office of the county recorder, and providing for the indexing of such instruments in lieu of additional recording

Assembly Bill No. 786—An Act to amend Section 3499 of the Political Code, relating to the time in which contests of applications to purchase state school lands, orders of approval and certificates of purchase, may be made and filed

Assembly Bill No. 929—An Act to authorize and require the payment by the counties of interest on state highway bonds.

Assembly Bill No. 946—An Act to amend Section 1741 of the Political Code, relating to the powers and duties of high school boards.

Assembly Bill No. 1015—An Act to amend an Act entitled "An Act to define the boundary, provide for the care, strengthening and repairing of the levee, and for the payment of the indebtedness of levee district number one of Sutter County," approved March 20, 1874.

Assembly Bill No. 1141—An Act to amend the Political Code of the State of California, by amending Section 2154, relating to officers and employees of state hospitals.

Assembly Bill No. 1547—An Act making an appropriation for the pay of the officers and employees of the Assembly for the thirty-ninth session of the Legislature.

And were presented to the Governor, March 4th, at three o'clock P. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly Bills.

Assembly Bill No. 725—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Assembly Bill No. 384—An Act to amend Section 217 of the Penal Code of California, relating to punishment for assault with intent to commit murder, and to provide a penalty for the crime of assault with intent to commit murder.

Assembly Bill No. 1199—An Act to add a new section to the Political Code of the State of California, to be numbered 2636, providing for the naming of highways and avenues.

Assembly Bill No. 1383—An Act to provide for the sanitation of public plunge baths in the State of California

Assembly Bill No. 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

Assembly Bill No. 1537—An Act to amend Section 4009a of the Political Code of the State of California, relating to duty of auditor with respect to minor orphans or half orphans.

Assembly Bill No. 1478—An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners and the defrayal of the expense thereof.

Assembly Bill No. 1445—An Act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the State.

Assembly Bill No. 373—An Act entitled "An Act to amend section one thousand nine hundred and eighty-six of the Code of Civil Procedure of the State of California, relating to the issuance of subpoenas."

Assembly Bill No. 1443—An Act to amend Section 949 of the Code of Civil Procedure, relating to undertakings to stay proceedings.

Assembly Bill No. 1442—An Act to amend Section 948 of the Code of Civil Procedure, relating to justification of sureties on undertakings on appeal.

Assembly Bill No. 1441—An Act to amend Section 947 of the Code of Civil Procedure, relating to undertakings.

Assembly Bill No. 1440—An Act to repeal Section 941 of the Code of Civil Procedure, relating to undertakings or deposits on appeal.

Assembly Bill No. 1439—An Act to amend Section 940 of the Code of Civil Procedure, relating to appeals

Assembly Bill No. 864—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the

acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes." by amending sections one, two, fifteen, fifteen and one half, seventeen, thirty, and fifty-five thereof.

Assembly Bill No. 1051—An Act to amend Section 4282 of the Political Code providing for the compensation of officers in counties of the fifty-third class.

Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to prevent the taking of fish by means of weirs, dams, nets, traps or seines in certain tide water on the coast of Mendocino County," approved March 25, 1906.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly Bills:

Assembly Bill No. 1320—An Act to amend Section 976 of the Code of Civil Procedure of the State of California relating to Superior Courts.

Assembly Bill No. 915—An Act to repeal Section 375a of the Penal Code relating to crimes against public health and safety.

Assembly Bill No. 866—An Act to establish a state agricultural college and forestry school at San Diego, California.

Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping two buildings at the Agnews State Hospital.

Assembly Bill No. 168—An Act to add a new section to the Penal Code of the State of California to be known as Section 532a, relating to false statements regarding financial condition or liabilities of any person seeking credit for the purpose of obtaining the same, and providing the penalty therefor.

Assembly Bill No. 1046—An Act to add a new section to the Penal Code of the State of California, relating to the regulation of loading and unloading of vessels, to be known as and numbered 368a of said Code.

Assembly Bill No. 1327—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the rejection of claims against estates of deceased persons, notice thereof, and actions and proceedings on rejected claims.

Assembly Bill No. 1098—An Act defining and relating to wage-brokers; regulating assignments of wages and salaries as securities for loans; and fixing a maximum rate of interest for loans upon wages and salaries, and providing penalties for the violation thereof.

Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Assembly Bill No. 722—An Act to provide for a high-pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Assembly Bill No. 386—An Act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 1290—An Act to add a new section to the Penal Code, to be known as Section 309a, relating to and prohibiting minors under sixteen years of age from being allowed to play on any billiard or pool table kept for hire or profit, and further relating to prohibiting such minors from visiting a place where a billiard or pool table is kept for such purposes, and prescribing the penalty therefor.

Assembly Bill No. 1086—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts.

Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Assembly Bill No. 869—An Act to repeal section two hundred eighty *b* of the Code of Civil Procedure of California.

Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public.

Assembly Bill No. 310—An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No. 1084, sixty-first Congress, third session, calling for an expenditure of \$500,000 and making an appropriation for such work.

Assembly Bill No. 1495—An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons.

Assembly Bill No. 1386—An Act to amend section thirteen hundred and seventy-five of the Code of Civil Procedure, relating to the publication of notice to creditors.

Assembly Bill No. 1527—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

Assembly Bill No. 886—An Act to repeal section nineteen hundred and nineteen of the Civil Code of the State of California, relating to the compounding of interest.

Assembly Bill No. 1121—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, and to add a new section to said Code of Civil Procedure, to be known as and numbered Section 337a, both relating to the time of the commencement of actions other than for the recovery of real property.

Assembly Bill No. 263—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-three of the said Penal Code, relating to compelling a defendant to be witness against himself in criminal actions and proceedings.

Assembly Bill No. 626—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, who shall have arrived at the age of sixty years.

Assembly Bill No. 846—An Act to amend section one of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March 23, 1907.

Assembly Bill No. 710—An Act to amend Section 61 of an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined Assembly Concurrent Resolution No. 23—Approving the charter of the city of Vallejo, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 21st day of February, 1911—and report that the same has been correctly engrossed.

RANDALL, Chairman.

ADJOURNMENT.

At four o'clock and forty-five minutes P. M., on motion of Mr. Lamb, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, March 7, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,)
Tuesday, March 7, 1911.)

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polesley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—80.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Lyon of Los Angeles, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. McGowen, Mr. Ladewig was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Clark, Mr. W. F. Snyder was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Rutherford, Messrs. Cohen and O'Brien were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Williams, Mr. Frank Sims was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Denegri, Mr. Rocca was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Mullally, Mr. E. A. Clancy was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Kehoe, Mr. O. K. Cushing was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Joel, Mr. Mason was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Bliss, Messrs. R. Platnam and Norman Doan were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Schmitt, Messrs. Dutton, Gordon, Henry and Jacobs were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Guill, Mr. Trainor was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Sbragia, Mr. J. Shean was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Tibbits, Mr. Sontag A. Scott was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Walsh, Mr. Lerman was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Beatty, Mr. O. K. Cushing was granted the privilege of the floor of the Assembly for this day.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Monday, February 27, Tuesday, February 28, Wednesday, March 1, Thursday, March 2, Friday, March 3, and Saturday, March 4, were approved as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1579—An Act to amend Section 4267 of the Political Code of the State of California relating to salaries, fees and compensation of officers of counties of the thirty-eighth class

Also: Assembly Bill No. 1580—An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class

Also Assembly Bill No. 1550—An Act to amend Section No. 4249 of the Political Code of the State of California, relating to county officers and their salaries and deputies, to township officers and their compensation and to the compensation of jurors and grand jurors in counties of the twentieth class.

Also Assembly Bill No. 802—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4043a, relating to indexes of county records

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Senate Bill No. 1127—An Act to add a new section to the Political Code to be numbered section four thousand one hundred fifty-six *b* relating to the duties of district attorneys in counties of the first class.

Also Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure to be known and designated as Section 604, relating to the payment of juror's and reporter's fees in actions other than criminal

Also Senate Bill No. 235—An Act authorizing the investment and reinvestment, and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Also Senate Bill No. 117—An Act to add a new section to Article III, Chapter V, Title II, Part IV, of the Political Code to be numbered section four thousand one hundred and one *a* relating to the payment of money into the county treasury.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No 760—An Act to amend Sections 4093, 4097, 4101, and 4102 of the Political Code, in relation to the duties of county auditors, county treasurers, district attorneys and chairmen of boards of supervisors—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading

ON LIVE STOCK, DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Senate Bill No 522—An Act to provide for the purchase of live stock for, and for the use of, the University farm and agricultural school at Davis, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Ways and Means.

HAMILTON, Chairman

The above reported bill re-referred to Committee on Ways and Means

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No 39—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article, a new section, to be numbered twenty-two *a* (22*a*), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it be adopted as amended.

SUTHERLAND, Chairman.

The above reported Assembly constitutional amendment ordered on file for adoption.

ON CLAIMS

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911

MR. SPEAKER Your Committee on Claims, to whom was referred Senate Bill No 254—An Act making an appropriation to pay the claim of Geo W Bush against the State of California.

Also: Assembly Bill No. 742—An Act authorizing the payment of the claim of the National Bank of D. O Mills & Co., a corporation, against the State of California, and making an appropriation therefor

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Ways and Means

WALKER, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911

MR. SPEAKER Your Committee on Claims, to whom was referred Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and 36/100 dollars to pay the claim of F P. Sawyer against the State of California.

Also: Senate Bill No. 347—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also: Senate Bill No. 704—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to Committee on Ways and Means.

WALKER, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

Also.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 837—An Act appropriating money to pay the claim of R. A. Sarle against the State of California.

Also: Assembly Bill No. 1313—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WALKER, Chairman

The above reported bills ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 964—An Act to add a new section to the Political Code of the State of California to be numbered 1625, relating to health and development supervision in the public schools and in state educational institutions of the State of California, providing an appropriation for the same, providing penalties for the violation thereof and to repeal an Act now in force entitled "An Act to provide health and development supervision in the public schools of the State of California," approved April 15, 1909—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same

MALONE, Chairman.

WITHDRAWAL OF BILL

Mr. Cattell asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 964.

Bill withdrawn.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 631—An Act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MALONE, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1176—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Ways and Means.

MALONE, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 625—An Act to amend section two thousand nine hundred eighty-two of the Political Code, relating to the secretary and assistant to the secretary of the State Board of Health.

Also: Senate Bill No. 292—An Act defining the powers and duties of physicians, local health officers and boards of health in the matter of protection of the people of the State of California from the disease known as tuberculosis.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to the Committee on Ways and Means.

MALONE, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Senate Bill No. 274—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

Also: Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

JOEL, Chairman.

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public ferries—have had the same under consideration, and respectfully report the same back and recommend that it do pass and be re-referred to the Committee on Common Carriers.

CHANDLER, Chairman.

The above reported bill re-referred to Committee on Common Carriers.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III, of the Political Code, to be designated Article XX, providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the Capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations; and repealing all Acts or parts of Acts in conflict herewith, which was re-referred to us from the Committee on Public Buildings and Grounds—have had the same under consideration, and respectfully report the same back, and a majority recommend that it do pass; and a minority that it do not pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1400—An Act making an appropriation to pay the claim of J. Harry Russell.

Also: Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at said prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto—which have been re-referred to us from other committees.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor, approved March 11, 1907.

Also: Assembly Bill No. 281—An Act to appropriate the sum of one thousand dollars to pay the claim of Sergeant-Major Eugene De Sparr.

Also: Assembly Bill No. 737—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Also: Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and eradication of thrip and similar diseases infesting the horticultural industry of Santa Clara and adjoining counties.

Also: Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

Also: Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lubben against the State of California.

Also: Assembly Bill No. 1288—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Which have been re-referred to us from other committees, have had the same under consideration, and respectfully report the same back, and recommend that they do pass
COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor

Also: Assembly Bill No. 1505—An Act to provide for the erection of a memorial monument to Abraham Lincoln, appointing a commission therefor and providing an appropriation to carry the Act into effect.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 15—An Act appropriating money for the erection of buildings on, and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Also: Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room at the Preston School of Industry.

Also: Senate Bill No. 521—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Also: Senate Bill No. 523—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor

Also: Senate Bill No. 524—An Act to provide for the purchase of supplies, apparatus, equipment and furnishing of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Also: Senate Bill No. 525—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Also: Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office and fixing their salaries

Also: Senate Bill No. 1031—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service

Also: Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 1088—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Also: Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California.

Also Senate Bill No. 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Also Senate Bill No. 1115—An Act appropriating money to pay the claim of Leo Priesker against the State of California.

Also Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California.

Also Senate Bill No. 1117—An Act appropriating money to pay the claim of Clio Lloyd against the State of California.

Also Senate Bill No. 1118—An Act appropriating money to pay the claim of H. P. Travers against the State of California.

Also Senate Bill No. 1119—An Act appropriating money to pay the claim of Louis V. Hoin against the State of California.

Also Senate Bill No. 1120—An Act appropriating money to pay the claim of Frank Mattison against the State of California.

Also Senate Bill No. 1121—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Also Senate Bill No. 1248—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 1014—An Act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same, and the owner or agent of any building used for such purpose—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

CRONIN, Chairman

The above reported bill ordered on file for second reading.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CROSBY, Chairman

The above reported bill ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

WHEREAS, Leave of absence was granted by this Assembly to the following members of the Committee on State Prisons and Reformatory Institutions to visit the state's prisons at San Quentin and Folsom, California, and investigate the conditions at the respective prisons; and

WHEREAS, The said committee have submitted the following as a statement of their actual expenses:

Fred C. Gerdes, railroad tickets, meals, automobile hire, etc	\$36 80
Geo. H. Haulan, railroad fare, meals, etc	10 00
J. E. Price, railroad fare, meals, etc	10 00
E. J. Lynch, railroad fare, meals, etc	10 00
Clyde Bishop, railroad fare, meals, etc	7 50
F. G. Stevenot, railroad fare, meals, etc	7 50
H. G. Cattell, railroad fare, meals, etc	10 00
R. L. Telfer, railroad fare, meals, etc	10 00
Total	\$101 80

Now, therefore, the undersigned chairman recommends that said members be allowed their actual expenses, as per Assembly Rule No. 80, and respectfully ask

that the aforesaid accounts be referred to the Committee on Contingent Expenses and Accounts.

GERDES, Chairman.

Have had the same under consideration, and beg to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of one hundred and one and eighty-hundredths (\$101.80) dollars in favor of Mr. Fred C. Gerdes, chairman, the same being for payment of the bills attached covering the expenses of the Committee on State Prisons and Reformatory Institutions during their visit to San Quentin and Folsom.

STEVENOT, Chairman

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennick, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

Also:

MR. SPEAKER. Your Committee on Contingent Expenses and Accounts, to whom was referred to the following resolution:

WHEREAS, Leave of absence was granted by this Assembly to the following members of the Committee on Fish and Game: J. R. Cronin, Henry H. Lyon and Geo. E. Malone to visit the State Game Preserve No. 3, located in Orange County; and

WHEREAS, The said members of said committee have submitted the following as a statement of their actual expenses:

J. R. Cronin—

Railroad fare and Pullman accommodations.....	\$34 40
Incidental expenses, including meals, lodging, etc.....	33 00

Total	\$67 40
-------------	---------

Henry H. Lyon—

Railroad fare and Pullman accommodations.....	\$34 40
Incidental expenses, including meals, lodging, etc.....	33 00

Total	\$67 40
-------------	---------

Geo. E. Malone—

Railroad fare and Pullman accommodations.....	\$34 40
Incidental expenses, including meals, lodging, etc.....	33 00

Total	\$67 40
-------------	---------

Grand total	\$202 20
-------------------	----------

Now, therefore, the undersigned chairman recommends that said members be allowed their actual expenses as per Assembly Rule No. 80, and respectfully asks that the aforesaid accounts be referred to the Committee on Contingent Expenses and Accounts.

GRIFFITHS, Chairman.

Have had the same under consideration, and begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of two hundred and two and twenty hundredths dollars (\$202.20) in favor of W. B. Griffiths, chairman of Committee on Fish and Game, the same being for payment of the bills attached, covering the expenses of the Committee on Fish and Game during their visit to State Game Preserve No. 3, located in Orange County.

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lynch, Malone, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—None.

Also:

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

WHEREAS, There was appointed by the Speaker of the Assembly, pursuant to resolution adopted, the following named members of the Assembly, to wit: F. J. Walker, chairman, J. W. Stuckenbruck, G. H. Harlan, Fred H. Hall and John C. March, as a special committee for the purpose of investigating the acts and conduct of the Fish and Game Commission of the State of California and its deputies and employees, and

WHEREAS, Said resolution provided that said committee be authorized to employ such attachés as necessary to carry on such investigations, and

WHEREAS, The said investigation was partly completed in the city of San Francisco; and

WHEREAS, The said committee has submitted the following as a statement of its actual expenses

To railroad fare, Sacramento to San Francisco and return, for members of committee and attachés-----	\$45 00
Hotel accommodations, meals, etc., for members of committee and attachés-----	394 25
Compensations of stenographers, clerk, sergeant-at-arms and interpreter, etc.-----	247 00
Office room for stenographers, etc.-----	23 00
Telephone, telegraph, stationery, etc.-----	31 65
Total -----	\$740 90

Now, therefore, the undersigned chairman recommends that the said committee be allowed its actual expenses as above set forth and the same be paid to F. J. Walker, chairman for said committee.

WALKER, Chairman.

Have had the same under consideration, and begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of seven hundred forty and ninety hundredths (\$740.90) dollars in favor of Frank J. Walker, chairman, the same being for payment of the bills attached, covering the expenses of the select committee on investigation of the Fish and Game Commission during their visit to San Francisco.

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges.

Also: Assembly Bill No. 639—An Act to amend section fifteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts, the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, said amendment referring to the levy of taxes.

Also: Assembly Bill No. 746—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the burial of ex-Union soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors and marines who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said Act to widows of all such honorably discharged soldiers, sailors and marines who served in the army or navy of the United States.

Also: Assembly Bill No. 103—An Act to amend the Code of Civil Procedure by adding a new section thereto to be known as Section 1928, relating to deeds purporting to have been executed in pursuance of legal process of the courts of this State, making such deeds, their record and certified copies of such record prima facie evidence of title.

Also: Assembly Bill No. 726—An Act to amend sections two hundred and sixty-nine *a* and two hundred and sixty-nine *b* of the Penal Code, relating to cohabitation and adultery.

Also: Assembly Bill No. 124—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Also: Assembly Bill No. 224—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

Also: Assembly Bill No. 849—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Also: Assembly Bill No. 1065—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California.

Also: Assembly Bill No. 607—An Act to amend Section 1198 of the Political Code of the State of California, relating to the printing and binding of ballots.

Also: Assembly Bill No. 871—An Act to amend section sixty-nine of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved March 26, 1895.

Also: Assembly Bill No. 208—An Act to authorize the personal representative of James Touhey, deceased, to bring suit against the State of California.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATLSON, Assistant Secretary.

The above bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Committee Substitute for Assembly Bill No. 553—An Act to divide the State of California into six fish and game districts.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATLSON, Assistant Secretary.

The above bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 788—An Act adding a new section to the Code of Civil Procedure to be numbered Section 10574, relating to justification by corporate surety on bonds or undertakings.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATLSON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Committee Substitute for Senate Bill No. 407—An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No. 1081, Sixty-first Congress, third session, calling for an expenditure of \$800,000 and making an appropriation for such work.

Also Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals and the fishing for salmon or trout with rod and line and to provide revenue therefrom for game and fish preservation and restoration, and to repeal an Act entitled "An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act.

Also Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Also Senate Bill No. 1140—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals.

Also Senate Bill No. 980—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

Also Senate Bill No. 981—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of boards of school trustees and city boards of education.

Also Senate Bill No. 952—An Act to amend Section 1618 of the Political Code of the State of California, fixing the term of office of school trustees.

Also Senate Bill No. 431—An Act to amend Section 4238 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the ninth class, and to the number, appointment and salaries of their assistants and deputies.

Also Senate Bill No. 720—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 649—An Act making an appropriation for furnishing and equipping two buildings at the Agnew State Hospital.

Also, Senate Bill No. 181—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor.

Also Senate Bill No. 28—An Act to provide for the enlargement and alteration of the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Also, Senate Bill No. 37—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also Committee Substitute for Senate Bill No. 1177—An Act to amend sections eleven and twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby; the calling and conducting of elections in such districts, the assessment, levy, collection, custody and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," as amended March 9, 1909.

Also Senate Bill No. 887—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Also Senate Bill No. 903—An Act to amend section six hundred and eleven of the Political Code relative to the publication of statements of insurance companies.

Also Senate Bill No. 905—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Also Senate Bill No. 906—An Act to validate the organization and incorporation of municipal corporations.

Also Senate Bill No. 1237—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Committee Substitute for Senate Bill No. 407 read first time, and referred to Committee on Engrossed and Enrolled Bills.

Senate Bill No. 703 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 266 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 1146 read first time, and referred to Committee on Judiciary

Senate Bill No. 980 read first time, and referred to Committee on Education

Senate Bill No. 981 read first time, and referred to Committee on Education.

Senate Bill No. 982 read first time, and referred to Committee on Education.

Senate Bill No. 439 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 720 read first time, and referred to Committee on Medical and Dental Laws.

Senate Bill No. 649 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 181 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 28 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 37 read first time, and referred to Committee on Ways and Means.

Committee Substitute for Senate Bill No. 1177 read first time, and referred to Committee on Judiciary.

Senate Bill No. 887 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 903 read first time, and referred to Committee on Insurance and Insurance Laws.

Senate Bill No. 905 read first time, and referred to Committee on Judiciary.

Senate Bill No. 906 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1237 read first time, and referred to Committee on Municipal Corporations.

Also:

SENATE CHAMBER, SACRAMENTO, March 6, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed as amended Assembly Bill No. 920—An Act to allow union high school districts to establish, equip and maintain public libraries; to provide for the formation, government and operation of such library districts, the acquisition of property thereby; the calling and holding of elections in such districts, the assessment, collection, custody and disbursement of taxes therein

Also: Assembly Bill No. 902—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California

Also: Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California, to be numbered 590b, relating to riding and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California

Also: Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 91—An Act to provide for the construction of an oil

tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making and appropriation therefor

Also Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home at Eldridge, California.

And we respectfully request your honorable body to concur in the Senate amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 920?"

On page 1, Section 2, lines 3 and 4, strike out the words "town or village", and insert in lieu thereof the following: "union high school district".

Also: On page 2, Section 7, line 1, strike out the words "a majority", and insert in lieu thereof the following: "two-thirds".

Also: On page 3, Section 8, line 1, strike out the words "a majority", and insert in lieu thereof the following: "one-third".

The roll was called, and Senate amendments to Assembly Bill No. 920 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Feeley, Flint, Freeman, Griffin of Modesto, Griffiths, Guhl, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, March, McGowen, Mendenhall, Mullally, Nolan, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None

Bill ordered to enrollment

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 992?"

On page 1, Section 1, line 4, strike out the word "of" after the word "county", and insert in lieu thereof the word "or".

The roll was called, and Senate amendment to Assembly Bill No. 992 was concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Hall, Harlan, Held, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Young, and Mr. Speaker—55.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 971?"

On page 1, Section 3, strike out all of Section 3

The roll was called, and Senate amendment to Assembly Bill No. 971 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Malone, March, McGowen, Mendenhall, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 91?"

Strike out all of Section 2, and insert in lieu thereof the following: "The State Controller is hereby authorized and directed to draw his warrant in favor of the person or persons authorized by law to receive the same, and the State Treasurer is hereby authorized and directed to pay the same".

The roll was called, and Senate amendment to Assembly Bill No. 91 was concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walker, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 89?"

Strike out all of Section 2, and insert in lieu thereof the following:

"SEC 2. The State Controller is hereby authorized and directed to draw his warrant in favor of the person or persons authorized by law to receive the same, and the State Treasurer is hereby authorized and directed to pay the same"

The roll was called, and Senate amendment to Assembly Bill No. 89 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Clark, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Wilson, Young, and Mr. Speaker—62.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 227?"

On page 1, Section 1, line 4, strike out all of line 4, and strike out the word "home" in line 5.

Also: On page 1, Section 1, line 6, strike out the words "said home", and insert in lieu thereof the following: "Sonoma State Home".

The roll was called, and Senate amendments to Assembly Bill No. 227 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—59.

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 83?"

Strike out all of Section 2, and insert in lieu thereof the following.

"SEC 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the person or persons authorized

by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is directed to pay the same."

The roll was called, and Senate amendment to Assembly Bill No. 83 was concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mullally, Nolan, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Wylie, Young, and Mr Speaker—59.

NOES—None.

Bill ordered to enrollment.

SPEAKER PRO TEM. IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

SPECIAL ORDERS.

The hour of eleven o'clock and thirty minutes A. M. having arrived, the special orders heretofore set for this hour were taken up for consideration.

Assembly Bill No 113—An Act to amend Section 1874 of the Political Code of the State of California, providing for a free distribution of text-books in common schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 113 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Held, Hinkle, Hushaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, and Young—67.

NOES—Mr. Chandler—1

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At eleven o'clock and thirty-five minutes A. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors, or public officials.

During the consideration of the Senate constitutional amendment, the following amendment was submitted by Mr. Jones:

Insert in line 10, on page 1, of the printed amendment, before the word "may", the following a comma and the words "except the justices of the Supreme Court, the justices of the District Courts of Appeal, and the judges of the Superior Courts".

TIME OF DEBATE EXTENDED.

Mr. Griffin moved that time allowed each member for debate be extended to ten minutes.

Mr. Brown moved as an amendment that the time be extended to fifteen minutes.

Amendment lost.

Original motion put and carried.

During debate, on motion of Mr. Guill, Mr. Brown was granted an additional five minutes of time in which to complete his debate.

During the debate, on motion of Mr. Rogers of Alameda, Mr. March was granted an extension of time of five minutes in which to complete his debate

RECESS.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Cronin, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

The question being on pending amendment to Assembly Constitutional Amendment No. 23.

During the debate, on motion of Mr. Schmitt, Mr. Coghlan was granted an additional five minutes in which to complete his debate.

Roll call regularly demanded.

The roll was called, and the amendment submitted by Mr. Jones lost by the following vote:

AYES—Messrs. Bennink, Bishop, Bliss, Brown, Coghlan, Cronin, Crosby, Freeman, Griffiths, Hall, Harlan, Jones, Lynch, Maher, McGowen, Rosendale, Schmitt, Stevenot, Sutherland, and Walker—20

NOES—Messrs. Beatty, Beckett, Benedict, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Smith, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

The following amendments were submitted by Mr. Brown:

Strike out the word "or", in line 14, Section 1, and insert in lieu thereof the word "of".

Amendment lost.

Also: Strike out all of lines 183, 184, 185, 186, 187, 188 and 189, on page 6, and insert in lieu thereof the following. "The incumbent whose removal is sought shall be repaid from the state treasury any amount legally expended by him as expenses at such election, and the Legislature shall make appropriation for such purpose. After one such petition and recall election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless such further petitioners shall first pay into the public treasury which has paid such election expenses, the whole amount of the expenses for the preceding recall election."

Roll call regularly demanded.

The roll was called, and the second amendment lost by the following vote:

AYES—Messrs. Bishop, Brown, Coghlan, Cronin, Crosby, Freeman, Hall, Harlan, Jones, Lynch, Maher, Rosendale, Schmitt, and Walker—14.

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cal-

laghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—65.

The following amendments were submitted by Mr Bishop :

In line 9, Section 1, page 1, of the printed resolution, strike out the words "elective public officers", and insert in lieu thereof "every justice of the Supreme Court and of the District Courts of Appeal and every superior judge."

Also : Strike out all of line 190, 191, 192, 193, down to and including the word "and" in 194, on page 6, of the printed resolution.

Also : Strike out the small "t" in the word "the" in line 194, page 6, of the printed resolution, and insert in lieu thereof a capital "T"

The question being on the adoption of the amendments.

Roll call regularly demanded.

The roll was called and the amendments lost by the following vote :

AYES—Messrs. Bennink, Bishop, Bliss, Brown, Cattell, Coghlan, Cronin, Crosby, Freeman, Griffiths, Hall, Harlan, Judson, Lynch, Maher, Rosendale, Schmitt, and Walker—18.

NOES—Messrs. Beatty, Beckett, Benedict, Bohnett, Butler, Callaghan, Chandler, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr Speaker—59.

The question being on the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 23 adopted by the following vote :

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—70.

NOES—Messrs. Bishop, Brown, Coghlan, Cronin, Crosby, Hall, Harlan, Jones, Schmitt, and Walker—10.

Senate constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT No. 23.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors, of public officials.

The Legislature of the State of California, at its regular session commencing on the second day of January, 1911, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes that a new article be added to the Constitution of the State of California to be numbered Article XXIII thereof, to read as follows.

ARTICLE XXIII.

SECTION 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method or removal provided by law.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows : A petition signed by electors entitled to vote for a

successor of the incumbent sought to be removed, equal in number to at least twelve per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies (provided that if the officer sought to be removed is a state officer who is elected in any political subdivision of the State, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies, demanding an election of a successor to the officer named in said petition, shall be addressed to the Secretary of State and filed with the clerk, or registrar of voters, of the county or city and county in which the petition was circulated; *provided*, that if the officer sought to be removed was elected in the state at large such petition shall be circulated in not less than five counties of the State, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the Secretary of State, he shall forthwith submit the said petition, together with a certificate of its sufficiency, to the Governor, who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the Secretary of State.

The Governor shall make or cause to be made publications of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or registrar of voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the Secretary of State not less than twenty-five days before such recall election.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No", said incumbent shall continue in said office. If a majority shall vote "Yes", said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected, for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signer shall add to his signature his place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be competent to solicit such signatures within the county, or city and county, of which

he is an elector. Each section of the petition shall bear the name of the county, or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such petition so verified shall be *prima facie* evidence that the signatures thereto appended are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk, or registrar of voters, of the county or city and county in which it was circulated, but all such sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the date of filing of such petition, the clerk, or registrar of voters, shall finally determine from the records of registration what number of qualified electors have signed the same; and, if necessary, the board of supervisors shall allow such clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to such petition his certificate properly dated, showing the result of such examination, and submit said petition, except as to the signatures appended thereto, to the Secretary of State and file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar of voters to the Secretary of State, a supplemental petition, identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof as of the original petition, and upon the conclusion of such examination shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and shall forthwith transmit such supplemental petition, except as to the signatures thereon, together with his said certificate, to the Secretary of State.

When the Secretary of State shall have received from one or more county clerks, or registrars of voters, a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the State a certificate showing such fact, and such clerk or registrar of voters shall thereupon file said certificate for record in his office.

A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing the said petition to be signed by the requisite number of electors of the State.

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the State Legislature at any time after five days from the convening and organizing of the Legislature after his election.

If at any recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the state treasury any amount legally expended by him as expenses of such election, and the Legislature shall provide appropriation for such purpose, and no proceedings for another recall election of said incumbent shall be initiated within six months after such election.

If the Governor is sought to be removed under the provisions of this article, the duties herein imposed upon him shall be performed by the Lieutenant Governor; and if the Secretary of State is sought to be removed, the duties herein imposed upon him shall be performed by the State Comptroller, and the duties herein imposed upon the clerk or registrar of voters, shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The recall shall also be exercised by the electors of each county, city and county, city and town of the State, with reference to the elective officers thereof, under such procedure as shall be provided by law.

Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising such recall powers in such counties, cities and counties, cities and towns, but shall not require any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the Constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the State, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved.

EXPLANATIONS OF VOTE.

The following statements were sent to the desk and ordered printed in the Journal:

MR. SPEAKER: In explanation of my vote on Senate Constitutional Amendment No. 23, I wish to state that I voted against this amendment for the reason that the proponents of this measure would not separate the judicial from the other officers contemplated in the recall amendment.

I am unalterably opposed to the recall of the judiciary, which I consider revolutionary in character and a direct attack on the very foundation of our government.

J. R. CRONIN,
Twentieth District.

Also:

MR. SPEAKER I have voted for Constitutional Amendment No. 23, as finally passed, providing for the recall of all officers elected by the people, including the judiciary of the State, because I think the people are entitled to an opportunity to adopt this principle, if they so desire. I voted to eliminate the judiciary from Constitutional Amendment No. 23, as finally passed, because I am opposed at this time to including in the recall provisions of the proposed constitutional amendment the judges of the courts of the State.

F. G. STEVENOT.

Also:

MR. SPEAKER I cast my vote against the submission of Senate Constitutional Amendment No. 23, providing for the recall, not because I am opposed to the recall as a general proposition, but solely for the reason that the amendment included the judiciary. I am in favor of the recall for all officers except judges. But I am opposed to the recall of the judiciary, for the reason that the Republican platform, and my own opinion, is in favor of a removal of the judiciary from politics. The Republican party in the last convention adopted a platform declaring itself in favor of the initiative, referendum and the recall. No one ever considered that the recall was expected to extend to the judges, until the author of the constitutional amendment construed the recall plank to mean the judges. The same party, in the same convention, by the same platform declared itself against his contention, by adopting a further plank in the platform providing for a non-partisan judiciary column upon the official ballot, in which all judicial candidates should be placed without any partisan designation, for the single reason that the judiciary should be forever removed from politics. I believe that the non-partisan judiciary column on the official ballot for judges will remove the judiciary from politics, a condition with which I am in hearty accord. On the other hand I believe that to make the judiciary subject to the recall will plunge it deeper into politics than it ever was before and tend to make it subservient to partisan, political, and almost every other question, which, for the time, might agitate the public mind.

Therefore, believing that such a condition would be at least injurious, if not dangerous, to the public welfare, I voted against the submission of the amendment.

CLYDE BISHOP.

Also:

MR. SPEAKER I voted for the proposed amendment to Senate Constitutional Amendment No. 23 because I feel that there is an honest difference of opinion among the electors of the State as to whether judicial officers should be subject to the recall. In view of that difference in opinion I have always believed that there should be two constitutional amendments submitted to the people, one applying to judicial officers, and one applying to executive and legislative officers. I felt that this could be accomplished by eliminating from the Senate amendment all reference to the judiciary, and then submitting to the House Assembly Constitutional Amendment No. 22, amended so as to embrace only the judiciary.

My vote, therefore, should not be taken as an indication of opposition to the recall as applied to judicial officers, for I am not opposed to such recall, but I have always felt, and I still feel, that the people are entitled to the opportunity to vote upon these propositions separately. Since, however, the majority of the members of the Assembly believed separation inadvisable I deemed it my duty to vote for the amendment as it came from the Senate.

W. A. SUTHERLAND.

Also:

MR. SPEAKER: In explanation of my vote on Senate Constitutional Amendment No. 23, relative to the recall, I desire to state that I favor the recall of legislative

and executive officers, and am unequivocally opposed to the recall of judicial officers. That by reason of this conscientious opinion, I desire to enter my solemn protest against being compelled to vote upon the subject of the recall as a whole, and being denied the right to vote for the recall of legislative and executive officers. My reason for opposing the recall of the judiciary are, briefly, that judges are arbitrators and not agents, and the recall of such officers places them in the position of being subject to the influence of one of the parties to the action in every case where the people of the State are a party to or interested in the action: that, in my opinion, the recall will hopelessly immerse the judiciary in politics instead of removing them therefrom, and I deem this to be reactionary, un-republican, and a menace to the liberty of the people of the State; that I believe the recall of the judiciary will result in the placing on the bench of no one but moral cowards, and the degradation of justice to the base use of serving political ends.

I consider the recall of the judiciary as un-American and the most dangerous blow ever aimed at the integrity of the institutions of our republic or the very liberty of its people, and while I believe its advocates are actuated by the highest motives for the public welfare, I reserve my American right to follow my own judgment and my own opinion.

GEORGE H. HARLAN,
Twenty-first District.

Also:

MR. SPEAKER: I desire to have printed in the Journal an explanation of my vote on Constitutional Amendment No. 23.

I have voted for the amendments to that measure, in the hope that I could have an opportunity of casting my vote for the recall of all elective officers except the judiciary, as one proposition, and for the judiciary as another separate and distinct proposition.

I believe in the right to recall elective officers except the judiciary, and would have been pleased to cast my vote in favor of such a measure, if I had an opportunity so to do. I am unalterably opposed to the recall applying to the judiciary, for the reason that I believe that the judiciary must be kept above the influence of public sentiment, fancies, and whims. If the judiciary is subject to recall, it will, in my opinion, mean that the caliber of the men upon the bench will deteriorate, and I fear very much that the Constitution, the statutes, the decisions and the laws will not be the bright star which shall guide the bench in rendering decisions, but, on the contrary, the controlling influence will be that portion of the community which will be able to make the most noise.

In view of my opinions above stated, and of the refusal of the Assembly to divide the question, I feel it my duty to vote against the said Senate constitutional amendment.

MILTON L. SCHMITT,
Fortieth District, San Francisco.

Also:

MR. SPEAKER: I vote for this constitutional amendment with regret that this House has seen fit to ignore the request of a large minority that the recall of the judiciary be submitted separately. I consider the present tendency toward lack of confidence in our judiciary a tacit confession of the failure of elective judiciary and consider the application of the recall to that body an advance in the wrong direction. I consider the principles governing the application of the recall to legislative and executive officers based upon absolutely different principles from those surrounding the judiciary. Recognizing the principle that the source of subsistence controls to a greater or less degree the will of every man, I vote for this measure in the sincere hope it will do what its proponents claim for it.

CHAS. B. ROSENDALE.

Also:

MR. SPEAKER: I believe that the proposition to recall judges should be submitted to the people in a separate constitutional amendment, and not jointly with that of the recall of all other state officers. Had the two propositions been submitted by separate constitutional amendments I would have voted to submit them both to the people. I do not consider it fair to that large class of citizens who are conscientiously opposed to the recall of the judiciary, to submit the two propositions in one amendment. With others in the Assembly, of my way of thinking, I have endeavored to have the question of the recall of the judiciary submitted in a separate amendment. The Assembly having refused to do so, I find it necessary to cast my vote against Senate Constitutional Amendment No. 23.

HENRY WARD BROWN.

Also:

MR. SPEAKER: I hereby request that the following explanation for my vote on Senate Constitutional Amendment No. 23, be printed in the Journal of this day:

That while I am in favor of a general recall amendment, I am unalterably

opposed to any recall amendment that applies to the judiciary, and for that reason voted against Senate Constitutional Amendment No. 23 to-day.

I am opposed to the recall of the judiciary for the reason that I do not believe in election of the judiciary, and therefore do not believe in the recall of such officers. I believe in the appointment of the judiciary, and do not believe in anything that makes judges go before the public for election, nor if elected, subjects them to another campaign to maintain their position.

SUMNER CROSBY.
Forty-seventh District

SENATE MESSAGES—(RESUMED).

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 6, 1911

MR SPEAKER I am directed to inform your honorable body that the Senate on February 28, 1911, amended, and on March 2, 1911, passed as amended, Assembly Bill No. 293—An Act to amend an Act entitled "An Act to amend an Act entitled An Act to provide for the classification of municipal corporations," approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901," approved February 8, 1911, relating to the classification of municipal corporations—and respectfully request your honorable body to concur in the amendment

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 293?"

Strike out of the title the quotation marks and insert in lieu thereof single quotation marks.

The roll was called, and Senate amendment to Assembly Bill No. 293 was concurred in by the following vote.

AYES—Messrs. Beatty, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Grimm of Modesto, Griffiths, Guill, Hayes, Held, Hinshaw, Jasper, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Polesley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Schmitt, Slater, Smith, Stevenot, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—53.

NOES—None.

Bill ordered to enrollment.

RE-REFERENCE OF BILLS.

On motion of Mr. Beatty, Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article 1 thereof, relating to the right of trial by jury by providing that three fourths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court—was recalled from the Committee on Revision of Criminal Procedure, and referred to Committee on Constitutional Amendments.

RULES SUSPENDED.

Mr. Stevenot moved that the rules of order be suspended for the purpose of receiving reports of standing committees.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held,

Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rimplinger, Rogers of Alameda, Slater, Smith, Stevenot, Telfer, Walsh, Wilson, Young, and Mr. Speaker—56.
 NOES—None.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES AND ACCOUNTS.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution

WHEREAS, on the 17th day of February, 1911, the Assembly did adopt a resolution of which the following is a copy

WHEREAS, The twenty-first biennial report of the Board of Fish and Game Commissioners of the State of California, for the years of 1909-1910, shows that large sums of money have been received and expended by said commission, and

WHEREAS, Many citizens of this State are complaining that the money received by said commission has been extravagantly spent, and that the commission is conducted in an ineffective manner, and

WHEREAS, It has been represented to the Committee on Fish and Game of this Assembly, by reliable persons, that employees of said Fish and Game Commission have been guilty of extorting money from certain persons in this State under color of official right,

Resolved by the Assembly. That the Speaker of the Assembly is hereby authorized and directed to appoint a special committee of five members, whose duty it shall be to investigate the books and accounts of the said Board of Fish and Game Commissioners, the manner of which, and the purpose for which, the moneys received by said commission have been expended, the effect of the work of the commission on the preservation and protection of fish and game in this State; to thoroughly investigate the acts and conduct and the charges of extortion by employees of said commission, and any other matter relative to said Fish and Game Commission, or its employees, which in the judgment of said committee demands investigation; and be it further

Resolved. That said committee, after making such investigation, report to the Assembly the result of its investigation, and be it further

Resolved. That said committee shall have power to summon witnesses, administer oaths, and to send for persons and papers, and also to issue subpoenas and compel attendance of witnesses when necessary, and be it further

Resolved. That the Clerk of the Assembly be, and he is hereby, instructed to assign for duty to such committee a sergeant-at-arms and such stenographers and clerical assistance as may be necessary in the said investigation

WHEREAS, Said committee did at once enter upon the duties imposed upon it by said resolution and has submitted a partial report of its investigations to this Assembly; and

WHEREAS, Said committee has incurred expenses in the investigations made by it up to the present time amounting to the sum of \$740.90, and

WHEREAS, It will require a further expenditure of the sum of \$1200 in completing the investigation of the subject matter contained in said resolution and in having the testimony taken before said committee transcribed in order that a full and complete report of the investigation of said committee may be made to this Assembly, now, therefore, be it

Resolved. That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of twelve hundred dollars, in favor of F. J. Walker, chairman of said committee, the same being for the payment of the expenses of said committee under the resolution aforesaid.

Resolved further. That said committee be, and it is hereby, directed to present to this Assembly with its final report, a full and complete statement of all money expended by it under and pursuant to the resolution hereinbefore mentioned, together with proper vouchers for such expenditures.

Have had the same under consideration, and recommend that it be adopted.

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bolnett, Brown, Cattell, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowan, Mott, Nolan, Polsley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Smith, Stevenot, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, and Mr Speaker—52

NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined the following

Assembly Concurrent Resolution No. 24—Approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911

Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the members of the Assembly for the thirty-ninth session of the Legislature of the State of California during the sixty-second fiscal year.

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California, an amendment to Section 18, Article 20, relative to the employment of females in the handling and sale of intoxicating liquors.

Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code relating to final divorce judgments

Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power: fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such licenses; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates or compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control, providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof, fixing the place of business of said Board of Control, declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

Assembly Bill No. 368—An Act to repeal Article VIII of Title III, Part III, of the Political Code.

Assembly Bill No. 1050—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance

Assembly Bill No. 1083—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

Assembly Bill No. 56—An Act appropriating money for the erection of buildings

on and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Assembly Bill No. 1329—An Act to add six new sections to the Political Code of the State of California, relating to weights and measures.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 310—An Act to provide for the accomplishment of the work of constructing a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No. 1084, sixty-first Congress, third session, calling for an expenditure of \$800,000 and making an appropriation for such work.

And Senate Bill No. 407—An Act to provide for the accomplishment of the work of the construction of a breakwater in Monterey Bay as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No. 1084, sixty-first Congress, third session, and making an appropriation for such work.

And report that the same are identical.

RANDALL, Chairman.

Assembly Bill No. 310 withdrawn, and ordered stricken from the file.
Senate Bill No. 407 ordered on file for second reading.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Held:

WHEREAS, Article 4, Section 23 of the Constitution of this State provides that the total expense for officers, employes and attachés of this Assembly shall not exceed the sum of five hundred dollars (\$500.00) per day; and

WHEREAS, Certain officers of this Assembly are under the terms of Section 261 of the Political Code required to remain after the close of the session and perform the duties therein set forth at the compensation fixed by Section 269 of said Code; and

WHEREAS, It is desirable that this Assembly be advised as to the amount expended for services of its attachés, employes and officers, that provision may be made for the payment of those officers required to remain after the close of the session, now, therefore, be it

Resolved, That the Committee on Attachés and Employes report to this Assembly forthwith, the total amount now expended for the purposes aforesaid, and if such amount exceeds the allowance prescribed by law, that said committee also report the names of such employes, if any, as are now drawing salary without reporting for duty each day this Assembly is in session.

Resolution read, and on motion adopted.

By Mr. Coghlan:

Resolved, That the name of Frank Sullivan, heretofore appointed as Assistant Sergeant-at-Arms of the Assembly, at the per diem of \$5.00, be stricken from the roll of attachés of the Assembly, and the following named person be substituted therefor at the per diem set opposite his name: Frank Douglass, assistant sergeant-at-arms, \$5.00. Said appointment shall date from and including the 8th day of March, 1911; and the State Controller is hereby authorized and directed to draw his warrant upon the Contingent Fund in favor of said named person for the said per diem, and the State Treasurer is hereby authorized and directed to pay the same.

The question being on the adoption of the resolution.

The roll was called and resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Gerdes, Griffin of Modesto, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polesley, Priesker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None

By Mr. Polsley:

WHEREAS, That Assembly Bills Nos. 822 and 1501 have been in the Committee of Public Morals for more than ten days; therefore, be it
Resolved, That the chairman of the said committee be requested to report the said bills to the Assembly without recommendation.

The question being on the adoption of the resolution.

The roll was called and the resolution was refused adoption by the following vote:

AYES—Messrs. Bliss, Brown, Clark, Gerdes, Guill, Judson, Maher and Telfer—8
 NOES—Messrs. Beatty, Beckett, Benedict, Bishop, Butler, Cattell, Cronin, Cunningham, Denegri, Feeley, Gaylord, Harlan, Hayes, Hinshaw, Jasper, Jones, Joel, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, March, McGowen, Mott, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Sutherland, Walker, and Walsh—37.

NOTICE OF MOTION TO RECONSIDER CONTINUED

On motion of Mr. Coghlan, his notice of motion to reconsider the vote whereby the resolution relative to the seating of Mr. Lorimer in the United States Senate be reconsidered, was continued until three o'clock and thirty minutes P. M., of Wednesday, March 8, 1911.

MOTION TO AMEND RULES.

In accordance with notice previously given, Mr. Coghlan moved that the Standing Rules of the Assembly be amended as follows:

Amend Rule No. 71 by adding thereto the following words: "Provided, that during night sessions, this rule may be suspended by a vote of the majority of the members present, without notice or reference to committee."

Also: By striking out the period at the end of said line and inserting in lieu thereof a semicolon.

The roll was called and the motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—58

NOES—Messrs. Farwell, Judson, and Rosendale—3.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Gerdes moved that the vote whereby Assembly Bill No. 1023 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beatty, Beckett, Bliss, Brown, Chandler, Clark, Farwell, Feeley, Freeman, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mott, Mullally, Nolan, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Williams, Wilson, and Mr. Speaker—45.

NOES—Messrs. Benedict, Butler, Cattell, Cunningham, Hinshaw, McGowen, Polsley, and Randall—8.

Assembly Bill No. 1023—An Act to repeal Section 79 of the Civil Code of California, relating to marriage without license.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1023 refused passage by the following vote:

AYES—Messrs. Beckett, Butler, Cattell, Cronin, Cunningham, Griffin of Modesto, Guill, Hinshaw, Judson, March, McGowen, Mendenhall, Polsley, Randall, Schmitt, Stuckenbruck, and Mr. Speaker—17.

NOES—Messrs. Beatty, Benedict, Bliss, Brown, Chandler, Clark, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdes, Hamilton, Harlan, Hayes, Held, Jasper, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mott, Mullally, Nolan, Preisker, Rumliger, Rogers of Alameda, Rosendale, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Williams, and Wilson—40.

RE-REFERENCE OF BILL.

On motion of Mr. Kehoe, Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers, and providing for a review of its awards—was recalled from the Committee on Judiciary, and referred to Committee on Labor and Capital.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTIONS—(OUT OF ORDER).

Mr. Cronin asked for, and was granted, unanimous consent to have Assembly Concurrent Resolution No. 23 taken up, out of order.

Assembly Concurrent Resolution No. 23—Approving the charter of the city of Vallejo.

The question being on the adoption of Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 23 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wilson, Young, and Mr. Speaker—58.

NOLDS—None.

Assembly concurrent resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION No. 23.

Approving the charter of the city of Vallejo, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 21st day of February, 1911.

WHEREAS, The city of Vallejo, a municipal corporation of the county of Solano, State of California, now is and was at all times herein referred to a city containing a population of more than three thousand five hundred (3,500) but less than thirty thousand (30,000) inhabitants; and

WHEREAS, At a special election duly held in said city on the 11th day of October, 1910, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city; and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Vallejo; and

WHEREAS, Said charter was on the 3d day of January, 1911, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the mayor of the said city of Vallejo, and the other copy with the county recorder of the said county of Solano and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Vallejo Daily Times" and in the "Vallejo Evening News," each being a daily newspaper of general

circulation in said city of Vallejo, and the said charter being published as aforesaid for a period of twenty (20) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Vallejo to the qualified electors of said city of Vallejo at a special election, previously duly called and therein held on the 21st day of February, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified electors of said city of Vallejo, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole; and

WHEREAS, Said board of trustees, after canvassing said returns, found and declared that the majority of said qualified electors voting at said special election had voted for ratifying said charter as above specified; and

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said charter was ratified in the words and figures following, to wit

CHARTER OF THE CITY OF VALLEJO PREPARED AND PROPOSED BY THE BOARD OF FREEHOLDERS ELECTED OCTOBER 11TH, 1910, IN PURSUANCE OF THE PROVISIONS OF SECTION 8, ARTICLE XI, OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

CHARTER OF THE CITY OF VALLEJO.

CONTENTS.

Article	I.	Name and rights of the city.
Article	II.	Boundaries.
Article	III.	Elections.
Article	IV.	Recall of elective officers.
Article	V.	Elective officers.
Article	VI.	The mayor
Article	VII.	Executive and administrative departments.
Article	VIII.	The council.
Article	IX.	Powers of the city and of the council
Article	X.	Finance and taxation.
Article	XI.	Public work and supplies.
Article	XII.	Franchises.
Article	XIII.	The initiative
Article	XIV.	The referendum.
Article	XV.	Police court.
Article	XVI.	Police department.
Article	XVII.	The public schools.
Article	XVIII.	Miscellaneous.

ARTICLE I.

NAME AND RIGHTS OF THE CITY.

Name of the City

SEC. 1. The municipal corporation now existing and known as the city of Vallejo shall remain and continue a body politic and corporate in name and in fact, by the name of the city of Vallejo, and by such name shall have perpetual succession.

Rights and Liabilities

SEC. 2. The city of Vallejo shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality.

ARTICLE II.

BOUNDARIES

SEC. 3 The corporate limits of the city of Vallejo shall be as follows: Commencing at a point where Magazine street intersects with the water front, thence along the south side of Magazine street to the east side of Sixth street, thence along Sixth street to the south side of Benicia avenue, thence along Benicia avenue to the east side of Ninth street, thence along Ninth street to Solano avenue, thence running northerly along Contra Costa street, until the same meets the northern line of section eighteen in township three north, range three west, of Mount Diablo meridian, thence west along the United States section line to a point in the bay of San Pablo one half of a mile distant from the general western shore-line of Mare Island and the salt marsh, thence southerly in a line parallel with said shore-line to the center of the straits of Carquinez, and following up the center of the straits of Carquinez to a point due south of the point of beginning, and thence in a straight line to the point of beginning.

The streets and avenues herein mentioned have reference to the map of the city of Vallejo drawn by E. H. Rowe, in the year eighteen hundred and sixty-eight, and now on file for record in the office of the county recorder of Solano county.

ARTICLE III.

ELECTIONS

General and Special Municipal Elections.

SEC. 4. A municipal election shall be held in the city on the first Tuesday in May in the year 1911, and on the first Tuesday in April in 1913 and on the first Tuesday in April in every second year thereafter, and shall be known as the general municipal election. A second election shall be held, when necessary, as provided in Section 5, on the second Tuesday after said general municipal election, and shall be known as the second general municipal election.

All other municipal elections that may be held by authority of this charter or of general law shall be known as special municipal elections.

Nomination and Election of City Officers.

SEC. 5. (1) The mode of nomination and election of all elective officers of the city to be voted for at any municipal election shall be as herein provided and not otherwise.

Condition of Candidacy.

(2) The name of a candidate shall be printed upon the ballot when a petition or nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of Nomination Petition

(3) The petition of nomination shall consist of not less than twenty-five individual certificates, which shall read substantially as follows:

PETITION OF NOMINATION.

Individual Certificate.

STATE OF CALIFORNIA,
COUNTY OF SOLANO,
CITY OF VALLEJO } ss.

Precinct No. _____

I the undersigned, certify that I do hereby join in a petition for the nomination of _____ whose residence is at No. _____ street, Vallejo, for the office of _____, to be voted for at the municipal election to be held in the city of Vallejo on the _____ day of _____, 19____, and I further certify that I am a qualified elector and am not at this time a signer of any other petition nominating any other candidate for the above named office, or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office, that my residence is at No. _____ street, Vallejo, and that my occupation is _____

(Signed) _____

STATE OF CALIFORNIA,
COUNTY OF SOLANO,
CITY OF VALLEJO, } ss

_____, being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

(Notary Public or Verification Deputy.)

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to _____, at No. _____ street, Vallejo, Cal.

Forms to be Supplied by the City Clerk.

(4) It shall be the duty of the city clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Requirements of Certificate.

(5) Each certificate must be a separate paper. All certificates must be of a uniform size as determined by the city clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for

any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all except the one first presented shall be rejected. Each signer must verify his certificate and make oath that the same is true before a notary public or a verification deputy, as provided for in this section. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Verification Deputies Under This Charter.

(6) All verification deputies under this charter shall be citizens of the city. They shall be appointed by the city clerk upon written application of not less than five (5) qualified electors of the city. The said application shall set forth that the signers desire the appointment of the person whose name and address is given therein to be a verification deputy for the purpose of taking oaths of signers of certificates in the matter of a petition of nomination of candidates, in proceedings under recall, initiative or referendum provisions, or other matter provided for in this charter, as the case may be. Such verification deputies may administer oaths to electors who desire to affix their signatures to the petition mentioned in the said application, or who desire to revoke their signatures thereto, and for no other purpose. They need not use a seal. Their appointment shall not continue for more than ninety (90) days from the date thereof. They shall not be paid, in whole or in part, directly or indirectly, out of the city treasury.

Date of Presenting Petition and Form Thereof.

(7) A petition of nomination, consisting of not less than twenty-five (25), nor more than fifty (50) individual certificates for any one candidate, may be presented to the city clerk not earlier than fifty days nor later than forty days before the election. The clerk shall endorse thereon the day, hour and minute upon which the petition was presented to him.

The certificates constituting such petition before being presented to the city clerk shall be fastened together in book form by placing the sheets in a pile arranged in alphabetical order according to surnames and fastening them together at one edge in a secure and suitable manner, and the certificates shall then be numbered consecutively.

Examination of Petitions by City Clerk.

(8) When a petition of nomination is presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. If a petition be so found insufficient, it may be amended by the presentation to the city clerk of an additional petition containing additional individual certificates. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the council shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by this section.

Withdrawal of Signature.

(9) Any signer to a certificate forming part of a petition of nomination may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Withdrawal of Candidate.

(10) Any person whose name has been presented under this section as a candidate, may, not later than twenty-five days before the day of election, cause his name to be withdrawn from nomination by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election.

Filing of Petitions.

(11) If either the original or the amended petition of nomination be found to conform to the requirements of this section, the city clerk shall file the same twenty-five days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn or added to and no signature shall be revoked thereafter.

Preservation of Petitions.

(12) The city clerk shall preserve in his office for a period of two years all petitions of nomination and all certificates belonging thereto filed under this section.

Election Proclamation.

(13) Immediately after such petitions are filed, the city clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty days before the election certify such list as being the list of candidates nominated as required by the charter of the city of Vallejo, and the council shall cause said certified list of names and the offices to be filled, designating whether for a full term or unexpired term, to be published in the proclamation calling the election for three successive days, commencing seven days immediately preceding the election, in not more than one daily newspaper of general circulation published in the city of Vallejo. Said proclamation shall conform in all respects to the general state law governing the conduct of municipal elections, now or hereafter in force, except as above required.

Form of Ballots.

(14) The city clerk shall cause the ballots to be printed and bound and numbered as provided for by the state law, except as otherwise required in this charter. The ballots shall contain the list of names and the respective offices, as published in the proclamation, and shall be in substantially the following form:

GENERAL (OR SPECIAL) MUNICIPAL ELECTION, CITY OF VALLEJO.

(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election and obtain another.

Requirements of Ballot.

(15) All ballots printed shall be precisely of the same size, quality, tint of paper, with precisely the same kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for charter amendments or other questions to be voted upon at the municipal elections, as provided for under this charter. The names of the candidates for each office shall be arranged in alphabetical order, by surnames, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. All ballots shall, as to indistinguishability conform to the provisions of this subdivision.

Every Nominee to be on Ballot.

(16) The name of no candidate who has been duly and regularly nominated and who has not withdrawn his name as herein provided, shall be omitted from the ballot.

Arrangement of Offices on Ballot.

(17) The offices to be filled shall be arranged in separate columns in the following order:

"For mayor (if any) vote for one."

"For auditor and ex officio assessor (if any) vote for one."

"For commissioner (if any) vote for (giving number)."

"For school directors (if any) vote for (giving number)."

Space for Voting Cross.

(18) Half-inch squares shall be provided at the right of the name of each candidate wherein to mark the cross.

Blank Spaces for Additional Candidates.

(19) Half-inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Sample Ballots.

(20) The city clerk shall cause to be printed sample ballots identical, except as to the character of paper, with the ballot to be used at the election and shall furnish copies of the same on application to registered voters at his office at least five days before the date fixed for such election, and shall mail one such ballot to each voter entitled to vote at such election, so that all of said sample ballots shall have been mailed at least three whole days before said election.

Vote Necessary for Election.

(21) In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office shall be declared elected, in case there are two or more persons to be elected to an office, as that of commissioner or school director, then these candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected; *provided, however*, that no person shall be declared elected to any office at

such first election unless the number of votes received by him shall be greater than one half the number of ballots cast at such election

Second Election.

(22) If at any election held as above provided there be any office to which the required number of persons was not elected, then as to such office the said first election shall be considered to have been a primary election for the nomination of candidates, and a second election shall be held to fill said office. The candidates not elected at such first election, equal in number to twice the number to be elected to any given office, or less if so there be, who receive the highest number of votes for the respective offices at such first election, shall be the only candidates at such second election, *provided*, that if there be any person who, under the provisions of this subdivision would have been entitled to become a candidate for any office except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes shall likewise become candidates for such office.

The candidates equal in number to the persons to be elected who shall receive the highest number of votes at such second election shall be declared elected to such office

Date of Second Election.

(23) The said second election, if necessary to be held, shall be held two weeks after the first election.

Rules Governing Second Election.

(24) All the provisions and conditions above set forth as to the conduct of an election, so far as they may be applicable, shall govern the second election, except that notice of election need be published twice only, *and provided, also*, that the same precincts and polling places shall, if possible, be used

Failure of Person Elected to Qualify.

(25) If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, in the manner provided in this charter for filling vacancies.

Informalities in Election.

(26) No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this charter.

General Election Regulations.

SEC. 6. (1) The provisions of the state law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, *provided*, that the council shall meet as a canvassing board and duly canvass the election returns within four days after any municipal election.

Voting Machines.

(2) In case voting machines shall be used at municipal elections, the council shall have power, by ordinance, to modify the provisions of Section 5 so far as may be necessary to adapt them to the use of voting machines

ARTICLE IV.

RECALL OF ELECTIVE OFFICERS.

Applies to All Elective Officers.

SEC. 7. (1) Every incumbent of an elective office, whether elected by popular vote or appointed thereto to fill a vacancy, shall be subject to removal from office by the proceedings provided in this article for the election of a successor to the officer sought to be removed. Such proceedings shall be known as recall proceedings, and shall be as follows:

Petition for Recall.

(2) A petition signed by qualified electors equal to fifteen (15) per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request that such election shall be held at a special municipal election or at the next general municipal election.

Form of Petition.

- (3) The petition for recall shall be substantially as follows
(Individual Certificate)

**PETITION FOR SUBMISSION OF QUESTION OF ELECTING A SUCCESSOR
(OR SUCCESSORS) TO THE OFFICE OF _____ AT A
SPECIAL MUNICIPAL ELECTION (OR THE GENERAL MUNICIPAL
ELECTION).**

(The above heading must be printed in type of 24-point roman face, caps and lower case.)

REASONS FOR THE RECALL OF (name of officer) FROM OFFICE. (Here insert such reasons.)

REASONS AGAINST THE RECALL OF (name of officer) FROM OFFICE. (Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit, as provided in the charter of Vallejo, to the vote of the electors of the city of Vallejo, at a special (or next general) municipal election, the question whether (name of officer) shall be recalled from the office of (name of office).

I further certify That I have read the above reasons for and against the recall of said officer and believe that _____ should be recalled, that I am a qualified elector of the city of Vallejo, State of California; that I am not at this time a signer of any other like certificate that I reside at No _____ street in said city, and that my occupation is _____

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF SOLANO. } ss.
CITY OF VALLEJO. }

_____ being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____ 19____

(Signed) _____

Verification Deputy (or Notary Public).

The petition of which this certificate forms a part, shall, if found insufficient, be returned to _____ at No _____ street, Vallejo, California.

Filing and Examination of Petition.

(4) Each certificate must be on a separate sheet of paper and must contain the name of but one signer, who must make oath before a notary public or a verification deputy as to the truth and correctness of the statements made in such certificate.

These certificates shall be fastened together, as provided herein for petitions of nomination, except that they shall be bound as near as may be in lots of fifty (50) certificates.

Immediately upon the receipt of such petitions, the city clerk shall indorse thereon the time at which said petition was received by him. The city clerk shall thereupon immediately begin to examine said petition to ascertain whether or not it conforms to all the requirements of this charter.

Within ten days after such presentation he must finally determine whether or not it so conforms and shall forthwith attach to said petition his certificate showing the result of his examination, and forthwith send by registered mail a copy of said certificate to the person named as the person to whom said petition shall be returned in accordance with this section. If the petition be found not to conform to the requirements of this charter such certificate of the city clerk shall designate as to the petition and as to each individual certificate included therein and found to be defective, the defect therein. If by said certificate of the city clerk the petition is shown to be insufficient it may be amended by the presentation within fifteen days after the date of mailing of said certificate of the city clerk, of an additional recall petition containing additional recall certificates. The city clerk shall within seven days after the presentation of such additional recall petition make like examination and determination of the amended petition and attach to it a like certificate and mail a copy as aforesaid and, if his certificate shall show the amended petition to be insufficient, or if no additional recall petition shall have been presented, the petition shall be returned to the person named as the person to whom the petition is to be returned, without prejudice to the filing of a new petition to effect the same purpose.

If and when the city clerk shall find the said petition or amended petition to conform to the requirements of this charter he shall indorse his finding upon the said petition or amended petition and immediately file and present the same to the council.

Withdrawal of Signature.

(5) Any signer of a petition for the recall, the initiative or the referendum, may file with the city clerk a verified revocation of his signature to such petition. And

in case said revocation is filed with the city clerk before the said petition is filed by the city clerk, the city clerk shall cancel the said signer's signature on said petition.

Statement of Intention to Circulate Petition.

(6) Before any petition for the recall of an officer is circulated for signatures thereto, an affidavit in triplicate by or on behalf of the person or persons proposing such recall shall be filed with the city clerk, who shall at once deliver one of said affidavits to the office of said officer sought to be recalled, and send one by registered mail to the residence of such officer. Said affidavit shall contain: A statement of the intention to circulate a petition for the recall of said officer; a statement in not more than two hundred (200) words giving the grounds for such recall; and the address of the party making the affidavit. Said officer sought to be recalled shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address of the party making such affidavit a statement in not more than two hundred (200) words justifying said officer's course in office. These reasons for and against the recall of said officer shall be printed as a part of each individual certificate forming a part of the petition.

No original petition for the recall of any officer upon the grounds set forth in such affidavit shall be presented to the city clerk later than forty (40) days after filing of such affidavits.

Election Under Recall Petition.

(7) If the officer sought to be removed by recall shall not resign from office within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within not less than fifty (50) nor more than sixty (60) days after the filing of said petition, or, if a general or special municipal election is to occur within sixty (60) days after the filing of said petition, the council may in its discretion postpone the holding of such election to such general or special municipal election.

Petition for Non-performance. Life of Petition.

(8) If the city clerk or any member of the council shall wilfully fail or neglect to do or perform any act or duty, in this article prescribed or directed to be by them or any of them done or performed, then and in that event the said city clerk or such member of the council shall not draw or receive any salary during his further continuance in office and the auditor shall not audit or allow any claim therefor.

If any question of recall, for which a petition has been filed, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such question has been submitted to the voters.

Grounds of Recall. Officer's Justification.

(9) Upon both the sample and official ballots there shall be printed in not more than two hundred (200) words a statement of the reasons for demanding the recall of the officer as set forth in the recall petition and the statement, if any, in not more than two hundred (200) words, made by the officer justifying his course in office as set forth in the recall petition.

Recall Ballots.

(10) On the ballots at every election at which a question of recall is to be determined there shall be printed the names of those persons who have been nominated as candidates to succeed the person sought to be removed from office, in case he shall be removed from office. The nomination of candidates for places on such ballots shall be made in the same manner as provided in Article III in this charter; excepting that the person whose recall and removal from office is petitioned for shall be deemed a candidate, and, unless within five days after the petition requiring the calling of the election is filed by the city clerk, he resigns his office or declines in a writing duly signed and verified by him and filed with the city clerk to permit his name to be printed upon the ballot, his name shall be printed upon the ballot as if he had been regularly nominated in accordance with the provisions of this charter. All requirements of this charter relating to ballots at municipal elections shall, so far as applicable, and except as herein otherwise provided, apply to all ballots at every election at which a question of recall is to be determined, and the calling of elections under this article shall be done in accordance with the provisions of this charter providing for the calling of municipal elections.

Election

(11) The election under recall proceedings, shall conform to the provisions of Section 5.

In case a second election is necessary, all the provisions of Section 5 in relation thereto shall govern.

Incumbent, When Removed.

(12) The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the result of the election shall have been duly declared, when, if he shall not have been reelected he shall be deemed removed from office.

The council shall canvass the returns and declare the result of the election within four (4) days after the day on which the first or second election, as the case may be, was held. The candidate declared elected, if he be a person other than the officer sought to be removed, shall assume the duties thereof immediately upon taking the oath of office and filing a bond in the sum required of his predecessor in said office.

In case of a tie vote at the second election for any office the council shall by lot choose from the candidates receiving such tie vote the one to fill such office.

Percentage for Subsequent Recall

(13) If the officer sought to be removed shall be reelected to said office at any election held under such recall proceedings, it shall require thirty (30) per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected to initiate a subsequent recall election against such officer during the term for which he was elected.

No Recall Petition for First Six Months.

(14) No recall petition shall be filed against any officer until he has actually held his office for at least six months.

Incapacity of Recalled Official.

(15) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further Regulations.

(16) The council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this section, and to adopt the provisions of section five (5) thereto.

ARTICLE V.

ELECTIVE OFFICERS.

The Elective Officers.

SEC. 8. The elective officers of the city shall be a mayor, an auditor, who shall be ex officio assessor, two commissioners, and three school directors.

The council shall consist of the mayor and the two commissioners, each of whom, including the mayor, shall have the right to vote on all questions coming before the council.

The board of education shall consist of the three school directors.

Elected at Large.

SEC. 9. The mayor, auditor, commissioners and school directors shall be elected at the general municipal election on a general ticket at large.

Eligibility of Mayor, Auditor, and Commissioners.

SEC. 10. To be eligible to the office of mayor, auditor, or commissioner, a person, must be a citizen of the United States and a qualified elector of the State of California and of the city of Vallejo.

Eligibility of School Directors.

SEC. 11. To be eligible to the office of school director, a person must be a citizen of the United States of the age of twenty-one years and a resident of the school district.

Vacancy in Office of Mayor, Auditor or Commissioners.

SEC. 12. (1) If a vacancy shall occur in the office of mayor, auditor or commissioner, the council shall appoint a person to fill such vacancy. If at any municipal election held under Section 5 of this charter a mayor, auditor or the required number of commissioners be not elected by reason of a tie vote among any of the candidates therefor, then the council after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the persons, receiving such tie vote to fill such office as in the case of a vacancy therein. In each case the person so appointed shall hold office, subject to the provisions of the recall until the next general municipal election, when his successor shall be elected for the full or unexpired term as the case may be.

Vacancy in Office of School Director.

(2) If a vacancy shall occur in the office of school director, the board of education shall appoint a person to fill such vacancy. If at any municipal election held under Section 5 of this charter a school director be not elected by reason of a tie vote among any of the candidates therefor, then the board of education after the qualification of the persons, if any, elected thereto at such election, shall appoint one of the

persons receiving such tie vote, to fill such office as in case of a vacancy therein. In each case a person so appointed shall hold office, subject to the provisions of the recall, until the next general municipal election, when his successor shall be elected for the full or unexpired term as the case may be.

Vacancy—What Constitutes.

SEC. 13 A vacancy shall be deemed and considered to exist in any elective office when the person elected thereto fails to qualify within ten days after notice of election has been handed to him or sent by registered mail to his last known address, dies, resigns, is recalled and removed from office, ceases to be a resident of the city, absents himself continuously therefrom for a period of more than thirty days without permission from the council, is convicted of a felony, judicially determined to be incompetent, forfeits his office under the provisions of this charter, or is removed from office by judicial proceeding.

Mayor's and Auditor's Term of Office.

SEC. 14 The mayor and auditor shall each hold office for a term of four years from and after the first day of July after his election, and until his successor is elected and qualified, unless sooner removed from office by recall or otherwise; *provided, however,* that the term of office of the auditor first elected under this charter shall be for two years only.

Commissioners' Term of Office.

SEC. 15 The commissioners shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified, unless sooner removed from office by recall or otherwise; *provided* that the commissioners first elected under this charter shall, at their first meeting, so classify themselves by lot that one of them shall hold office for two years and one of them for four years.

At each general municipal election after the first under this charter, there shall be elected one commissioner.

School Directors' Term of Office.

SEC. 16 The school directors shall hold office for a term of four years from and after the first day of July after their election and until their successors are elected and qualified, unless sooner removed from office by recall or otherwise; *provided*, that the school directors first elected under this charter shall, at their first meeting, so classify themselves by lot that one of them shall hold office for two years and two of them for four years.

At each general municipal election after the first under this charter, there shall be elected one or two school directors, as the case may be.

Official Bonds.

SEC. 17 The mayor, auditor, each commissioner and each school director shall, before entering upon the duties of his office, give and execute to the city a bond with a surety company as sole surety, the mayor and auditor each, in the penal sum of \$10,000, each commissioner in the penal sum of \$5,000, and each school director in the penal sum of \$2,500.

Every bond shall contain the conditions that the principal will well, truly, honestly and faithfully perform the duties of his office. The bonds of the mayor must be approved by the council and the bonds of the auditor and the several commissioners and school directors must be approved by the mayor.

The council shall fix the amount of bonds and the methods of their approval to be required of appointive officers.

The approval of the official bonds must be endorsed thereon and signed by the officer or officers approving the same. All bonds, except that of the city clerk, when approved, shall be filed with the city clerk. The bond of the city clerk shall be filed with the auditor. All the provisions of any law of this State, relating to official bonds, not inconsistent with this charter, shall be complied with. The neglect or failure to exact a bond from appointive officers shall make the commissioners themselves liable for any loss which may occur to the city by reason of such neglect or failure.

Oath of Office.

SEC. 18 Every officer of the city, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State, and shall file the same with the city clerk.

Salaries.

SEC. 19 The mayor shall receive an annual salary of \$2,400 payable in equal monthly installments.

The auditor and ex officio assessor shall receive an annual salary of \$1,500 payable in equal monthly installments.

Each commissioner shall receive an annual salary of \$1,800, payable in equal monthly installments.

Each school director shall receive five dollars for each regular meeting of the board of education which he shall attend, provided that he shall not receive more than \$15 in any one month.

Administering Oaths. Subpoenas.

SEC. 20. Every elective officer, every chief official and every member of any board or commission provided for in this charter shall have the power to administer oaths and affirmations, and every such officer, board or commission shall have the power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglect or refuse to appear, or to produce any book, paper or document as required by such subpoena, or shall refuse to testify before any such officer, board or commission or to answer any question which any officer, or a majority of such board or commission shall decide to be proper or pertinent, he shall be deemed in contempt, and any such officer, board or commission shall have power to take the proceedings in that behalf provided by the general laws of this State. The chief of police must, on request of such officer, or of any member of such board or commission, detail a police officer or police officers to serve such subpoena.

ARTICLE VI.

THE MAYOR.

The Chief Executive.

SEC. 21. The mayor shall be the chief executive officer of the city and shall see that all the ordinances thereof are duly enforced. He shall be charged with the general oversight of the several departments of the municipal government. He shall see that all contracts made with the city are faithfully performed.

Mayor pro tempore.

SEC. 22. During the temporary absence or disability of the mayor, the vice-president of the council shall act as mayor pro tempore. In case of vacancy in the office of the mayor, the vice-president of the council shall act as mayor until such vacancy can be filled as provided in this charter.

Mayor's Reports.

SEC. 23. The mayor shall annually and from time to time give the council information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

Mayor to Have City's Books Examined

SEC. 24. The mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least twice each year, the books, records, and reports of the auditor and of all officers and employees who receive or disburse city moneys, and the books, records and reports of such other officers and departments as the mayor may direct and make triplicate reports thereof, and present one each to the mayor and auditor, and file one with the city clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the city, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The council shall provide for the payment of the services of such accountant.

Supervision of Public Utility Companies.

SEC. 25. The mayor shall be charged with the general supervision of all public utility companies in so far as they are subject to municipal control; he shall keep himself fully informed as to their compliance in all respects with the law, and he shall see that all franchises granted by the city are faithfully observed.

The mayor shall, and the council may, cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and to revoke, cancel or annul all franchises that may have been granted by the city to any persons, firm or corporation which have become forfeitable in whole or in part or which for any reason are illegal and void and not binding upon the city. The city attorney, on demand of the mayor or the council, must institute and prosecute the necessary actions to enforce the provisions of this section.

Powers and Duties Prescribed by Ordinance.

SEC. 26. The mayor shall exercise such other powers and perform such other duties as may be prescribed by law or ordinance.

ARTICLE VII.

EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS.

The Three Municipal Departments.

SEC. 27. The executive and administrative powers, authority and duties of the city, not otherwise provided for, shall be distributed among and assigned to three departments, as follows:

1. Department of public finance and supplies.
2. Department of public health and safety.
3. Department of public works.

Council to Assign Powers and Duties.

SEC. 28 (1) The mayor shall be commissioner of public finance and supplies and the council at its first regular meeting after every general municipal election, or within ten days thereafter shall, by majority vote, designate and assign one of its members to be commissioner of public health and safety, and one to be commissioner of public works. *provided, however*, if the council be unable to agree within said ten (10) days upon such designation, the mayor shall have the authority to make such designation.

(2) The council may change such designations and assignments, except that of department of public finance and supplies, by ordinance, whenever it shall determine that the public service requires such change.

(3) The council shall prescribe by ordinance the powers and duties of all officers and employees when the same are not prescribed by this charter, and may prescribe for departments, officers, boards and employees powers and duties in addition to those prescribed by this charter, not inconsistent therewith, may assign or reassign, particular officers and employees to duty in more than one department of the city government; may require an officer or employee to perform duties in two or more departments of the city government; and may make rules and regulations, not in conflict with law or this charter, for the efficient and economical conduct of the business of the city.

Except as in this charter otherwise provided, these several departments shall be composed, officered and organized and the persons employed therein shall be chosen as the council may by ordinance provide, and the council must, at all times, keep in full force and effect ordinances making provision for all such matters.

Department of Public Finance and Supplies.

SEC. 29 (1) The department of public finance and supplies, under the charge of the mayor, shall have supervision of the relations of the city with the government of the United States, the states of the union, the county of Solano and other municipalities. It shall have supervision over all boards and commissions not assigned to any other department, over all accounts, revenues and financial matters of the city, except as otherwise provided in this charter; over the purchase of all supplies on behalf of the city for every department, office, board, commission and official thereof; and over the city clerk, attorney, treasurer, and library trustees, and their respective offices and departments, and all employees, deputies or assistants therein.

Department of Public Health and Safety.

(2) The department of public health and safety, under the charge of the commissioner of public health and safety, shall have supervision over the chief of police, fire chief, health officer and poundmaster, and their respective offices and departments, and all employees, deputies and assistants therein; over all buildings, property and apparatus used in any of said departments and offices; over the removal and disposal of garbage.

Department of Public Works.

(3) The department of public works, under the charge of the commissioner of public works, shall have supervision over the city engineer, street superintendent, building inspector, sanitary inspector, wharfinger, and electrician, and their respective offices or departments, and all employees, deputies or assistants therein; over the construction of any and all public buildings and structures, under plans duly approved by the commissioner of the respective department, over the repair and maintenance of any and all buildings owned by the city; over all buildings belonging to or used by the city, except as otherwise provided in this charter; over the public water works and all public utilities owned, controlled or operated by the city, and not assigned to another department, including construction, maintenance, repair and operation of such public utilities, over all wharves, docks, ships, quays, and waterfront property, belonging to or under the control of the city; over all the public streets, ways, avenues, alleys, places or boulevards, and of the lighting of the same and the manner of their use; over all work done on, in or under said streets, whether in the nature of construction, maintenance or repair, and of all pipes, conduits, tunnels and other installation placed under the streets, and of all tracks, poles, and other installation placed on or above the streets; and over any quarry or quarries, and any plant or plants for the production, making or assembling of asphalt, or of any substance or material for use in the building, maintenance or repair of streets, operated by the city.

Redistribution of Duties Among the Three Departments.

(4) The council may, whenever it shall determine that the public service requires such change, redistribute any offices, matters or duties assigned by this section to a particular one of the three departments. Any other office, matter or duty may be assigned by the council, at its discretion to any of the said departments.

The Chief Officials.

SEC. 30. The chief officials of the city shall be city clerk, treasurer, who shall be ex officio tax collector, attorney, engineer, chief of police, fire chief, street superin-

tendent, health officer and three library trustees. They shall be appointed and may be removed by a majority vote of the council. The council, at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more of such officers. The council shall by ordinance prescribe the duties of all the chief officials.

The council shall at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city and the determination of their duties as provided in this section.

Subordinate Officers and Employees.

SEC. 31. The council shall have power by ordinance to create and discontinue offices, deputyships, assistantships and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Compensation of Officers and Employees.

SEC. 32. The compensation of all city officers provided for by Section 30 of this charter, except library trustees, who shall receive no remuneration, shall be by salary to be fixed by the council. The council shall also fix the compensation of all other officers and employees of the city, except as in this charter otherwise provided. No officer or employee shall be allowed any fees, perquisites, emoluments, rewards or compensation, aside from the salary or compensation as fixed by the council, but all fees received by him in connection with his official duties shall be paid by him into the city treasury.

Reports of Departments.

SEC. 33. Each department and commission shall annually on such date as may be fixed by the council, render to the mayor a full report of all the operations of such department or commission for the year.

Reports to be Published.

SEC. 34. The council shall provide for the publication of the annual reports of the mayor and of the several departments and commissions.

Councilman to Hold no Other Office.

SEC. 35. No member of the council, except as provided in this charter, shall hold any other municipal office or hold any office or employment the compensation of which is paid out of the municipal moneys, or be elected or appointed to any office created or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected.

Officers Not to be Interested in Contracts or Franchises.

SEC. 36. No officer shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the city. No officer shall be in the employ of any public service corporation in the city or of any person having any contract with the city or of any grantee of a franchise granted by the city.

No such officer or employee shall accept or receive, directly or indirectly from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any frank, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform, nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section.

Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section shall be deemed a misdemeanor. The council shall enforce the provisions of this section by appropriate legislation.

Political and Religious Tests and Influence.

SEC. 37. No appointment to position under the city government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services.

Any officer or employee of such city, who by solicitation or otherwise, shall exert his influence directly or indirectly to influence other officers or employees of such

city to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes, shall be guilty of a misdemeanor.

ARTICLE VIII.

THE COUNCIL.

The Council, the Governing Body

SEC. 38. The council shall be the governing body of the municipality. It shall exercise corporate powers of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to a complete system of local government consistent with the Constitution of the State

President and Vice-President.

SEC. 39. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of Council.

SEC. 40. Meetings of the council shall be held daily, Sundays and legal holidays excepted.

Meetings to be Public.

SEC. 41. All legislative sessions of the council, whether regular or special, at which any official action is taken shall be open to the public

Quorum.

SEC. 42. A majority of the members of the council shall constitute a quorum for the transaction of business.

Rules of Proceeding.

SEC. 43. The council shall establish rules for its proceedings

Ordinances and Resolutions.

SEC. 44. (1) The council shall act only by ordinance or resolution.

Ayes and Noes.

(2) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council.

Majority Vote of Council.

(3) No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of two members of the council.

Subject and Title.

(4) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and every ordinance making appropriations shall be confined to the subject of appropriation. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

Enacting Clause of Ordinances.

(5) The enacting clause of all ordinances passed by the council shall be in these words: "Be it ordained by the council of the city of Vallejo as follows".

Requirements of an Ordinance.

(6) To constitute an ordinance a bill must before final action thereon be passed to print and published with the ayes and noes for two days, and, in case of any amendment being made thereto before the final adoption of the ordinance, must in a like manner be republished as amended for not less than one day.

Ordinances Required in Certain Cases.

(7) No action providing for any specific improvements or the appropriation or expenditure of any public money, except sums less than five hundred dollars, for the appropriation, acquisition, transfer, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance; *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the State

Reconsideration.

(8) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council held not less than one week after the meeting at which such motion was made.

Signing and Attesting.

(9) All resolutions and ordinances shall be signed by the mayor and attested by the city clerk.

Revision and Amendment.

(10) No ordinance shall be revised, reenacted or amended by reference to its title only, but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Repeal

(11) No ordinance nor section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Ordinances Granting Franchises.

(12) No bill for the grant of any franchise shall be put upon its final passage within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration.

Record of City Ordinances

(13) A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinances, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of Absent Commissioner.

SEC 45 No final action shall be taken in any matter concerning the special department of any absent commissioner unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

Publication of Charter and Ordinances

SEC 46 The council shall cause all ordinances to be properly classified and indexed and kept at the city hall in a form readily accessible to all persons interested therein, and may from time to time cause the charter of the city and the ordinances in force, either together or separately, to be published in book form.

ARTICLE IX.

POWERS OF THE CITY AND OF THE COUNCIL.

General Powers of the City.

SEC 47. Without denial or disparagement of other powers now held by or that may hereafter be given to the city under or by the Constitution or the laws of the State, the city of Vallejo shall have power:

Seal.

(1) To make, have and use a corporate seal and to alter the same at pleasure.

To Sue and be Sued

(2) To sue and be sued in all actions and proceedings whatever.

To Receive Gifts

(3) To receive bequests, gifts and donations of all kinds of property in fee simple or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purpose or purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise handle or dispose of the same in accordance with the terms of the gift, bequest or donation.

To Acquire Property

(4) To acquire by purchase, condemnation or otherwise, take, hold, lease, sell, grant, convey and incumber such real and personal or mixed property or interest therein, whether located within or without the limits of the city, as may be necessary or convenient for the purposes of the city.

Public Buildings, Works and Institutions

(5) To acquire by purchase, condemnation or otherwise, and to construct, establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, schools, kindergartens, parks, playgrounds, places of recreation, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, infirmaries, hospitals, free municipal employment offices, charitable institutions, jails, houses of

correction and farm schools, work houses, detention houses, morgues, cemeteries, crematories, garbage collection, garbage disposal and garbage reduction works, street cleaning and street sprinkling plants and apparatus, quarries, plants for the production, making or assembling of asphalt or of any other substance or material for use in the building, maintenance or repair of streets; plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front of the city, including pile drivers, dredging machines, scows, tugs and suitable machinery, wharves, docks, waterways, canals and all other public buildings, places, works and institutions.

Belt Railway.

(6) To construct or to acquire by purchase and to maintain and operate belt lines of railroad along the water front or elsewhere within the city, with the necessary spurs in connection for the purpose of connecting warehouses, manufactories or other business industries and enterprises with each other and with any other railroad or railroads which do now or may hereafter enter the city, and to connect such lines of railroad with each other and to connect such warehouses, manufactories or enterprises, at railroads with docks and ships and to connect docks and ships with each other.

Water Front and Wharves.

(7) To improve, keep in repair and control the water front of the city; to fix the rates of wharfage, dockage and tolls and provide for the collection thereof; to license, regulate and control, or restrain the landing, anchorage and moorage of steamboats, sailing vessels, rafts, tug boats and all other water craft within the jurisdiction of the city.

To deepen, widen, dock, cover, wall, alter or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise, and to control and regulate the use thereof.

Water, Light, Heat and Power.

(8) To provide for supplying the city and its inhabitants with water, gas, electricity or either or any thereof, or with any means of heat, illumination, power or refrigeration; and to acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip, own and operate plants and equipments for the production and management or distribution of gas, electricity, heat, refrigeration or power in any of their forms, by pipes, wire or other means.

Tunnels and Conduits.

(9) To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip and operate tunnels and conduits through or under any street, right of way or other public property, and to lease or rent the use of such tunnels and conduits, *provided, however*, that the exclusive use of any tunnel or conduit shall never be leased or rented to any one person, firm or corporation.

Telephone, Telegraph and Transportation.

(10) To acquire by purchase, condemnation, construction, lease or otherwise, and to establish, maintain, equip, own and operate telephone and telegraph systems, railways and ferries and transportation service of any kind, when not contrary to the general law.

Sale of Products of Public Utilities

(11) To sell within or without the city, gas, water, electric current and any form of light, heat or power and all products of, or service by any public utility conducted or operated by the city.

Lease of Public Utilities.

(12) To lease to persons, firms or corporations for the purpose of maintenance and operation or use, any public utility owned or controlled by the city, provided that such leases shall be made only by ordinance to the highest bidder and for a period not to exceed ten years; *provided*, that nothing in this charter shall authorize, warrant, or empower the council to ever sell, or assign, convey, mortgage, or hypothecate any part of, or interest in, the water system, or any property belonging thereto, or any rents or income therefrom now belonging to the city of Vallejo, or that may hereafter be acquired by the said city; *provided further, however*, that the council may let, from year to year, such land or lands for agricultural purposes, or lease, for a term not to exceed ten (10) years, such land or lands for quarry purposes, that lie within the boundaries of the water system as they may think proper, and that will not endanger the safety, supply, or quality of the water required for public use.

Joint Ownership of Water Supply, and Other Utilities.

(13) To join with one or more cities incorporated under the constitution and laws of the state in order to acquire and develop jointly a source or sources of water supply, or other public utilities, for municipal and domestic purposes, and to construct the works necessary for their joint and several purposes and needs, and to unite with such cities in bond issues therefor, as may be provided for by the laws of this State

Borrowing Money, Bonds, General.

(14) To borrow money for any of the purposes for which the city is authorized to provide and for carrying out any of the powers which the city is authorized to enjoy and exercise and to issue bonds therefor; *provided*, that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

To raise money by a special tax, in addition to the annual tax levy provided in Section 56 of this charter. To authorize such special tax, the provisions of Article XIII relating to the initiative, or of Article XIV relating to the referendum shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to borrow such sum and provide in the next succeeding tax levy for its repayment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement, and the money so raised may be expended each year after the same is collected and available.

Borrowing Money, Bonds, Special.

(15) To borrow money for any or all of the following specified purposes:

To improve and keep in repair the water front of the city; to deepen, widen, dock, cover, wall, alter or change the channels of waterways and courses and provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, ferries, slips, public landing places, wharves, docks and levees, and including the acquiring and maintenance of machinery and other appliances for the expeditious and economical handling of merchandise; to acquire by purchase, condemnation or otherwise and to construct, establish and maintain plants, appliances and equipment for the construction, maintenance and repair of wharves, docks, slips and quays, and for the maintenance of proper depths of water on and along the water front, including pile drivers, dredging machines, scows, docks and suitable machinery; to construct or acquire by purchase and to maintain and operate belt lines of railroads as provided for in Subdivision 6 hereof; and to issue, as security for the money so borrowed, bonds of the city, and to provide for the payment of the principal and interest thereof out of the revenues from any or all of the properties in this subdivision mentioned; *provided* that in the procedure for the creation of such bonded indebtedness and for the issuance of such bonds the general laws of the State of California in force at the time such proceedings are taken, shall be observed and followed, so far as applicable

Direct Legislation by People.

SEC. 48. The electors of the city shall have power through the initiative and otherwise, as provided by this charter, to enact appropriate legislation to carry out and enforce any of the above general powers of the city or any of the specified powers of the council.

Powers of the Council.

SEC. 49. Except as herein otherwise expressly provided, the council shall exercise all the general powers of the city herein set forth and all powers now held by or that may hereafter be given to the city under the Constitution or the laws of the State; but only in the manner and under the conditions of this charter, and subject to all the provisions thereof

In addition to all such powers, the council, subject to the provisions and restrictions of this charter, shall have power

Local Laws.

(1) To make and enforce local, police, sanitary and other laws and regulations.

Violation of Charter and Ordinances.

(2) To prescribe fines, forfeitures and penalties for the violation of any provision in this charter or of any ordinance; but no penalty shall exceed five hundred (\$500) dollars or six months' imprisonment, or both.

Nuisances.

(3) To declare what shall constitute a nuisance and to provide for the summary abatement of the same at the expense of the person or persons creating, causing, committing or maintaining such nuisances, or otherwise.

Rewards.

(4) To offer rewards not exceeding two hundred and fifty (\$250) dollars in any one instance for the apprehension and conviction of any person who commits a felony in the city, and to authorize the payment thereof, from the general fund.

Police and Fire Departments.

(5) To organize, provide, maintain and operate police and fire departments, erect necessary buildings and acquire all implements and apparatus necessary therefor, subject to the provisions of this charter.

Police and Fire Alarm Systems

(6) To establish, operate and maintain a fire alarm and police telegraph or telephone system and maintain and control the same

Explosives.

(7) to regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitroglycerine, fireworks and other explosive materials and substances

Inflammable Materials

(8) To regulate the storage of hay, straw, gasoline, benzine, oil and other inflammable and combustible materials

Engines and Boilers

(9) To regulate the use of steam engines, gas engines, steam boilers, electric motors and all other means of generating heat or power, and to prohibit their use in such localities as in their judgment would endanger public health, safety or comfort.

Fire Limits.

(10) To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits.

Building Regulations.

(11) To regulate the construction of and the materials used in all buildings chimneys, stacks, scaffolding, staging, and false work and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water, steam, oil or gas, and the manner of so doing, to prohibit the construction of buildings and structures which do not conform to such regulations.

Fire Escapes

(12) To require the owners and lessees of buildings or other structures to place on them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Protection Against Fires

(13) To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, apparatus and machinery used in any building in the city, to regulate the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible or explosive material in unsafe places, and to make other provisions to guard against fires

Provisions for Safety in Theatres, Halls, etc

(14) To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches, and other places for public gatherings of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles or open places therein, and to regulate the size and position of aisles, open places, stairways and exits in such theatres, lecture rooms, halls, schools, churches and other places for public gatherings of any kind.

Provision for Safety in Streets.

(15) To regulate the speed of railroad trains, engines and cars, street, interurban and other railroad cars in or passing through the city, and to require persons, firms or corporations operating street, interurban or other railroads in the city to station flagmen, place gates or other safety devices and construct and use bridges, viaducts, tunnels or subways at street crossings and at railroad crossings as the council may

deem proper. To require street car and local trains to be provided with tenders or other appliances for the better protection of the public. To prohibit the making up of railroad trains, on any of the streets street crossings or street intersections of the city. To regulate the speed with which and the manner in which persons may ride or drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

Improper Use of Streets

(16) To regulate or prohibit the exhibition, distribution, posting or carrying of banners, placards, posters, cards, pictures, signs or advertisements in or on the streets, or on or upon buildings, fences, billboards or other structures, or on or upon any pole in any sidewalk, alley, street, lane, court, park or other public place, to regulate or prohibit the suspension of banners, flags, signs, advertisements, posters, pictures or cards across or over any sidewalk, alley, street, lane, court, park, or other public place, or such suspension from fences, poles, houses, or other structures, to regulate or prohibit traffic, business, peddling or selling of goods, wares, merchandise, or other things in or upon any sidewalk, street, alley, lane, court, park or other public place, to regulate or prohibit the flying of kites in or from any sidewalk, alley, street, lane, court, park or other public place; to prohibit and prevent encroachments upon or obstruction in or to any sidewalk, street, alley, lane, court, park or other public place, and to provide for the removal of such encroachment or obstruction.

To regulate all public meetings and gatherings, parades and processions in the streets or parks, and to determine what public meetings, gatherings, parades or processions upon the streets or parks shall be unlawful and to declare the same nuisances.

Shade Trees.

(17) To provide for the planting, maintenance or care of shade and ornamental trees in streets and other public places, and for the removal of unsightly and dead trees therefrom, and to make the cost thereof a lien and charge upon the abutting property, and to make provision for the enforcement of such lien.

Clearing of Sidewalks.

(18) To require the owners of real property in the city to remove grass, weeds, rubbish or obstructions from the public sidewalks in front of their property, and, upon their default, to cause such work to be done and the cost thereof to be made a lien and charge upon such property, and to make provision for the enforcement of such lien.

Sewer and Other Connections.

(19) To require the owners of real property fronting upon any street, lane, alley or other public place, in which there are sewers, water or gas mains or other mains or conduits, to connect therewith their several premises (allowing not more than fifty feet of frontage to any premises), before such street, lane, alley or other public place, or the portion thereof upon which such property fronts, is paved or otherwise improved, and upon their default, to cause such connections to be made and to make the cost thereof a lien and charge upon the property so connected, and to make provision for the enforcement of such lien.

General Regulation of Streets.

(20) Except as otherwise provided in this charter, or in the Constitution of the State of California, to regulate and control, for any and every purpose, the use of the streets, lanes, alleys, courts and sidewalks and other public places of the city.

Billboards and Signs.

(21) To regulate, license or prohibit the construction and use of billboards, signs and fences.

Animals

(22) To regulate and prevent the running at large of any animals, to provide for the destruction of vicious dogs, to require the payment of license fees by the owners or persons having possession of dogs, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Cruelty to Animals

(23) To prohibit and punish cruelty to animals, and to require the places where they are kept to be maintained in a clean and healthful condition.

Preservation of Health.

(24) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease, or coming from places where infectious or contagious diseases are epidemic or endemic.

Dangerous and Offensive Occupations; Disagreeable Noises.

(25) To regulate or prohibit the operation of all manufactories, occupations, businesses or trades which may be of such a nature as to affect the public health, safety or comfort or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons violating such regulations and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to pass ordinances for the regulation and suppression of disagreeable, offensive or injurious noises or odors

Inspection of Food Products.

(26) To provide for and regulate the inspection of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products, manufactured, produced or offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies.

(27) To provide for and regulate the inspection of all dairies that offer for sale or sell any of their products in the city.

Lodging, Tenement and Apartment Houses.

(28) To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer Connections.

(29) To regulate or prohibit the construction, repair or use of sewers, sinks, gutters, wells, cesspools and vaults, and to compel the draining, cleaning or emptying of the same, and to designate the time and manner in which the work of draining, cleaning or emptying of the same shall be done.

Garbage.

(30) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter

Licensing Businesses.

(31) To license for purposes of regulation or revenue all and every kind of business not prohibited by law; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise; *provided, however,* that no such license shall be granted for the sale or giving away of spirituous, malt, vinous or alcoholic liquors in a saloon or public bar or other places located in residence portions of the city, that is to say in any half block which is bounded on one side by an alley and on the other three sides by streets in which there are more residences than business houses, nor on the same side of any block in which is located any church building or synagogue in use as a place of public worship which is owned in fee by any sect, denomination or association of persons worshipping therein, public school or public library; and every person who within such residential or other restricted district sells, barter, gives away in lieu of selling, or exposes for sale any such liquors, shall be deemed guilty of a misdemeanor. The above prohibitory provisions of this subdivision are subject to the following provisos:

First. That the council may, under such regulations as it may adopt, authorize as well within as without such restricted districts, the sale of such liquors by any regularly licensed druggist for medicinal purposes upon the written prescription of a practicing physician entitled to practice medicine under the laws of the State of California, or the sale of such liquors for chemical, mechanical or scientific purposes:

Second. That the prohibitions as to location provided in this subdivision shall not prevent the renewal of any such license to a person who was a licensee of such license on the first day of December, 1910, and which license or renewal thereof continues until this charter goes into effect:

Third. That the future erection of any church building or other place of worship, school house or public library or the acquisition in the future of any property which may thereafter be used for church purposes, place of worship, school house or public library, shall not operate to revoke, prevent the renewal of any existing license or prohibit the granting of a new license within these boundaries: Commencing at the water front; thence along the center line of the alley between Virginia and Capitol streets to the center line of Sonoma street; thence along the center line of Sonoma street to the alley between Georgia and Virginia streets; thence along the center line of the alley to Sutter street; thence along the center line of Sutter street to the center line of Georgia street; thence along the center line of Georgia street to the center line of Sonoma street; thence along the center line of Sonoma street to the center line of York street; thence along the center line of York street to the center line of Marin street; thence along the center line of Marin street to the alley between Georgia and York streets; thence along the center line of the alley to the water front.

Regulation of Public Vehicles.

(32) To establish stands for hacks, public carriages, automobiles, express wagons and other public vehicles for hire, and regulate the charges of such hacks, public carriages, automobiles, express wagons, and other public vehicles, and to require schedules of such charges to be conspicuously posted in or upon such public vehicles, and to provide penalties for collecting of charges in excess of such schedules.

Weights and Measures.

(33) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper and correct weights and measures duly tested and sealed.

Public Shows. Gambling.

(34) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all descriptions of gambling or fraudulent devices and practices, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, and the selling of pools on races, and to authorize the confiscation and destruction of all instruments used for the purpose of gambling.

Public Order and Decency.

(35) To restrain and punish vagrants, mendicants, lewd persons and prostitutes; to prevent and punish drunkenness, prize fights, vagrancy, mendicancy, prostitution and all offensive, immoral, indecent and disorderly conduct and practices in the city.

Taxation.

(36) To levy taxes and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously Collected Taxes

(37) To order the repaying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees

(38) To fix the fees and charges for all official services not otherwise provided for in this charter.

Public Entertainments

(39) To appropriate and spend money from the funds of the city for any or all of the following purposes:

- (A) Reception and entertainment of public guests
- (B) Assistance of public celebrations held by the city at large
- (C) To aid in or carry on the work of inducing immigration to the city
- (D) To exhibit manufactured and other products of the city
- (E) Generally for the purpose of advertising the city.

Provided, however, that the aggregate expenditures for all of said purposes shall not exceed in any fiscal year the sum of one and one half (1½) cents on each one hundred (\$100) dollars valuation of the assessable property of the city of Vallejo.

Lease of Lands Owned by the City.

(40) To provide for the lease of any lands now or hereafter owned by the city, except as otherwise provided in this charter, but all leases shall be made at public auction to the highest responsible bidder at the highest rent, after publication of notice thereof for five days, stating explicitly the time and conditions of the proposed lease, *provided*, that no such lease shall be for a period of more than ten years, and *provided*, that the council may in its discretion reject any and all bids.

Purchase of Property Under Execution.

(41) To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of Useless Property.

(42) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Trusts.

(43) To provide for the execution of all trusts confided to the city.

Street Grades.

(44) To establish or change the grade of any street or public place.

Street Work

(45) To order the whole or any portion, either in length or width, of any street, avenue, lane, alley, court, public place, or sidewalk within the city of Vallejo

to be graded or regraded to the official grade, planked or replanked, paved or repaved, macadamized or remacadamized, graveled or regraveled, piled or repiled, capped or recapped, oiled or reoiled, sewered or resewered, and to order sidewalks, manholes, culverts, bridges, cesspools, gutters, tunnels, curbing, and crosswalks to be constructed therein or thereon, and to order stormwater ditches and channels, breakwaters, levees, or walls of rock or other material to protect the same from overflow or injury, and to order any other work to be done which shall be necessary to complete the work or any portion of said streets, avenues, lanes, alleys, courts, public places, or sidewalks; also to order any other work or improvement therein or thereon, to provide for the care of shade trees planted therein or thereon, and to cause shade trees to be planted, set out and cultivated therein or thereon, and also to order a sewer or sewers, with outlets, for drainage or sanitary purposes in, on, over, or through private property.

Whenever, in the judgment of the council, the cost and expense of any of the foregoing improvements should be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto.

Street Opening.

(46) To order the opening, extending, widening, straightening or closing of any street, lane, alley, court, or public place within the city or over the tide land or lands within the city covered by the waters of the Mare Island Straits, and to condemn or acquire any and all property necessary or convenient for that purpose.

Whenever, in the judgment of the council the cost and expense of any of the foregoing improvements should be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity thereto, except that no commissioner, secretary or attorney shall be appointed, and that all the duties imposed on commissioners, secretaries and attorneys under the general law shall be performed under the direction of the commissioner of public works and the city attorney of the city, neither of whom shall receive compensation therefor provided, that nothing contained in this subdivision shall be construed as affecting any pending proceeding.

To make provision for the deposit with the treasurer, by any person, firm or corporation desiring to open any sidewalk, street, alley, lane, court, park or other public place, for the purpose of laying or removing any pipe, wire, conduit, sewer or other structure therein, of moneys sufficient to cover the cost of refilling and covering such opening and restoring the sidewalk, street, lane, alley, court, park or other public place to the condition in which it was before such opening was made, and to provide for the doing of such work at the expense of the person, firm or corporation making such opening, such expense to be paid out of such deposit.

Light and Water.

(47) To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal and other purposes.

Boulevards.

(48) To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad, interurban, suburban or street railway and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for any railroad, interurban, suburban or street railway or street railway of any kind shall be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by vote of the electors, as provided in this charter.

Closed or Abandoned Streets.

(49) Whenever any street or portion of a street shall be abandoned or closed by ordinance, to convey by deed such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto in such wise as the council shall deem that equity requires. But the council shall have no power to convey by deed or otherwise without adequate compensation any street or portion of a street which shall have been acquired by the city by deed from any person or persons whatever. And this section shall not be construed as empowering or authorizing the council to close any street or portion thereof merely by the consent of owners of land adjacent thereto and when the public convenience does not so require.

Regulation of Public Utility Rates.

(50) To fix and determine by ordinance in the month of February, of each year, to take effect on the first day of July thereafter, the rates of compensation to be collected by any person, firm or corporation in the city, for the use of water, heat, light, power or telephone service, supplied to the city or to the inhabitants thereof, and to prescribe the character and quality of the service.

Rates to be Uniform

(51) It is hereby provided that in fixing the rates charged by all such persons, firms or corporations, supplying water, heat, light, power or telephone service to the city or to the inhabitants thereof, the council may classify the customers of such persons, firm or corporation into distinct and separate classes, such classification to be based on the quantity and kind of service rendered; and the rates for such water, heat, light, power or telephone service shall be uniform per unit of measurement on such basis, and it shall be lawful for the council, in regulating such rates, to establish in any class, a lower schedule of charges per unit or measurement for large consumers than for small consumers, but such rates, when established, must be strictly adhered to, and such reduction to large consumers shall not apply to nor be made to cover the aggregate consumption in separate and distinct plants, residences or places of business.

Regulation of Street Railroads.

(52) To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street for any distance not exceeding fifteen (15) blocks, to use the same tracks and to divide equitably between them the cost of construction and the cost of maintenance thereof.

Railroads to Keep Streets in Repair

(53) To require any person, firm or corporation exercising or enjoying any franchise, permit or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, to sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize, oil or reoil, the entire length of the street, highway or other public place used by the track or tracks of said railway, and between the rails and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings, and to require such street work to be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the commissioner of public works.

Spur Tracks.

(54) To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroad or railroads that may be built along the water front or with any other line or lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, during such limited time as may be necessary for such purpose and no longer. Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions of this subdivision shall be revocable at the pleasure of the council.

Regulation of Poles and Wires.

(55) To cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city; and to cause the immediate removal of all anchor posts or anchor wires or any other device now existing for bracing poles, and to prevent the placing of any such devices in the future.

Size and Location of Pipes.

(56) To regulate the quality, size and location of all water pipes, gas pipes, mains, fire plugs and all other pipes and conduits laid or constructed in the streets or public places, to provide for and regulate the construction, maintenance and repair of pipes, hydrants, fire plugs, cisterns, pumps and such other appliances as may be requisite to effect the distribution of water and gas in the city, and to require the filing of charts and maps showing the size, character and location of such pipes, hydrants, fire plugs, cisterns and conduits.

Elections.

(57) To make rules and regulations governing elections not inconsistent with this charter, or the general laws of the State of California.

Pawnbrokers, Junk Dealers, etc

(58) To regulate and control the business of pawnbrokers, junk dealers, peddlers, dealers in secondhand merchandise, auctioneers and employment office keepers, and prescribe the mode of conducting the same.

Public Charities.

(59) To create a charity fund by placing therein an amount not to exceed the sum of \$25 for any one month, and the same to be disbursed for charitable purposes only, subject to the discretion of the council after each case is investigated and reported on by the commissioner of public health and safety.

Public Buildings.

(60) To provide suitable rooms and buildings for the courts, boards and officers of the city, and such furniture, fuel, lights, stationery and other supplies as are necessary for the convenient transaction of the public business.

Civil Service Commission

(61) To establish a bureau of civil service and to appoint a commission, to serve without compensation, to administer the same under rules and regulations to be made by the council. Such commission shall, among other things, provide for the classification of all employments in the administrative service of the city not excepted by the provisions of this charter, by the council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before the employment is made permanent, and for promotion on the basis of merit, experience and record.

Civic Art Commission

(62) To establish a civic art commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Park and Playground Commission.

(63) To establish a park and playground commission, and to appoint thereon five commissioners, three of whom shall be of one sex and two of the other, to serve without compensation, with such powers and duties as may be fixed by the council.

Commission of Public Charities

(64) To establish a commission of public charities and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

Municipal Ownership

(65) To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

Additional Powers

(66) To enact appropriate legislation and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or any of the provisions of this charter, and to exercise all powers not in conflict with the Constitution of the State, with this charter or with ordinances adopted by the people of the city.

ARTICLE X.

FINANCE AND TAXATION

The Fiscal Year

SEC. 50. The fiscal year of the city shall commence upon the first day of July of each year, and end on the thirtieth day of June of the following year.

Tax System

SEC. 51. (1) Except as in this article otherwise provided, the assessment of property taxable in the city for municipal purposes, the equalization of assessments and collection of taxes and the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for state and county purposes, and redemption thereof, and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes, are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes; and the respective officers of the city shall have, possess and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes; and to that end:

1st. All powers and duties so by law conferred or imposed upon the county assessor are hereby conferred and imposed upon the city assessor.

2d. All powers and duties so by law conferred or imposed upon the board of supervisors are hereby conferred and imposed upon the council.

3d. All powers and duties so by law conferred or imposed upon the district attorney are hereby conferred and imposed upon the city attorney.

4th. All powers and duties so by law conferred or imposed upon the county tax collector are hereby conferred and imposed upon the city tax collector.

5th. All powers and duties so by law conferred or imposed upon the county treasurer are hereby conferred and imposed upon the city treasurer.

6th. All powers and duties so by law conferred or imposed upon the county clerk or county auditor are hereby conferred and imposed upon the city clerk and city auditor.

The assessor need not require from any person any statement as to any property not taxable in the city, nor transmit or send to any officer other than the officers of the city any statement or report whatsoever, nor make any record or entry as to equalization by the state board of equalization, or as to school, road or other districts.

(2) On or before the first Monday in July in each year the assessor shall complete his list, or assessment roll, and shall attach his certificate thereto, and deliver it, and the books and any maps he may have accompanying the same, and all the original lists of property given to him, to the city clerk, and the clerk shall thereupon notify the board of equalization of the fact. Said roll shall be kept in his office for public inspection.

(3) The assessor must make the abstract provided for in section (3678) of the Political Code. Should any such abstract or list be found to contain any instrument relating to lands situated partly within and partly without the city, it shall be the duty of the assessor to determine the proportion of valuation of such instrument to be assessed in the city and assess the same accordingly.

(4) The council may, by resolution, extend for not exceeding thirty days, the time fixed in this article for the performance of any act.

(5) No city officer shall be required, by virtue of anything contained in this article, to send or transmit any statement or report to any state officer or board.

(6) The assessor shall be governed, as to the amount of taxes to be by him collected on personal property, by the city tax rate of the previous year.

(7) All papers and instruments required to be filed or recorded with or by the county recorder by the revenue and taxation laws of the State shall, under said laws as applied to the city, be in like manner and with like effect filed with and recorded by the county recorder of Solano county.

(8) The assessment of property within the city of Vallejo, or assessable by the city, made by the city assessor of the city of Vallejo and the State Board of Equalization shall be the basis of taxation for the city.

(9) It shall be the duty of the assessor, at any time subsequent to the first Monday in July and prior to the fourth Monday in August of each year, to assess any property which shall not be on the regular list, and he shall enter such assessment in a separate portion of the tax list or assessment roll, under the head of "Subsequent Assessments," and shall deliver the same, certified by him, or a true copy thereof, to the city clerk, to be by him compared with the entries on the assessment roll.

Department Estimates of Annual Requirements.

SEC. 52. On or before the first Monday in April in each year or on such date in each year as shall be fixed by the council, the heads of departments, offices, boards, and commissions shall send to the commissioner of public finance and supplies a careful estimate in writing of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Annual Estimate of City's Requirements and Revenue

SEC. 53. On or before the first Monday in May in each year, or on such date in each year as shall be fixed by the council, the commissioner of public finance and supplies shall submit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required to meet the interest and sinking funds for the outstanding funded indebtedness of the city, and the wants of all the departments of the municipal government in detail, and showing specifically the amount necessary to be provided for each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Annual Budget.

SEC. 54. The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city government for the next ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, office, board or commission as the council may deem advisable.

Board of Equalization.

SEC. 55. The council shall meet at their usual place of holding meetings on the first Monday in August of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, in order to examine the assessment book and equalize the assessment of property in the city. They must continue in session for that purpose, from time to time, until the business of equalization is disposed

of, but not later than the last Monday in August. All complaints and protests by taxpayers against any assessments must be filed with the city clerk not later than the twentieth day of August. The said board of equalization shall have power to correct, modify, to lower, or to raise any assessment provided (1) that notice shall be given to the party whose assessment is proposed to be raised, and provided (2) where any person neglecting or refusing to make a statement in writing under oath as required by law or ordinance setting forth all the real and personal property owned by or in possession of such person and the assessor has, as it is hereby made his duty to do, made an estimate of the value of the property of such person, the assessment so made by the assessor shall not be reduced by the said board.

Annual Tax Levy.

Sec. 56. The council must biually adopt, not later than the first Tuesday in September, an ordinance levying upon the assessed valuation of the property in the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue. It shall then deliver the assessment roll to the auditor and ex officio assessor, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the auditor and ex officio assessor as being the assessment roll of said tax.

Limit of Tax Levy.

Sec. 57. The tax levy authorized by the council to meet the municipal expenses for each fiscal year shall not exceed, except as herein provided, the rate of one dollar on each one hundred dollars of the assessed value of all real and personal property within the city. Such levy shall be placed in the general fund, which may be apportioned by the council, except as otherwise provided in this charter.

Bond Tax. Library Tax.

Sec. 58. The council shall have power to levy and collect taxes in addition to the taxes herein authorized to be levied and collected, sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city and to provide for the establishment and support of free public libraries and reading rooms.

Cash Basis Fund.

Sec. 59. The council shall create and maintain a permanent revolving fund, to be known as the cash basis fund, for the purpose of putting the payment of the running expenses of the city on a cash basis. For this purpose the council shall provide that, from the money collected from the annual tax levy and from money received from other sources, a sum equal to not less than two and one half cents on each one hundred dollars of the assessed value of said property shall be placed in such fund until the accumulated amount in such fund shall be sufficient to meet all legal demands against the treasury for the first four months or other necessary period of the succeeding fiscal year.

The council shall have power to transfer from the cash basis fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the council to provide that all money so transferred from the cash basis fund be returned thereto before the end of the fiscal year.

Tax Liens.

Sec. 60. All taxes assessed, together with any percentages imposed for delinquency and the cost of collection shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March in each year, and may be enforced by actions in any court of competent jurisdiction to foreclose such liens, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; *provided*, that when real estate is offered for sale for city taxes due thereon, the same shall be struck off and sold to the city, in like case and in like manner and with like effect and with like right or redemption, as it may be struck off and sold to the state when offered for sale for state and county taxes, except that no certificate or receipt need be delivered to the State Controller, and the council shall have power to provide for the procedure to be followed in such sales to the city and redemption thereafter.

Duties of the Auditor.

Sec. 61. The auditor shall be ex officio assessor. As assessor he shall perform all the duties prescribed by this charter or by law for assessing property in the city for purposes of taxation. As auditor he shall keep and number a record of all demands allowed by him, showing the date of approval, amount and name of original holder, the number, on what account and out of what fund payable. He shall be

required to be constantly acquainted with the exact condition of the treasury. He shall within one week after the close of each month, or oftener if required, report to the council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner every money transaction of the city, so that he can tell at any time the exact condition of the city's finances. He shall make an annual report showing the sources from which the city's revenue was derived and how expended.

The auditor must prepare, countersign and deliver from time to time to the treasurer, and to every officer authorized by law to charge or collect any fee, commission, percentage, allowance or compensation for the performance of any official service or duty, as many receipts as may be required, charging therewith the treasurer or other officials receiving them. He shall draw and sign all warrants upon the treasury. Every demand against the city from whatever source, including the school department and the Vallejo free library, when allowed by the council or proper board, shall have stamped upon it the date of approval by such body and shall be signed by the president and secretary or clerk of such body and shall then be presented to the auditor, who shall satisfy himself whether the money is legally due and remains unpaid and its payment authorized by law and out of what fund. After such examination he shall approve or reject the claim in whole or in part and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved the fund out of which it is to be paid shall be designated. If it is not approved, unless the party presenting it is willing to take in full for the entire demand the sum offered, the auditor shall reject it and return it with his reasons for rejection, to the body which originally authorized it; then, if it is allowed by a two-thirds vote of the entire body authorizing it, it shall be audited in the same manner as if it had not been rejected, provided the body had the authority to make the expenditure out of which the claim arose.

No demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved unless it specified on its face each several item composing it and the amount and date thereof. Every demand on any fund shall be numbered and acted upon by the auditor in the order of its presentation to him; and when allowed either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of said fund in the same order as allowed. No demand upon the treasury shall be allowed by the auditor in favor of any officer or other person or any firm, company or corporation, or his or its assigns, who is in any manner indebted to the city upon an obligation due the city, without first deducting therefrom the amount of such indebtedness. He shall on application of any person indebted to the city, holding money payable into the city treasury or desiring to pay money therein, certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall charge the treasurer with the amount received.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and forthwith notify the treasurer of such apportionment.

If for any reason a warrant remains unpaid for a period of three (3) years, during all of which time funds have been available to meet it, the auditor may cancel it upon his records, but he must at the same time enter a record of it upon a book kept for that purpose, and should demand be made for payment of the claim involved at a subsequent date, draw a warrant in payment therefor against the general fund of the fiscal year then current.

Money to Meet Warrants.

SEC 62. When the running expenses of the city have been placed on a cash basis, warrants payable on demand shall be drawn upon the treasurer, or against any funds in his hands, only when at the time of the drawing and issuing of such warrants there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

Disposition of Money Collected

SEC 63. Every officer collecting or receiving any moneys belonging to or for the use of the city shall settle for the same with the auditor on or before the last day of each month or at more frequent intervals as may be directed by the council, and immediately pay all the same into the treasury, on the order of the auditor, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon Sunday or a legal holiday, the said payments shall be made on the next preceding business day. The council may provide, in its discretion, for the deposit of the city moneys in banks in accordance with the state law.

Uniform Accounts and Reports.

SEC 64. The council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys. Whenever an act shall be passed by the State Legislature calling for uniform municipal reports, the city authorities shall be governed thereby.

ARTICLE XI.

PUBLIC WORK AND SUPPLIES

Form and Conditions of Contracts.

SEC. 65. (1) All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Vallejo by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Procedure in Making Contracts.

(2) The council shall, by ordinance, provide a regular and orderly procedure for the letting, making and satisfactory performance of all public contracts, to the end that the interests of the city may be properly safeguarded. Such procedure shall, among other things, provide for the making of proposals for doing public work and for furnishing material or supplies to the city on printed forms prepared and supplied by the city; for forms and requirements of affidavits of genuineness and good faith in making bids, with penalties for the disregard thereof; for proper security, in money or otherwise, to accompany bids, and the forfeiture thereof on failure to fulfill any contract; for the time and manner of receiving, opening, examining, declaring, rejecting, and awarding bids; for the signing and filing of an adequate number of copies of all contracts, and for the proper execution in favor of the city of sufficient bonds to ensure the faithful and satisfactory performance of every contract.

Endorsement of Auditor Upon Contracts.

(3) No contracts made, the expense of whose execution is not provided by law or ordinance to be paid by assessment upon the property benefited, shall be binding or of any force, unless the auditor shall endorse thereon his certificate that there remains unexpended and unapplied as herein provided, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract, as certified by the board or officer making the same. This provision shall not apply to work done, or supplies furnished, involving expenditure of less than two hundred and fifty dollars, unless the same is required by law to be done by contract at public letting. The auditor shall make such endorsement upon every such contract so presented to him, if there remains unapplied and unexpended such amount so certified by the board or officer making the contract, and thereafter such sum shall be held and retained to pay the expense incurred until the contract shall be fully performed. The auditor shall furnish weekly to the head of each department a statement of the unexpended balances of the appropriation for his department.

Progressive Payments on Contracts.

SEC. 66. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public Work to be Done by Contract.

SEC. 67. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water fronts, or in or about embankments or other works for protection against overflow or erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, or in the purchasing of any supplies to be used by the city, when the expenditure required for the same exceeds the sum of five hundred dollars, shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for five consecutive days in one newspaper for sealed proposals for the work contemplated or supplies to be furnished. Such notice shall distinctly and specifically state the work contemplated or supplies to be furnished; *provided, however,* the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works or the supplies to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from a responsible bidder. In case no bid is received the council may likewise provide for the work to be done by the department of public works or the supplies to be purchased in the open market.

Contracts for Official Advertising.

SEC. 68. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for three con-

secutive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a newspaper in the city which is a newspaper of general circulation; *provided*, that the council may reject any or all bids if found excessive, and advertise for new bids; *and provided, further*, that except in cases made mandatory by any law of the state or any provision of this charter, the council may provide for publication by printed or typewritten bulletins which shall be posted in not less than three public places within the city. No bill shall be paid by the city for advertising in excess of the minimum rates charged other advertisers.

Contracts for Lighting.

SEC. 69. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illuminating material at a higher rate than the minimum price charged to any other consumer during the life of said contract with the city be valid.

Contracts for Water.

SEC. 70. No contract for supplying water for the use of the municipality in any of its departments shall be valid wherein the rates exceed the minimum rates charged to other consumers during the life of said contract with the city.

Hours of Labor.

SEC. 71. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or subcontractor, shall be eight hours during any one calendar day.

Collusion With Bidder--Effect on Officer.

SEC. 72. Any officer of the city, or of any department thereof, who shall aid or assist a bidder securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and be forever ineligible to hold any office or employment in or under the city of Vallejo.

Penalty for Collusion.

SEC. 73. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be null and void, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby, and the council, or board, as the case may be, may advertise for a new contract for said work.

ARTICLE XII.

FRANCHISES.

Property Rights of the City Inalienable.

SEC. 74. The rights of the city in and to its water front, wharf property, land under water, public buildings, wharves, docks, streets, highways, public parks and all other public places, except as otherwise provided in this charter, are hereby declared inalienable.

No Use of Streets Without a Franchise.

SEC. 75. No person, firm or corporation shall ever exercise any franchise, permit or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or the Constitution or laws of the United States, in, upon, over, under or along any street, highway, or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article of this charter.

Franchises to Use Streets.

SEC. 76. Every franchise, permit or privilege for the purposes hereinafter enumerated in this section shall, except as otherwise provided in the Constitution of the State of California, be granted by the council upon the conditions specified in this article and not otherwise.

(1) Every franchise, permit or privilege to construct or maintain or operate a street railroad, a suburban railroad, or an interurban railroad along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the city of Vallejo.

(2) Every franchise, permit or privilege to lay or maintain or operate pipes or conduits along, upon, over, in, under or across any street, lane, alley, court, highway, road, park, or other public place in the city of Vallejo for the purpose of transmitting water, gas, steam, oil, air or other substances.

(3) Every franchise, permit or privilege to erect or maintain or operate poles or to string wires along, upon, over, under, in or across any street, lane, alley, court, highway, road, park or other public place in the city of Vallejo, for the purpose of transmitting electricity or electrical energy.

Nothing in this section shall be construed as applying to spur or side tracks provided for in subdivision fifty-four (54) of Section 49 of this charter.

Applications for Franchises.

SEC. 77. (1) An applicant for a franchise, permit or privilege shall file with the council an application therefor, and thereupon the council shall, if it proposes to grant the same, advertise the fact of said application, together with a statement that it is proposed to grant the same, in one or more newspapers of the city. The publication of such advertisement must run for ten successive days, Sundays and legal holidays excepted, and must be completed not less than fifteen and not more than thirty days before any further action can be taken on such application.

Conditions of Grant.

(2) The advertisement must state the character of the franchise, permit or privilege it is proposed to grant, and, if it be a street railroad, or a suburban or interurban railroad, the route to be traversed; that sealed bids therefor will be opened at a stated time and place and that the franchise, permit or privilege will be awarded to the bidder offering to pay to the city during the life of the franchise, permit or privilege, the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise, permit or privilege; *provided*, that such percentage be not less than one per cent of said gross annual receipts during the first five years, not less than two per cent the next ten years and not less than three per cent during the remainder of the life of the franchise; *provided*, that if the franchise, permit or privilege be a renewal of a right already in existence, the payment of the highest percentage of the gross receipts shall begin immediately on the taking effect of the new franchise, *and provided, further*, that the council shall have the right to reject any and all bids.

Bidding for the Franchise.

(3) At the time of opening the sealed bids, any responsible person, firm or corporation present in person, or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise, *provided* that if, in the judgment of the council no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as Guarantee of Good Faith

(4) Every application for a franchise, permit or privilege under this article and every bid except that of the applicant under this article shall be accompanied by a cash deposit of two thousand dollars or a certified check for said amount, payable to the city clerk, certified to by some responsible bank, as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise, permit or privilege.

Upon the franchise, permit or privilege being awarded, all deposits made by unsuccessful bidders shall be returned. The deposit of the successful bidder shall be retained until the approval and filing of the bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, permit or privilege, shall be returned.

Free Competition in Bidding.

(5) No clause or condition of any kind shall be inserted in any advertisement of any franchise, permit or privilege offered for sale under the terms of this article which shall directly or indirectly restrict free and open competition in bidding therefor.

Bond.

(6) The successful bidder for any franchise, permit or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum prescribed by the council and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe and faithfully perform

each and every term and condition of such franchise, permit or privilege, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise, permit or privilege is awarded, and within thirty days after the filing and approval of such bond such franchise, permit or privilege shall by the council be granted by ordinance, subject to the referendum provisions of this charter, to the person, firm or corporation to whom it shall have been struck off, sold, or awarded, and in case such bond shall not be so filed, the award of such franchise, permit or privilege shall be set aside and any money deposited in connection with the awarding of the franchise, permit or privilege shall be forfeited and the franchise, permit or privilege shall, in the discretion of the council, be readvertised and again offered for sale in the same manner and under the same restrictions as hereinbefore provided.

Life of Franchise.

SEC. 78. The maximum length of time for which a franchise, permit or privilege to use the streets, alleys, highways, lands, waters, or other public places in the city may be granted to any person, firm or corporation shall be thirty-five (35) years.

Beginning and Completion of Work.

SEC. 79. Construction work under any franchise, permit or privilege granted in accordance with the terms of this article shall be commenced in good faith within not more than four months from the date of the taking effect of the ordinance granting such franchise, permit or privilege, and if not so commenced within said time, said franchise, permit or privilege shall be forfeited. Work under any franchise, permit or privilege so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, permit or privilege, which time shall be not more than three years from the date of the taking effect of the ordinance granting said franchise, permit or privilege, and if not so completed within said time, said franchise, permit or privilege shall be forfeited, *provided*, that if good cause be shown, the council may by resolution extend the time for completion thereof not exceeding three months; and *provided*, that the limitations and provisions hereof as to the time within which work shall be completed, shall not apply to extensions of service under franchises, permits or privileges other than for railroads, street railroads, suburban or interurban railroads.

Service and Accommodation.

SEC. 80. The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, permit or privilege, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service and accommodations for the people and insure their comfort and convenience.

Regulation of Public Utility Rates.

SEC. 81. (1) The grant of every franchise, permit or privilege shall be subject to the right of the city, whether or not reserved in such grant to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise, permit or privilege. The grant of every franchise, permit or privilege for a railroad, street railroad, or suburban or interurban railroad shall provide that all United States mail carriers when in uniform, and all policemen, firemen and employees of the electrical department of the city while in the actual discharge of their duties, be allowed to ride on all cars of such railroad within the boundaries of the city, without paying fare therefor and with all the rights of other passengers.

(2) Every ordinance granting any franchise, permit or privilege shall provide that the council shall have the right annually to regulate and fix a price or rate at which commodities, productions or services shall be sold or rendered under such franchise, permit or privilege. But the council in the exercise of this right shall not fix said price or rate at a lower price or rate than will produce a net revenue to the grantee of said franchise, permit or privilege, his successors or assigns, of less than six per centum per annum, computed on the actual cost of construction of the plant and property actually used and employed in the transaction of the business of said grantee, his successors or assigns, under said franchise, permit or privilege.

Right of City to Assume Ownership.

SEC. 82. Every ordinance granting any franchise, permit or privilege provided for in this article shall provide that at the expiration of the period for which the franchise, permit or privilege is granted, or at such time before said expiration as may be specified in said ordinance, the city, at its election, may, upon the payment of a fair valuation therefor, to be made in the manner provided in the ordinance, purchase and take over to itself the property and plant of the grantee, his successors or assigns.

used in the enjoyment of the said franchise, permit or privilege. In no case, however, shall the value of the franchise, permit or privilege of the values commonly known as "good will" or "going value" be considered or taken into account in fixing such valuation. The grantee, his successors or assigns of any franchise, permit or privilege under this article shall be required in said ordinance to file monthly with the city clerk an itemized statement of the expenditures for new construction during the calendar month next preceding the filing of said statement; and said statement shall be verified by the oath of the president and secretary of the grantee, his successor or assign, if such grantee, successor or assign, be a corporation, or by the oaths of a majority of the members of the firm, if the said grantee, successor or assign be a firm, or by his oath, if the grantee, his successor or assign be a person. No costs of maintenance, operation, repair or renewal shall be considered to be a cost of construction. Or it may be provided in the ordinance granting a franchise, permit or privilege under this article that the property and plant of the grantee, his successors or assigns, used in the enjoyment of the said franchise, permit or privilege shall, at the expiration of the period for which the franchise, permit or privilege was granted, revert to and become the property of the city without any compensation being made by the city to said grantee, his successors or assigns. But in no case shall any property of any such grantee, his successor or assigns, be taken over by the city with or without compensation, without being subject to the referendum vote as in this charter provided, if referendum be demanded by the people.

No Conveyance Necessary for City's Ownership.

SEC 83. Every ordinance granting any franchise, permit or privilege shall provide that the city may take over to itself and become the owner of the property and plant of any grantee as provided in this article, without the execution of any instrument or conveyance. The granting of the franchise, permit or privilege shall be set forth in all ordinances granting franchises, permits or privileges as a valuable consideration, for which the grantee, his successors and assigns, agrees to conform to the terms and conditions of the said ordinance.

Lease or Assignment of Franchise

SEC 84. No franchise, permit or privilege granted by the city shall be, in whole or in part, leased, assigned or otherwise disposed of, or transferred without the express consent of the city given by ordinance, and no dealings with any one on the part of the city to require the performance of any act or payment of any compensation by any one shall be deemed to operate as such consent, *provided*, that nothing herein shall be construed to prevent the granters from the city of such franchise, permit or privilege from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate business.

Street Sprinkling, Cleaning and Paving

SEC 85. Every grant of any franchise, permit or privilege in, over, under or along any of the streets, highways, or public places in the city for railroad, street railway, suburban or interurban railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, plank or replank, pave or repave, macadamize or remacadamize, oil or reoil the entire length of the street, highway or other public place used by the track or tracks of such railroad or railway, and between the rails, and for two feet on each side thereof, and between the tracks if there be more than one, and keep the same constantly in repair, flush with the street, and with good crossings; and such street work must be done with such kind of materials and in such manner as the council may by ordinance direct, at the same time and as a part of the same operation as the work on the remainder in width of said street, highway or other public place, to the satisfaction of the commissioner of public works.

Examination of Company's Books. Audit.

SEC 86. All ordinances granting franchises, permits or privileges under this article shall provide that the grantee, his successors or assigns, shall keep, in such manner as the council may from time to time require, vouchers, records, and books of accounts. The city of Vallejo, by and through its mayor, auditor, deputy auditor, accountants or such other agents as may, from time to time, be appointed by the mayor, auditor or council, shall have the right at all reasonable times to examine all the books, vouchers, records and other papers of all persons, firms or corporations exercising or enjoying any franchise, permit or privilege under this article. A refusal to keep said books, vouchers and records in the manner provided above or to produce for inspection in the city of Vallejo said books, vouchers and records at all reasonable times for examination by the mayor, auditor, deputy auditor, accountants or other agents appointed by the mayor, auditor or council, shall work a forfeiture of the said franchise, permit or privilege.

Annual Reports of Company.

SEC 87. Every person, firm or corporation operating any business under a franchise, permit or privilege granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding

year. Such report shall be in writing, verified by the affidavit of such person or persons, or officers of the corporation, as the council shall direct, and shall contain a statement, in such form and details as shall from time to time be prescribed by the council of all the gross receipts arising from all the business done by said person, firm or corporation, under said franchise, permit or privilege within the city of Vallejo, for the year immediately preceding such report. Such report shall contain such further statements as may be required by the council concerning the character and amount of business done under said franchise, permit or privilege, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, permit or privilege for new construction, repairs and betterments during the year.

Books of Record and Reference

SEC 88. The mayor shall provide and cause to be kept in the office of the city clerk the following books of record and reference:

(1) A franchise record, indexed and of proper form, in which shall be transcribed accurate and correct copies of all franchises or grants by the city to any person, persons, or corporation owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said record shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests or proceedings at law, if any, affecting the same.

(2) A public utility record of every person, persons or corporation owning or operating any public utility under any franchise granted by the city, in which shall be transcribed accurate and correct copies of each and every franchise granted by the city to said person, persons, or corporation, or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein provided, and such other matters of information and public interest concerning the same as the mayor may from time to time require. In case annual reports are not filed and inspections are not made, as provided, the mayor shall record such fact in the public utility record and, in writing, report the same to the council.

Payment of Gross Receipts.

SEC 89. The stipulated percentage of gross receipts provided in this charter to be paid for the use and enjoyment of any franchise, permit or privilege shall be paid annually at the time of filing the annual report provided for in Section 87 of this charter to be filed by persons, firms or corporations holding franchises, permits or privileges. Failure to pay such percentage shall work a forfeiture of the franchise.

Forfeiture for Non-compliance

SEC 90. Every ordinance granting any franchise, permit or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise, permit or privilege, the same as though in each instance such power was expressly reserved; and wherever the charter shall provide that any ordinance granting a franchise, permit or privilege shall contain any terms or conditions whatsoever, the said terms and conditions shall be considered as included in said franchise, permit or privilege, whether or not specified in the ordinance granting said franchise, permit or privilege.

Limitations on Water Front Franchise

SEC 91. All franchises, permits or privileges for railroads to, in, on, over or upon any portion of the bed of Mare Island Straits shall be subject to the right of any and all other railroads or railroad companies to have their cars switched and transported by the operators of railroads under such franchises, permits or privileges, to designated points and for designated purposes, on to and over all tracks operated under said franchises, permits or privileges, upon payment of a reasonable compensation for such switching and transportation. Nothing shall, under any franchise, permit or privilege, be constructed upon, in, over or under any portion of the bed of Mare Island Straits which shall obstruct, hinder or prevent the construction, maintenance and operation of such continuous belt lines of railroad along the whole length of the water front as the council may provide for.

Switching Rights

SEC 92. All franchises, permits and privileges for the construction or maintenance or operation of any railroad, other than street railroads, shall contain a stipulation and condition that all other persons, firms or corporations building or maintaining or operating other railroads (not street railroads) in the city of Vallejo and all persons, firms or corporations desiring to avail themselves of the benefits and privileges and rights conferred by any such franchise, permit or privilege shall have a common right to have their cars switched and transported by the holder or holders of such franchise, permit or privilege on railroad tracks constructed or maintained or operated under the terms of such franchise, permit or privilege;

and such tracks shall be operated on equal and reasonable pro rata rates with equal facilities for such purposes, and such rights, rates and facilities shall be extended without discrimination to all persons, firms and corporations desiring the same.

Franchise Not in Use Forfeited.

SEC. 93. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment or which the grantees thereof have not in good faith commenced to exercise, shall be and become forfeited and invalid, unless such grantees or their assigns shall within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such franchise, permit or privilege.

Ordinance in Plain Terms.

SEC. 94. No franchise, permit or privilege or license shall be considered as granted by any ordinance except when granted in said ordinance in plain and unambiguous terms, and any and every ambiguity therein shall be construed in favor of the city and against the claimant under such ordinance.

Franchise Specify Streets

SEC. 95. All franchises permits or privileges for railroads, street railroads, suburban or interurban railroads hereafter granted shall plainly specify on what particular streets, alleys, avenues or other public property the same shall apply, and all other franchises, permits or privileges shall so specify as far as practicable. No franchise, permit or privilege shall hereafter be granted by the city in general terms or to apply to the city generally.

License Tax.

SEC. 96. The city shall have the right to license or tax street cars, telephones, gas meters, electric meters, water meters and all other devices for measuring service; also telephone, telegraph, electric light and power poles, subways, conduits and wires. The said license or tax shall be in addition to all other lawful taxes levied thereon or upon the property of the holder thereof.

Other Conditions May be Imposed by Council.

SEC. 97. Nothing in this charter shall be construed as prohibiting the council from inserting in any ordinance granting any franchise, permit or privilege such other conditions or requirements, not inconsistent with the provisions of this charter, as the council may desire to insert therein or the people may by the initiative indicate their desire to have so inserted.

Franchises for Railroads Other Than Street, Suburban or Interurban Railroads

SEC. 98. The council may grant franchises, for the construction, maintenance and operation of railroads other than street railroads, suburban railroads or interurban railroads along, upon, over, in, under or across any street or streets or other public place in the city of Vallejo, but only in the manner and upon the terms and conditions next hereinafter set forth, that is to say:

The provisions of Section 74 relating to property rights of the city; of Section 77 relating to applications for franchises; of Section 78 relating to life of franchises, of Section 79 relating to beginning and completion of work; of Section 80 relating to service and accommodation; of Section 81 relating to regulation of public utility rates; of Section 82 relating to right of the city to assume ownership, of Section 83 relating to conveyances, of Section 84 relating to leases and assignments of franchises; of Section 85 relating to street sprinkling, cleaning and paving; of Section 88 relating to books of record and reference; of Section 90 relating to forfeiture for non-compliance; of Section 91 relating to limitations on water front franchises; of Section 92 relating to switching rights; of Section 93 relating to forfeiture of franchises not in use, of Section 94 relating to terms of ordinances, of Section 95 relating to specification of streets, and of Section 97 relating to additional conditions, shall apply to and govern all franchises, permits or privileges granted for the construction or maintenance or operation of any railroad, including railroads other than street railroads, suburban railroads and interurban railroads; and anything in this article to the contrary notwithstanding, no other section contained in this article (Article XII) shall apply to or govern the granting of franchises, permits or privileges for the construction or maintenance or operation of railroads other than street railroads, suburban railroads or interurban railroads.

Provided, that the application of the provisions of said Section 77 (relating to application for franchises) to the granting of franchises, permits or privileges for railroads other than street railroads, suburban or interurban railroads shall be subject to this exception, that is to say, that instead of receiving bids for a percentage of the gross annual receipts as provided for in said Section 77, the franchise, permit or privilege shall be awarded to the bidder offering to pay to the city, during the life of the franchise, permit or privilege, the highest average annual rental, and the advertisement shall so state, and that in the raising of bids above the amount of the highest sealed bid the first increased bid must be at least five per cent greater than the amount of the highest sealed bid.

And provided, that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of Section 81 (relating to regulation of public utility rates) shall apply only to the local service of such railroads.

And provided, that in the application to the granting of franchises for railroads other than street railroads, suburban or interurban railroads, the provisions of said Section 82 (relating to rights of the city to assume ownership) shall not be construed as requiring such franchise, permit or privilege to permit the city to take over to itself any of the rolling stock or other movable property of the grantee, his successors or assigns, used in the enjoyment of such franchise, permit or privilege.

ARTICLE XIII.

THE INITIATIVE.

Preliminaries to Filing Petition.

SEC 90. (1) The qualified electors of the city shall have power to propose by petition, and to adopt at the polls any ordinance which may be enacted under this charter. Such ordinance may be proposed by filing with the city clerk a petition setting forth said ordinance in full signed by qualified electors of the city as many in number as hereinafter required of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election.

Before any petition for such submission of a proposed ordinance shall be circulated, an affidavit by or on behalf of its proponents shall be filed with the city clerk containing the following: A copy of the proposed ordinance; a statement in not more than two hundred (200) words giving the proponent's reasons for the adoption of such ordinance, a statement of the intention to secure the submission of said ordinance to a vote of the electors by an initiative petition; and the address of the party making such affidavit. The council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such proposed ordinance should not be adopted. These reasons for and against the adoption of the proposed ordinance shall be printed as a part of each individual certificate forming a part of the petition.

Form and Condition of Petition

(2) The initiative petition shall consist of individual certificates signed by qualified electors of the city as many in number as hereinafter required. The form and conditions of each certificate and mode of certification and verification shall be substantially as follows

(Individual certificate.)

INITIATIVE PETITION TO THE COUNCIL.

Requiring the submission at a special (or general) municipal election.

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

Of a proposed ordinance entitled:

(Here insert title of ordinance.)

PROPOSERS' REASONS FOR
ADOPTING ORDINANCE

(Here insert such reasons.)

COUNCIL'S REASONS FOR NOT
ADOPTING ORDINANCE

(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith submit to the vote of the electors of the city of Vallejo, at a special municipal election (or general municipal election), that certain proposed ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached, unless said ordinance be passed by the council, without alteration, when and as provided in the charter of the city of Vallejo.

I further certify That I have read the proposed ordinance and the above reasons for and against the adoption of said ordinance and am in favor of its adoption; that I am a qualified elector of the city of Vallejo, State of California; that I am not at this time a signer of any other like certificate, that I reside at No. _____ street, between _____ street and _____ street, in said city; and that my occupation is _____.

(Signed) _____

STATE OF CALIFORNIA, }
COUNTY OF SOLANO, } ss.
CITY OF VALLEJO, }

_____, being duly sworn, deposes and says: That he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

(Signed) _____

Verification Deputy (or Notary Public.)

The petition of which this certificate forms a part shall, if found insufficient, be returned to ----- at No ----- street, Vallejo, California

The provisions of Subdivision 4, of Section 7 of this charter, applying to recall petitions, shall apply to petitions filed under this article

Fifteen Per Cent Petition.

(3) If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to fifteen per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then either

(a) The council shall pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition, or,

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which such ordinance, without alteration, shall be submitted to the vote of the electors, unless some general or special municipal election occurs not earlier than thirty (30) days and not later than ninety (90) days after the city clerk shall have attached such certificate of sufficiency, in which latter event said measure shall be voted on at such special or general municipal election.

Five Per Cent Petition.

(4) If a petition be signed by qualified electors equal in number to five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected and contain a request that said ordinance be submitted to a vote of the electors at a general municipal election, then such ordinance, without alteration, shall be so submitted by the council at the next general municipal election that shall occur at any time after twenty (20) days from the date of the attachment of the certificate of sufficiency to the petition accompanying such ordinance, unless the council shall have, prior to the time of calling such election, passed such ordinance without alteration.

Limitations for Petitions.

(5) No individual certificate provided for in this article shall be valid or sufficient unless the same shall have been signed within three (3) months prior to the presentation to the clerk of the petition of which it forms a part. No initiative petition requesting the submission of an ordinance at a special municipal election and having an insufficient number of signatures to require such special election but having the required number for submission of said measure at a general municipal election, shall by virtue thereof be sufficient to require the submission of such ordinance at a general municipal election. No initiative petition requesting the submission of an ordinance at a general municipal election and having a sufficient number of signatures to have required the submission of said ordinance at a special municipal election, shall, by virtue thereof, be sufficient to require the calling of a special municipal election

Measure to Be Mailed to Voters

(6) Whenever any ordinance is required under the initiative or referendum provisions of this charter to be submitted to the voters of the city at any election, the council shall cause the ordinance, together with such arguments for and against it as may have been printed on the individual certificates constituting the initiative or referendary petition to be printed, and it shall be the duty of the city clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least five (5) days prior to the election. The council may cause said ordinance to be printed once in a newspaper of general circulation published in the city one week preceding the date of such election.

Election.

(7) The ballots used when voting upon such proposed ordinance shall set forth in full the title of the proposed ordinance and shall state the general nature of the proposed ordinance and shall contain the words "For the Ordinance" and "Against the Ordinance." If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall take effect five (5) days after the declaration of the official canvass.

Several Ordinances at One Election.

(8) Any number of proposed ordinances under the initiative and any number of ordinances under the referendum may be voted upon at the same election, in accordance with the provisions of this article.

Limit to Special Elections.

(9) There shall not be held under this article more than one special election in any period of six months.

Competing and Conflicting Measures. Repeal.

(10) When there are two or more ordinances proposed to secure the same general purpose, the council shall so declare, and shall have the ballot so printed that the voter (first) can choose between any ordinance or none, and (second) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the ordinance receiving the highest number of votes shall become law, and the others shall fail of passage. In case two or more ordinances are tied for the highest vote, they shall be resubmitted at the next ensuing general municipal election. If there is a conflict between two or more ordinances adopted at the same election, then the ordinance receiving the highest affirmative vote shall prevail. No ordinance approved by the electorate under the provisions of this article shall be amended or repealed except by vote of the electorate unless such ordinance shall otherwise provide.

Election is Mandatory

(11) If any ordinance proposed by initiative petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this charter, be not submitted to the voters at or within the time elsewhere specified in this charter, such petition shall remain in force until such ordinance has been submitted to a vote, and no bond issue or other ordinance proposed by the council shall be submitted to the voters unless at the same election, or prior thereto, there shall be submitted to the voters the ordinance or ordinances upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this charter. This section is prohibitory and mandatory.

Substantial Compliance.

(12) A substantial compliance with the provisions of this article shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted thereat.

Further Regulations.

(13) The council shall, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article and to adapt the provisions of Article III thereto.

ARTICLE XIV.

THE REFERENDUM.

Mode of Protesting Against Ordinances.

SEC. 100. (1) No ordinance passed by the council shall go into effect before thirty days from the time of its final passage except when otherwise required by the general laws of the state or by the provisions of this charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a unanimous vote of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote provided in Section 101. If during said thirty days a petition signed by qualified electors of the city equal in number to at least ten per centum of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation and it shall be the duty of the council to reconsider such ordinance, and if the same be not entirely repealed, the council shall submit the ordinance to the vote of the electors of the city, either at the next general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof.

Preliminaries of Filing Petitions.

(2) Before any petition for the submission of an ordinance to the referendary vote of the electors shall be circulated, an affidavit by or on behalf of its opponents shall be filed with the city clerk containing the following: A copy of the ordinance or measure; a statement in not more than two hundred (200) words giving the opponents' reasons against the adoption of such ordinance, a statement of the intention to secure the repeal of such ordinance, or else its submission to a vote of the electors by the referendary petition; and the address of the party making such affidavit. The council shall have five (5) days after the filing of such affidavit in which to formulate and send by registered mail to the address given in such affidavit a statement in not more than two hundred (200) words of the reasons why such ordinance should be adopted. These reasons for and against the adoption of the ordinance shall be printed as a part of the individual certificate forming a part of the petition.

Form and Conditions of Petition.

(3) The referendary petition shall consist of individual certificates signed by qualified electors as many in number as hereinbefore required. The forms and condi-

tions of each certificate and mode of certification and verification shall be substantially as follows.

(Individual Certificate.)

REFERENDARY PETITION TO THE COUNCIL.

Requiring the Submission at

A SPECIAL (OR GENERAL) MUNICIPAL ELECTION.

(The above heading must be printed in type of a 24-point roman face, caps and lower case.)

Of that ordinance entitled:

(Here insert title of ordinance or measure.)

OPPONENT'S REASONS AGAINST

ADOPTING ORDINANCE

(Here insert such reasons.)

COUNCIL'S REASONS FOR

ADOPTING ORDINANCE.

(Here insert such reasons.)

I, the undersigned, certify that I hereby join in a petition to the council requiring that it forthwith repeal or else submit, as provided in the charter, to the vote of the electors of the city of Vallejo, at a special municipal election (or general municipal election), that certain ordinance entitled (here insert title of ordinance), to a copy of which this certificate is attached, passed by the council on the _____ day of _____, 19____.

I further certify That I have read the ordinance hereby protested against and the above reasons for and against the adopting of said ordinance, and am against its adoption; that I am a qualified elector of the city of Vallejo, State of California; that I am not at this time a signer of any other like certificate; that I reside at No _____ street, between _____ and _____ street, in said city, and that my occupation is _____.

(Signed) _____

STATE OF CALIFORNIA,

COUNTY OF SOLANO,

CITY OF VALLEJO }

ss

_____ being duly sworn, deposes and says: That he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19____.

(Signed) _____

Verification Deputy (or Notary Public)

The petition of which this certificate forms a part shall, if found insufficient, be returned to _____ at No. _____ street, Vallejo, California.

The provisions of Subdivision 4 of Section 7 of this charter, applying to recall petitions, shall apply to petitions filed under this article.

Time of Election.

(4) If a petition be filed more than thirty days and less than ninety days prior to a general election the ordinance or measure shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the council shall decide.

Conduct of Election.

(5) Subdivisions six (6), seven (7), eight (8), and twelve (12) of Section 99, of this charter, applying to the initiative shall govern elections held under authority of this article, so far as applicable.

Result of Election.

(6) If a majority of votes cast on any ordinance or measure submitted on petition or referred by the council on its own motion to the electors in accordance with the provisions of this article, shall be in favor thereof, it shall go into effect five (5) days after the declaration of the official canvass; otherwise it shall be considered repealed or rejected. The provisions of subdivision ten (10) of Section 99, relating to conflicting and competing measures under initiative elections shall apply to conflicting and competing measures under referendary elections.

Franchise Measure

SEC. 101. No ordinance passed by the council granting any franchise shall go into effect until the expiration of sixty (60) days from the date it becomes final. At the end of such sixty (60) days such ordinance shall be in force and effect unless within such period there shall be filed with the city clerk a referendary petition signed by qualified electors equal in number to five (5) per cent of the entire vote cast for all candidates for the office of mayor at the last preceding general municipal election at which a mayor was elected, requesting that such ordinance be submitted to the electors at the next occurring general or special municipal election. If such referendary petition is duly filed with the city clerk,

requiring that a franchise be referred to a vote of the electors at the next occurring general or special municipal election, and if the applicant for the franchise desires action thereon earlier than the next occurring general or special municipal election, then a special municipal election for the determination of such question may be called by the council, provided that the applicant pay one half of the expenses of such special election, as such expense may be determined by the council. If the amount required by this charter to be deposited by every applicant for a franchise is not sufficient to cover the expense of such special election, then the applicant must deposit such additional sum as may be necessary therefor *provided*, that all amounts unexpended from such deposit shall be returned to the applicant. In case such referendary petition is duly filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at an election as herein provided.

Reference of Measures to Popular Vote.

SEC 102 Any ordinance or measure that the council or the qualified electors of the city shall have authority to enact, the council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this charter for ordinances submitted on petition

Further Regulations.

SEC 103. The council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article and to adopt the provisions of Section 5 of Article III thereto

ARTICLE XV.

POLICE COURT.

Judicial Power of the City

SEC. 104 There is hereby created and established in and for the city of Vallejo a court which shall be known as the police court of the city of Vallejo. The judicial power of the city shall be vested in said court, to be held by the police judge of the city.

Term of Police Judge.

SEC. 105. The police judge shall be appointed for a term of two years, subject, however, to removal at any time by unanimous vote of the council.

Court Room.

SEC. 106 The council shall furnish the police court a suitable court room and office, and the dockets, blanks and other papers necessary to the transaction of its business.

Bailiffs. Writs. Clerk.

SEC 107. The chief of police, when requested by the police judge, shall provide a bailiff for the police court, and shall in all cases cause its writ and processes to be promptly executed. The council shall appoint a clerk for said court whenever it is deemed necessary or expedient, and shall fix his compensation

Powers of Magistrate

SEC 108. The police judge shall have the powers and perform the duties of a magistrate as provided by the laws of the State of California, and may administer and certify oaths and affirmations and take and certify acknowledgments

Exclusive Jurisdiction

SEC 109. The police court shall have exclusive jurisdiction of all actions and proceedings, civil or criminal, for the violation of any ordinance of the city, of all actions for the recovery of any fine, penalty or forfeiture prescribed or provided for the breach of any ordinance, of all actions founded upon any obligations or liability created by ordinance, and shall have exclusive jurisdiction of all matters and proceedings the jurisdiction of which is now or may hereafter be exclusively vested in police courts by the laws of the State of California.

Concurrent Jurisdiction.

SEC 110—The police court shall have jurisdiction concurrently with the justices' courts of all matters, actions, and proceedings, both civil and criminal, arising within the limits of the city, of which the justices' courts have now or may hereafter have jurisdiction, and the police judge shall have like authority, power and jurisdiction as are now or may hereafter be conferred by the general laws of the State of California.

Pleadings and Practice.

SEC 111. In all proceedings in and appeals from the police court, the pleadings practice and procedure now applicable under the laws of the State of California or that may hereafter be made so applicable to justices' courts or police courts are hereby adopted and made applicable to the police court of the city of Vallejo.

Appeals.

SEC. 112. Appeals may be taken to the Superior Court of the State of California and for the county of Solano, from the judgments and orders of the police court in all cases in which appeals now are or may hereafter be taken by law to said superior court from justice courts and police courts.

Court Always Open.

SEC. 113. The police court shall always be open for the transaction of business except on Sundays and other non-judicial days.

Disqualification of Police Judge.

SEC. 114. In all cases in which the police judge is a party or in which he is interested, or when he is related to any party to an action or proceeding by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge shall call a justice of the peace residing in the county of Solano to act in his place and stead, and while so acting said justice shall be vested with all powers, authority and jurisdiction of the duly qualified judge of the police court.

Fines the Property of the City.

SEC. 115. All fines, penalties, forfeitures and other moneys received or collected by the police judge for or on account of the city of Vallejo, shall be immediately paid into the city treasury for the use of the city.

Rules

SEC. 116. The police judge shall adopt all necessary rules and regulations for conducting the business of the court.

ARTICLE XVI

POLICE DEPARTMENT

Organization.

SEC. 117. The police department, which shall be under the supervision of the commissioner of public health and safety, shall consist of a chief of police, and such sergeants, patrolmen and other officers and employees as in the judgment of the council the needs of the service may require.

Appointments

SEC. 118. The chief of police shall be appointed by the commissioner of public health and safety, subject to confirmation by the council; sergeants shall be appointed or disrated by the chief of police, patrolmen and other officers and members of the police department shall be appointed by the commissioner of public health and safety; provided (1) that sergeants be appointed only from patrolmen who have served as such not less than two (2) years; and provided (2) that the chief of police, sergeants, patrolmen and other officers of the police department appointed prior to the first day of December, 1910, who are in good standing at the time this charter goes into effect, and all who may be hereafter appointed, shall be retained in their respective positions except as otherwise provided in this charter.

Number of Patrolmen

SEC. 119. Patrolmen shall be appointed in such numbers as not to exceed one patrolman for every fifteen hundred (1500) inhabitants of the city of Vallejo. In determining the population for the purposes of this section, said population is hereby declared and established to be on the basis of five (5) inhabitants for every registered voter as the same shall at any time appear on the great register of the county of Solano.

Salaries

SEC. 120. The chief of police, sergeants and patrolmen shall receive annual compensation as follows:

Chief of police, for the first year of service after date of appointment, \$1,500; for the second year of such service, \$1,620; for the third year of such service and thereafter, \$1,800.

Sergeants, for the first year of service after date of appointment, \$1,320; for the second year of such service, \$1,440; for the third year of such service and thereafter, \$1,500.

Patrolmen, for the first year of service after date of appointment, \$1,020; for the second year of such service, \$1,140; for the third year of such service and thereafter, \$1,200.

ARTICLE XVII.

THE PUBLIC SCHOOLS.

The Board of Education.

SEC. 121. The board of education shall have entire control and management of the public schools in the city in accordance with the constitution and general laws of the State, and is hereby vested with all the powers and charged with all the duties

provided by this charter and by the general laws of the State for city boards of education

Meetings to be Public.

SEC 122. All meetings of the board of education shall be public.

Superintendent of Schools.

SEC. 123. The board of education shall appoint a superintendent of schools, who shall be the holder of a high school certificate or a secondary school certificate under the general law of the State, and shall fix his compensation

Powers and Duties of the Superintendent

SEC. 124. The superintendent of schools shall be the secretary and executive officer of the board of education and he shall give his full time to the duties of his office. He shall be subject only to the board of education and all orders of the board relating to the direction of the principals teachers and janitors shall be given through him. He must examine all plans for the construction and reconstruction of school buildings and report in writing to the board any objection he may find thereto. He shall have supervision of the course of instruction of the discipline and conduct of the schools

Powers of Superintendent With Reference to Teachers.

SEC. 125. The superintendent of schools shall nominate and recommend all teachers and principals for election by the board of education. He shall assign all teachers and principals and make all transfers necessary to the successful operation of the schools

Election of Teachers

SEC. 126. The board of education shall elect all teachers, but only from a list of candidates nominated and recommended by the superintendent of schools. The board of education may make rules in accordance with which the superintendent must make such nominations and recommendations.

Tenure of Teachers.

SEC 127. Every person employed as a regular teacher by the school department shall be considered reelected for the ensuing fiscal year unless at least two months before the beginning of such fiscal year he or she is notified in writing, by authority of the board of education, that it is expected that his or her services will not be required for the ensuing fiscal year. Such notice shall be deemed given when placed in a sealed envelope and sent by registered mail to the teacher affected at his or her last known place of residence, as it appears from the records of the department.

ARTICLE XVIII.

MISCELLANEOUS.

When this Charter Takes Effect.

SEC. 128. For the purpose of nominating candidates and electing the mayor, auditor, commissioners and school directors in accordance with this charter this charter shall take effect from the time of the approval of the same by the Legislature, for all other purposes it shall take effect on the first day of July, 1911.

First Election Under this Charter.

SEC 129. The board of trustees of the city of Vallejo in office at the time this charter is approved by the Legislature shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result and approve the bonds of all officers elected at such election

Terms of Incumbents in Office.

SEC 130. The members of the board of trustees, the auditor, and the members of the board of education in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the election and qualification of the mayor, auditor, commissioners and school directors, respectively, first elected under this charter

The term of each of all the other officers in office at the time this charter takes effect shall cease and terminate when the council first elected hereunder shall by resolution so declare.

Existing Ordinances Continued in Force

SEC 131. All lawful city ordinances, resolutions and regulations in force at the time this charter takes effect and not inconsistent with the provisions thereof are hereby continued in force until the same shall be duly amended or repealed.

Claims Against the City.

SEC. 132. All claims for damages against the city must be presented to the council and filed with the city clerk within six months after the occurrence from which the damages are claimed to have arisen; otherwise, there shall be no recovery on any such claim.

Illegal Approval of Demands.

SEC. 133. Every officer who shall approve, allow, or pay any demand on the treasury not authorized by law, ordinance, or this charter, shall be liable to the city, individually, and on his official bonds, for the amount of the demand so illegally approved, allowed, or paid.

Annual Vacations.

SEC. 134. Every officer and employee, after having served continuously for one year in the employ of the city shall be entitled to fifteen (15) days' vacation with full pay.

Mare Island Straits; Meaning Thereof.

SEC. 135. By the designation Mare Island Straits wherever occurring in this charter is meant that body of water lying between the mainland of the city of Vallejo and Mare Island, whether known as Napa Creek, Napa River, Napa Slough, Vallejo Bay, or otherwise.

Women Eligible to Appointive Offices

SEC. 136. Nothing in this charter shall be construed as prohibiting the appointment of women to any appointive office.

Violation of Charter Provisions. Misdemeanor.

SEC. 137. The violation of any provision of this charter shall be deemed a misdemeanor. Any act or omission declared by this charter to be a misdemeanor shall be punishable by imprisonment not exceeding six (6) months, or by a fine not exceeding five hundred (\$500) dollars, or by both.

CERTIFICATE.

WHEREAS, The city of Vallejo, a city containing a population of more than three thousand five hundred inhabitants, on the eleventh day of October, nineteen hundred and ten, at a special election, and under and in accordance with the provisions of section eight, article eleven of the Constitution of the State of California, did elect W. J. Carlin, John Davidson, Robert B. Dempsey, B. F. Griffin, G. S. Hale, E. B. Hussey, W. A. Jones, J. B. McCauley, Grant McLaughlin, Donald Munro, Conrad Rump, John Sullivan, W. H. Taylor, J. R. Ward and E. V. Williams a board of fifteen freeholders to prepare and propose a charter for said city,

BE IT KNOWN, That in pursuance of said provision of the Constitution and within a period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Vallejo.

IN WITNESS WHEREOF, We have hereunto set our hands in duplicate this third day of January, one thousand nine hundred and eleven

B. F. GRIFFIN, President.
W. J. CARLIN
ROBT. B. DEMPSEY,
G. S. HALE.
WM. A. JONES.
J. B. MCCAULEY
GRANT McLAUGHLIN
DONALD MUNRO.
CONRAD RUMP.
JOHN SULLIVAN.
WM. H. TAYLOR.
J. R. WARD.
E. V. WILLIAMS.
JOHN DAVIDSON

Attest E. B. HUSSEY, Secretary

I, W. J. TORMEY, city clerk of the city of Vallejo, do hereby certify that the foregoing proposed charter of the city of Vallejo is a full, true and correct copy of the charter of the city of Vallejo as prepared and proposed by the board of fifteen freeholders elected on October eleventh, 1910, which said charter was delivered and submitted to the mayor of said city on January fourth, 1911, and filed in the office of the city clerk on said January fourth, 1911, and is now in my custody as city clerk of said city.

In witness whereof I have hereunto set my hand and affixed the corporate seal of the city of Vallejo this ninth day of January, 1911.

[SEAL]
STATE OF CALIFORNIA,
COUNTY OF SOLANO. } ss.
CITY OF VALLEJO. }

W. J. TORMEY, City Clerk

I, J. F. Chappell, mayor of the city of Vallejo, State of California, do hereby certify that the board of freeholders, whose names appear signed to the foregoing proposed charter, were on the 11th day of October, 1910, at a special municipal election held in said city of Vallejo on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city; that each of said freeholders

had been a qualified elector and freeholder in said city for more than five (5) years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as mayor of said city of Vallejo within ninety (90) days after said election, as required by Section 8 of Article XI of the Constitution of this State, that said proposed charter was then published in the "Vallejo Daily Times" and in the "Vallejo Evening News," which were then daily newspapers of general circulation in said city, and that publication was made for twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within thirty (30) days after the publication of said charter, as required in said Section 8 of Article XI of said Constitution of the State of California, to wit, on the 21st day of February, 1911, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election were duly canvassed by the board of trustees of said city of Vallejo on the 23d day of February, 1911, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the Constitution and the laws of the State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Vallejo to be affixed this 23d day of February, 1911.

[SEAL]

J. F. CHAPPELL,

Mayor of the City of Vallejo.

Attest:

W. J. TORMEX,

City Clerk and Clerk of the Board of Trustees.

AND WHEREAS, Said proposed charter, so ratified, has been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein) that said charter of the city of Vallejo, as presented to, adopted and ratified by the qualified electors of said city of Vallejo, be, and the same is hereby, approved as a whole as and for the charter of the said city of Vallejo.

Published by order of the board of trustees of the city of Vallejo.

W. J. TORMEX, City Clerk.

RESOLUTION No. 510.

WHEREAS, Pursuant to Ordinance No. 449 passed and adopted by the board of city trustees of the city of Vallejo and in pursuance of law in such cases made and provided, and in accordance with the Constitution of the State of California, a special election was duly and regularly held in the city of Vallejo, county of Solano, State of California, on Tuesday the twenty-first day of February, 1911, at which time and place, a new charter of the city of Vallejo, prepared and proposed by the board of freeholders of said city elected October 11th, 1910, was submitted to the qualified voters of said city of Vallejo and

WHEREAS, All matters and things as to form and substance and as required by law, have been done and performed in the manner and at the time as required by law, and the board of city trustees of the city of Vallejo, sitting as a board therefor, having duly canvassed the returns of said election:

It is hereby found, resolved, determined and declared that the number of votes hereinafter set forth, were as hereinafter set forth voted at said election and that there were cast in favor of the ratification of said proposed charter and against the ratification of said proposed charter the following number of votes, respectively, as follows:

In favor of the ratification of said proposed charter.....	1279
Against the ratification of said proposed charter.....	809

Total number of votes cast upon ratification of said proposed charter 2088

It is further hereby found, resolved, determined and declared that the said proposed new charter was and is ratified by a majority of the qualified electors voting thereon at said election in said city of Vallejo:

Resolved, That the city clerk of the city of Vallejo be, and he is hereby authorized and directed to submit the said charter, together with a certified copy of this resolution, to the Legislature of the State of California, for its approval or rejection as a whole without power of alteration or amendment.

Passed and adopted by the board of trustees of the city of Vallejo in adjourned session assembled this 23d day of February, 1911, by the following vote.

AYES—Trustees Butler, Herbert, Pierce, Sullivan and Tripp.

NOES—None.

R. O. PIERCE,

President of the Board of City Trustees.

[SEAL]

Attest W. T. TORMEX,

City Clerk and Clerk of the Board of Trustees

Approved this 24th day of February, 1911

J. F. CHAPPELL, Mayor

I certify that the foregoing is a full, true and correct copy of a resolution adopted by the board of city trustees of the city of Vallejo on February 23d, 1911, and approved by the mayor of said city on the 24th day of February, 1911.

[SEAL]

W. J. TORMEX, City Clerk.

Mr Hamilton asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 24 out of order.

Assembly Concurrent Resolution No. 24—Relative to approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911.

The question being on the adoption of Assembly concurrent resolution

The roll was called and Assembly Concurrent Resolution No. 24 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohuett, Brown, Butler, Clark, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdos, Griffin, of Modesto, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinchshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowan, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimbunger, Rodgers, of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevernot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Wilson, Young, and Mr. Speaker—58.

NOES—None

Assembly concurrent resolution ordered transmitted to the Senate.

ASSEMBLY CONCURRENT RESOLUTION No. 24.

Approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911

WHEREAS, The city of Petaluma, a municipal corporation of the county of Sonoma, State of California, now is and was at all times herein referred to a city containing a population of more than 3500 inhabitants; and

WHEREAS, At a special election duly held in said city on the 30th day of August, 1910, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California a board of fifteen freeholders, duly qualified, was elected in and by said city by the qualified electors thereof, to prepare and propose a charter for the government of said city, and

WHEREAS, Said board of freeholders did, within ninety (90) days after said election, prepare and propose a charter for the government of said city of Petaluma; and

WHEREAS, Said charter was on the 26th day of November, 1910, signed in duplicate by the members of said board of freeholders and was thereupon duly returned and filed, one copy with the president of the board of trustees of said city of Petaluma, and the other copy with the county recorder of the said county of Sonoma and filed in the office of the said county recorder; and

WHEREAS, Said proposed charter was thereafter published in the "Petaluma Courier," being a daily newspaper of general circulation in said city of Petaluma, and the said charter being published as aforesaid for a period of more than thirty (30) days, the first publication thereof being made within twenty (20) days after the completion of said charter; and

WHEREAS, Said proposed charter was within not less than thirty (30) days after the completion of said publication submitted by the board of trustees of the city of Petaluma to the qualified electors of said city of Petaluma at a special election, previously duly called and therein held on the 14th day of February, 1911; and

WHEREAS, At said last mentioned special election a majority of said qualified

electors of said city of Petaluma, voting at said special election, voted in favor of the ratification of said charter as proposed as a whole, and

WHEREAS, Said charter was ratified in the words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF PETALUMA BY THE BOARD OF FREEHOLDERS ELECTED ON THE THIRTIETH DAY OF AUGUST, A. D. 1910.

- Article 1—Name and rights of the city.
- Article 2—Boundaries.
- Article 3—Powers of the city.
- Article 4—Elections.
- Article 5—Mayor
- Article 6—The council
- Article 7—City officers and duties
- Article 8—Judicial department and police court.
- Article 9—Educational department
- Article 10—Free public library
- Article 11—Revenue and taxation
- Article 12—Public works and supplies
- Article 13—Franchise.
- Article 14—Recall.
- Article 15—The initiative
- Article 16—The referendum
- Article 17—General provisions.
- Article 18—Amendments.

ARTICLE 1

NAME, RIGHTS AND LIABILITIES OF THE CITY.

Name of the City.

SECTION 1 The municipal corporation, now existing and known as the city of Petaluma, shall remain and continue a body politic and corporate in name and in fact, by the name of "City of Petaluma" and by that name have perpetual succession

Rights and Liabilities.

SEC. 2. The city of Petaluma shall remain vested with, and continue to have, hold, and enjoy, all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of the same. It shall be subject to all the liabilities that now exist against this municipality. All ordinances of said city, not in conflict with this charter, shall be continued in force until amended or repealed and all proceedings providing for any public improvement pending and uncompleted shall be continued in accordance with the law under which such proceedings were commenced.

ARTICLE 2.

BOUNDARIES.

SECTION 1 The boundaries of the city of Petaluma are as follows: The mathematical center of the city of Petaluma, shall be a point on the westerly property line of Main street, which point is one foot northerly from the southerly curb line of Western avenue, said point being the southwesterly corner of Main and English streets, as said streets are marked and designated on the Stratton map of the city of Petaluma.

The boundaries of the said city of Petaluma, shall be described as follows: Beginning at a point which shall be $\frac{1}{4}$ of a mile due south from said mathematical center; running thence due east $\frac{1}{4}$ of a mile, thence due north, $1\frac{1}{2}$ mile, to a granite monument; thence due west, $1\frac{1}{2}$ mile to a granite monument; thence due south, $1\frac{1}{2}$ mile to an iron monument, said monument being an iron bar two inches in diameter and about four feet long, driven about six inches below the surface of the ground, from which monument the stub of an oak tree, bears S. 68 W. $52\frac{1}{2}$ feet distant. And thence due east $\frac{1}{4}$ mile to the place of beginning, including an area within said limits, of two and one fourth square miles.

ARTICLE 3.

POWERS OF THE CITY.

SECTION 1. Without denial or disparagement of other powers held under the Constitution and laws of the State, the city of Petaluma shall have the right and power:

Perpetual Succession.

SEC. 2. To have perpetual succession

Official Seal.

SEC. 3. To provide a corporate seal, with appropriate device, to be affixed to all instruments or writings needing authentication.

Sue and Defend.

SEC. 4. To sue and defend in all courts and places and in all matters and proceedings.

Property for Public Purposes.

SEC. 5. To purchase, receive, have, take, lease, use, and enjoy property of every kind and description, both within and without the limits of said city, and to control and dispose of the same for the public benefit.

Bequests and Donations.

SEC. 6. To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable or for other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise dispose of the same, in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequests, gift or trust, be unconditional.

Public Works, Buildings and Institutions.

SEC. 7. To acquire by purchase, condemnation, or otherwise, and to establish, maintain, equip, own and operate, libraries, reading rooms, art galleries, museums, such schools and kindergartens as are not provided for in the public school system of the State, public hitching racks and hitching and automobile enclosures, aviation landings, parks, playgrounds, places of recreation, gymnasiums, theatres, fountains, baths, public toilets, markets, market houses, abattoirs, dispensaries, hospitals, charitable institutions, infirmaries, jails, houses of correction, and farm schools, work houses, detention homes, morgues, cemeteries, crematories, garbage collection and garbage disposal and reduction works, street cleaning and street sprinkling plants, wharves, waterways, canals, and all other public buildings, places, works, and institutions.

Telephone, Telegraph and Transportation.

SEC. 8. To acquire by purchase, condemnation or otherwise and to establish, maintain and equip, own and operate telephone and telegraph systems, cable and electric or other railways and transportation service of any and every kind.

Water, Light, Heat and Power.

SEC. 9. To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works, within and without the city, and to supply the city and its inhabitants and also persons, firms, or corporations outside the city, with water, gas, heat and electricity.

Sale of Products of Public Utility.

SEC. 10. To sell gas, water, electric current and all products of any public utility operated by the city.

Land for Public Utilities.

SEC. 11. To acquire by purchase, condemnation, suit, or otherwise within or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose; and to sell, convey, and dispose of the same for the public benefit.

Leases of Property.

SEC. 12. To lease to corporations or individuals, for the purpose of maintenance and operation of any public utility owned by the city, and to provide for the lease of any lands now or hereafter owned by the city, except lands donated, purchased, acquired, or used for public parks.

Joint Ownership of Water Supply.

SEC. 13. To join with one or more cities or irrigation districts incorporated or organized under the Constitution and laws of the State, in order to acquire and develop jointly the source or sources of water supply for municipal and domestic purposes, and to construct or join in constructing the works necessary for their joint and several purposes and needs, and to unite with such organizations in bond issue therefor; to enter into contracts of any kind and every nature with persons, firms or corporations to effectuate the acquisition and development of such source or sources of water supply and the distribution, sale or disposal of such water.

Trusts

SEC. 14. To provide for the execution of all trusts confided to the city.

Eminent Domain.

SEC. 15. To exercise the right of eminent domain, for the purpose of acquiring real and personal property of every kind for any public use.

Municipal Ownership

SEC. 16. To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

To Borrow Money.

SEC. 17. To borrow money for any of the purposes for which the city is authorized to provide, and for carrying out any of the powers which the city is authorized to enjoy and exercise, and to issue bonds therefor; *provided*, that in the procedure for the creation and issuance of such bonded indebtedness the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed, *provided* that the aggregate indebtedness of the city shall not exceed ten per cent of the city's assessed valuation.

Special Tax.

SEC. 18. To raise money by special tax, in addition to the annual tax levy provided in Article 11, Section 1 of this charter. To authorize such special tax, the provisions of Article 15 relating to the initiative, or of Article 16 relating to the referendum, shall be followed, and the levy of such tax must be approved by at least two thirds of the qualified electors who vote thereon. At such election, the council may be authorized, in cases where public necessity requires the expenditure of any sum so voted before the next succeeding tax levy, to issue warrants therefor and provide in the next succeeding tax levy for their payment with interest at not exceeding five per cent per annum. Or the council may be authorized to levy a special tax each year for a period of years not exceeding three years in all, for any permanent municipal improvement each year after the same is collected and available.

Police Power.

SEC. 19. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.

Improvement of Streams

SEC. 20. To improve the rivers, streams, inlets and channels flowing through the city or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to control and improve the water front of the city; to construct and maintain embankments and other works to protect the city from overflow, and to acquire, own, construct, maintain and operate on any lands bordering on any navigable river, creek, or slough within the limits of the city or contiguous thereto, wharves, chutes, piers, or bath houses.

Grading and Opening Streets

SEC. 21. The council shall have the power by ordinance which shall not be in conflict with any street law now on the statutes of the State of California or which in the future will be placed on the statutes of this State and such ordinance may embrace all the powers as is granted by any state law now in existence or which shall be in the future in existence.

To establish and change the grade and lay out, open, extend, widen, change, pave, repave, or otherwise improve all public streets and highways and public places, construct sewers, drains and culverts, to plant trees, construct parking, and to remove shrubs and weeds, or cause objectionable shrubs and weeds or any manner of uncleanness or obstruction to be removed and compel the owner of the property to pay for such removal, to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning, and sprinkling of such streets and public places.

Fire Department

SEC. 22. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

Permits to Use Streets.

SEC. 23. To grant permits to use the streets or public property revokable at any time without notice, provided that no street shall be closed or any building erected thereon.

Regulation of Rates.

SEC. 24. To regulate and establish rates and charges to be imposed and collected by any person or persons, corporation or firm, for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the town or city or other authority.

Violation of Charters and Ordinances

SEC. 25. To prescribe fines, forfeitures, and penalties for the violation of any provision of this charter or of any ordinance; but no penalty shall exceed a fine of five hundred dollars or six months' imprisonment, or both.

Nuisances.

SEC. 26. To declare what constitutes a nuisance and to provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing or maintaining such nuisances.

Rewards.

SEC. 27. To offer rewards not exceeding two hundred and fifty dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

Engines and Boilers

SEC. 28. To regulate the use of steam engines, gas engines, cupola furnaces, steam boilers, electric motors, motor cycles, automobiles, and flying devices, and to prohibit their use in such localities as in the judgment of the council would endanger public safety.

Fire Limits.

SEC. 29. To prescribe fire limits and determine the character and height of buildings that may be erected therein and the nature of the materials to be used in the construction, alteration or repair of such buildings or in the repair or alteration of existing buildings within such fire limits

Building Regulations.

SEC. 30. To regulate the construction and location of, and the materials used in all buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction; to regulate the materials used in, and the method of construction of foundations and foundation walls, the materials, manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings or other structures for the purpose of supplying the same with water or gas, and the manner of so doing; to prohibit the construction of buildings and structures which do not conform to such regulations

Fire Escapes.

SEC. 31. To require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against fire and for the extinguishment of fires.

Precautions Against Fires.

SEC. 32. To prevent the construction and to cause the removal of dangerous chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers, apparatus and machinery used in any building in the city to regulate or prohibit the carrying on of manufactories liable to cause fire; to prevent the depositing of ashes, the accumulation of shavings, rubbish, or any combustible material in unsafe places, and to make provisions to guard against fires.

Provisions for Safety in Theatres, Halls, Etc.

SEC. 33. To regulate the size and construction of the entrances to and exits from all theatres, lecture rooms, halls, schools, churches and other places for public gathering of every kind and to prevent the placing of seats, chairs, benches or other obstructions in the hallways, aisles, or open places therein.

Provisions for Safety in Streets.

SEC. 34. To regulate the speed of railroad trains, engines, and cars passing through the city and the speed of cars of street or interurban railway companies using the public streets of the city, to require railroad companies to station flagmen, place gates, or viaducts at all such street crossings as the council may deem proper, to require street cars and local trains to be public; to prohibit the making up of railroad trains on any of the street crossings or street intersections of the city; to regulate the speed with which persons may ride or drive or propel bicycles, motor cycles, automobiles, or other vehicles along or upon any of the streets or highways of the city.

Improper use of Streets

SEC. 35. To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of handbills in the streets, public grounds or upon the sidewalks; to regulate and prevent the flying of banners, flags or signs across the streets or from houses; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstructions to the streets, and to require their removal.

Weeds and Rubbish on Sidewalks.

SEC. 36. To compel the owner or occupant of buildings or grounds to remove dirt, rubbish and weeds therefrom and from the alley and sidewalk thereof and in his default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant, and to make such expense a lien upon such buildings or grounds.

Billboards and Signs.

SEC. 37. To regulate, license or prohibit the construction and use of billboards and signs.

Public Pound.

SEC. 38. To prevent or regulate the running at large of any animals, and to establish and maintain a pound and authorize the destruction or other disposition of any animals running at large.

Preservation of Health.

SEC. 39. To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease; to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

Dangerous and Offensive Occupations; Disagreeable Noises

SEC. 40. To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health or good order of the city or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in the vicinity, and to provide for the punishment of all persons who may permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

Inspection of Food Products

SEC. 41. To provide for and regulate the inspection by the health officer of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, breadstuffs, milk and other food products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city or having or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

Dairies

SEC. 42. To provide for the regulation and inspection of all dairies, slaughter-houses and creameries that offer for sale any of their products in the city.

Lodging, Tenement and Apartment Houses.

SEC. 43. To regulate lodging, tenement and apartment houses and to prevent the overcrowding of the same and to require that they be put and kept in proper sanitary condition.

Sewer Connections.

SEC. 44. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

Garbage.

SEC. 45. To provide for the treatment of and the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, offal, rubbish and waste matter.

Licensing Business.

SEC. 46. To license for purpose of regulation and revenue all and every kind of business not prohibited by law to be transacted or carried on in the city, and all shows, exhibitions and lawful games carried on therein; to fix the rates of licenses upon the same, and to provide for the collection thereof by suit or otherwise.

Weights and Measures

SEC. 47. To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the keeping and use by dealers of proper weights and measures duly tested and sealed.

Taxation.

SEC. 48. To levy and collect taxes upon all the real and personal property within the city, subject to the limitations elsewhere in this charter provided.

Erroneously Collected Taxes.

SEC. 49. To order the paying by the treasurer of any taxes, percentages or costs erroneously or illegally collected.

Fees.

SEC. 50. To fix the fees and charges for all official services not otherwise provided for in this charter.

Purchase of Property Under Execution.

SEC. 51. To provide for the purchase of property levied upon or under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

Sale of Useless Personal Property.

SEC. 52. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

Street Grades

SEC. 53. To establish or change the grade of any street or public place.

Light and Water.

SEC. 54. To provide for the lighting of the streets, highways, public places, and public buildings and for supplying the city with water for municipal purposes.

Boulevards.

SEC. 55. To set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate and prevent heavy teaming thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway or street railway of any kind shall ever be granted upon such boulevard and no railroad track of any kind shall ever be laid thereon, unless an ordinance to that effect shall have been duly passed by popular vote, as provided in Article 15 or Article 16 of this charter.

Regulation of Public Utility Rates.

SEC. 56. To fix and determine by ordinance in the month of February of each year, and to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, firm or corporation in the city for the use of water, heat, light, power or telephonic service, supplied to the city or the inhabitants thereof, and to prescribe the quality of the service.

Regulation of Street Railroads.

SEC. 57. To regulate street railroads, their tracks and cars, to compel the owners of two or more such street railroads using the same street to use the same tracks and to equitably divide the cost of construction and the cost of maintenance thereof between them.

Railroads to Keep Streets in Repair.

SEC. 58. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of two feet upon each side of the track occupied by the company, and to sprinkle the same.

Spur Tracks.

SEC. 59. To permit the laying down of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with any line of railroads which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or a portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restriction as not to interfere with the use of the street by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council.

Regulation of Poles and Wires

SEC. 60. To cause the removal and placing under ground of all telephone, telegraph, electric light or other wires within the city or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Size and Location of Pipes

SEC. 61. To regulate the size and location of all water pipes, gas pipes, and all other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits

Elections.

SEC. 62. To make all rules and regulations governing elections not inconsistent with this charter.

Park Commission.

SEC. 63. To establish a park commission and to appoint commissioners thereon, to serve without compensation, with such powers and duties as may be fixed by the council.

National Independence.

SEC. 64. To allow not to exceed three hundred dollars in any one year for the celebration of the anniversary of our national independence.

Entertainment and Promotion.

SEC. 65. May expend such sum as the council shall deem proper for entertainment and promotion from the revenue of the city.

General Grant of Power.

SEC. 66. To exercise such other powers as are now or may be hereafter granted by the Legislature to the municipalities within the State, unless the exercise of such powers is contrary to the provisions of this charter; to exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not; and to enact appropriate legislation and do or perform any and all other acts and things which may be necessary and proper to carry out the general powers of the city or of any of the provisions of this charter.

City Water Front.

SEC. 67. Said city of Petaluma shall have no power to sell, dispose of or convey any portion of any water front but may rent or lease such water front for a term not exceeding five years.

General Laws Followed.

SEC. 68. In the absence of any procedure for carrying out or effectuating any granted or implied power or authority, the general law of this State, where applicable and where not inconsistent with any express provision of this charter shall prevail and shall be followed.

Direct Legislation by the People.

SEC. 69. The qualified voters of the city shall have power through the initiative and otherwise, as provided by this charter and the general laws of the State, to enact appropriate legislation to carry out and enforce any of the general or implied powers of the city.

River Improvement.

SEC. 70. To acquire by purchase or otherwise and own, operate and control all machinery and all appliances necessary for the improvement of the river.

Liberal Construction.

SEC. 71. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

ARTICLE 4.

ELECTIONS.

SECTION 1. Elections to be held in said city, for the purpose of electing officers of said city, and for all other purposes, are to be of two kinds: general municipal elections and special municipal elections.

The first general election under this charter shall be held on the second Tuesday of April, 1911, and the second general election shall be held on the second Tuesday of June, 1913, and all other general municipal elections shall be held on the second Tuesday of June of each second year thereafter.

All general and special municipal elections of said city are to be held in accordance with the provisions of the law of the State governing the holding of general elections.

The conduct and carrying on of all city elections shall be under the control of the council and the mayor. The council shall by ordinance make provision for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts for the holding of municipal elections and change or alter such precincts and redistrict the municipality for such elections as often as circumstances may require, provided no change is made in the boundaries of the election precincts; they shall remain as fixed for the election of state and county officers at the last general election preceding the municipal election.

Remuneration.

SEC. 2. The remuneration of the election officers at municipal elections shall be fixed by the council.

Follow General Law.

SEC. 3. The provisions of the general laws of the State governing the elections for state and county officers, not inconsistent with the revisions of this charter, shall govern city elections in matters of which no provision is made in this charter and the city council and city clerk respectively shall exercise the powers and perform the duties conferred or imposed by such laws on boards of supervisors and county clerks concerning elections.

Returns.

SEC. 4. The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk's office, and no person shall be permitted to handle, inspect, examine, or in any manner interfere with the same until canvassed by the city council. After having been canvassed, they shall be sealed up and kept by the city clerk for six months, and no person shall have access to them, except on the order of a court of competent jurisdiction.

On the first Monday after the election and at their usual time and place of meeting, the city council shall meet and canvass the returns and declare the results.

Certificate of Election.

SEC. 5. After the result of an election is declared, or when an appointment is made, the city clerk under his hand and official seal, shall issue a certificate therefor and serve the same personally or by depositing such certificate with the postage prepaid, in the United States post office in Petaluma, addressed to the person elected or appointed, and such person must within ten days after receiving such certificate, file his official bond, if a bond is required of him by this charter or the ordinances of the city, and take and subscribe to the oath of office required of him by this charter, which oath must be filed with the city clerk.

All elective officers shall take office at twelve o'clock noon, on the first Monday in July after the result of the election shall have been officially declared, and shall hold office for such term as in this charter provided and until the election and qualification of their successors: *provided*, that the first officers elected under this charter who are to serve for two years shall take office on the third Monday of April, 1911, and hold office until the first Monday in July, 1913, and those who are to serve under this charter for four years shall hold office from the third Monday of April, 1911, until the first Monday in July, 1915; *provided*, that the first council under this charter at their first meeting shall so classify themselves by lot that three of their members shall go out of office on the first Monday in July, 1913, and thereafter three members of the council shall be elected for a term of four years at each general municipal election.

ARTICLE 5.

Mayor.

SECTION 1. The chief executive officer of the city of Petaluma shall be the mayor. He shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He shall be not less than thirty years of age, and must be a resident of the city five years immediately preceding his election.

SEC. 2. The mayor shall be the presiding officer of the council. He may call special meetings of the council, and must do so upon the request, in writing, of a majority of its members. He shall sign the minutes of each of its meetings after they have been entered in the journal by the city clerk and approved by the council; and he shall have the right to be present at the meetings of all of its standing and special committees.

SEC. 3. The mayor shall see that the laws of the State of California, the provisions of this charter and the ordinances of the city of Petaluma are strictly enforced and duly observed within said city. He shall take all measures necessary for the preservation of public order and the suppression of mobs, riots, tumults, for which purpose he may use the police force and, in case such force is insufficient, may call upon the Governor of the State for military aid.

SEC. 4. The mayor shall diligently observe the official conduct of all officers and employees of the city and note the manner in which they perform their duties, especially in the collection, administration and disbursement of public funds and property. The books, records and official papers of all departments, boards, officers and employees of the city shall, at all times, be open to his inspection and examination and he shall use special care to see that such books, records and documents are kept in proper and legal form. He shall have general supervision of all departments, public institutions and offices of the city and shall see that they are lawfully, economically, honestly administered and conducted. He shall employ a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department, board or officer, and report fully thereon, in writing, to him at least once in every year, and to enforce such examinations. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, must be suspended from the office by the mayor, and may be removed as for malfeasance in office, and he shall submit the report to the city council at the next meeting.

SEC. 5. When any defalcation, wilful neglect of duty or other official misconduct by, or on the part of any officer or employee of the city (except a councilman) shall come to the knowledge of the mayor, he shall have the power to suspend such officer or person from his office or employment and report the matter, with such charges as he may deem proper, to the council at its next meeting.

SEC. 6. The mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end he shall, with consent of the council, cause legal proceedings to be instituted and prosecuted, in the name of the city of Petaluma, against all persons failing, in whole or in part, to fulfill their agreements with said city.

SEC. 7. The mayor shall have power to administer oaths and affirmations and take affidavits and depositions in all matters relating to the business of the city.

SEC. 8. The mayor shall sign all conveyances made by the city of Petaluma and all contracts to which it is a party and shall acknowledge the execution of all instruments executed by said city that require acknowledgment and shall sign all warrants ordered drawn by the council.

SEC. 9. When, by reason of absence from the city or from any other cause, the mayor is temporarily unable to perform the duties of his office the vice-president of the council shall act as mayor during such temporary absence or disability. When a vacancy occurs in the office of the mayor, the council shall appoint some duly qualified person to fill such vacancy, who shall hold office during the remainder of the unexpired term. The mayor shall exercise such other powers and perform such other duties as may be prescribed or conferred in this charter, by law, or the ordinances of the city.

ARTICLE 6

The Council the Governing Body

SECTION 1. All powers herein granted to and vested in the city of Petaluma shall, except as herein otherwise provided, be exercised by a council to be designated the council of the city of Petaluma. Said council shall be the governing body of the city, and, subject to the express limitations of this charter, shall be vested with all powers of legislation in municipal affairs adequate to the complete system of local government consistent with the Constitution of the State. The council shall consist of the mayor and six councilmen.

President and Vice-President.

SEC. 2. The mayor shall be president of the council and shall preside at its meetings when present. The council shall elect one of its number to be vice-president.

Meetings of Council.

SEC. 3. The council shall, by ordinance, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Meetings to be Public

SEC. 4. All legislative sessions of the council, whether regular or special, shall be open to the public.

Quorum

SEC. 5. A majority of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and postpone the consideration of pending business in like manner.

Rules and Proceeding.

SEC. 6. The council shall determine its own rules of procedure, may punish its members for disorderly conduct and compel their attendance at the council meetings.

Ordinances and Resolutions

SEC. 7. The council shall act only by ordinance or resolution.

Ayes and Noes.

SEC. 8. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Upon the request of any member, the ayes and noes shall be taken and recorded on any vote. Every member, when present, must vote.

Majority Vote of Council.

SEC. 9. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four members of the council.

Title

SEC. 10. Every ordinance shall be preceded by a brief title which shall indicate the subject and purpose thereof.

Enacting Clause of Ordinances.

SEC. 11. The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Petaluma do ordain as follows:" and the ordaining clause of all ordinances adopted in accordance with the provisions of Article 15 shall be, "The People of the City of Petaluma do ordain as follows:".

Requirements of Ordinances.

SEC. 12. No ordinance shall be passed by the council on the day of its introduction nor within five days thereafter nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the city of Petaluma at least three days before its adoption; or at the discretion of the council to be posted at least in three public places, and in case of amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one day before its adoption as amended. All city ordinances must be codified.

Ordinance Required in Certain Cases.

SEC. 13. No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum less than two hundred dollars; for the appropriation, acquisition, sale or lease of public property; for the levying of any tax or assessment; for the granting of any franchise; for establishment or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance, *provided*, that such exceptions be observed as may be called for in cases where the council takes action in pursuance of a general law of the State.

Reconsideration.

SEC. 14. When any ordinance is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the council, held not less than one week after the meeting at which such motion was made.

Signing and Attesting.

SEC. 15. All ordinances shall be signed by the mayor and attested by the city clerk.

Revision and Amendment.

SEC. 16. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

Recap.

SEC. 17. No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

Record of City Ordinances.

SEC. 18. A true and correct copy of all ordinances shall be kept and certified to by the city clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

Protection of Absent Commissioners.

SEC. 19. No final action shall be taken in any matter concerning the special department of any absent councilman unless such business has been made a special order of the day by action at a previous meeting of the council, or such action is taken at a regular meeting of the council.

When Offices Become Vacant.

SEC. 20. An elective office becomes vacant when the incumbent thereof dies, resigns, is removed from office under recall proceedings as provided in Section 7 of Article 14, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or ceases to be a resident of the city, or neglects to qualify within the time prescribed by the provisions of this charter or shall have been absent from the State without leave for more than sixty consecutive days, or fails to attend the meetings of the body of which he is a member for a like period without being excused therefrom by said body.

Persons Imprisoned.

SEC. 21. The council may cause any person or persons imprisoned for the violation of any state law or city ordinance to labor on the streets or property of the city.

Vacancy in Council.

SEC. 22. If a vacancy shall occur in the office of mayor or councilman, the council shall forthwith appoint a person to fill such vacancy, provided the appointee shall receive the affirmative votes of at least four members of the council.

ARTICLE 7.

CITY OFFICIALS.

SECTION 1. The city officials of the city shall be mayor, city clerk, auditor, assessor, treasurer, tax and license collector, chief of police, police judge, superintendent of streets, to be elected at the general city election for a term of two years, six councilmen, five members of board of education, five library trustees, to be elected at the general city election for a term of four years, three park commissioners, five members of the board of health, five fire commissioners, city engineer, city attorney and chief of the fire department, shall be appointed by the council; said appointed officers may be removed at any time, by five affirmative votes of the council.

SEC 2 The council shall have power by ordinance, or by resolution, to create and discontinue offices, deputyships, assistantships, boards and commissions, and employments other than those prescribed in this charter, to provide the modes of filling them, to prescribe the duties pertaining thereto, according to its judgment of the needs of the city, and to determine the mode of removing any such officer, deputy, assistant or employee, except as otherwise provided in this charter.

Consolidation.

SEC. 3. Whenever the public interest may require, the council may consolidate the following offices.

- (a) Clerk and auditor.
- (b) City engineer and superintendent of streets.
- (c) Tax and license collector and assessor
- (d) Treasurer and tax and license collector

Until the council shall by ordinance otherwise provide, the office of the city clerk and auditor and the office of assessor and tax and license collector are hereby consolidated.

City Clerk.

SEC. 4. The city clerk shall have the custody of and be responsible for the corporate seal, and all books, papers, records and archives belonging to the city not in actual use by the other officers or elsewhere by special provision committed to their custody. He shall be present at each meeting of the council, and keep a full true record of all the proceedings of the council and of the board of equalization. The proceedings of the council shall be kept in a book, marked "Records of the City Council." The proceedings of the board of equalization shall be kept in a separate book, marked "Records of the Board of Equalization." He shall also keep a book marked "City Ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of an ordinance of such city, and giving the number and title of said ordinance, and stating that the same has been published or posted according to law. Said record copy, with said certificate, shall be prima facie evidence of the contents of the ordinance and of the passage and publication of the same, and shall be admissible as such evidence in any court or proceeding. Said records shall not be filed in any case, but shall be returned to the custody of the city clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. He may appoint a deputy for whose acts he and his bondsmen shall be responsible; and he and his deputy shall have power to administer oaths and affirmations, to take affidavits and depositions to be used in any court or proceeding in the state, and to certify the same. He and his deputy shall take all necessary affidavits to demands against the city, and certify the same without charge. He shall draw and sign all warrants upon the treasurer, except as otherwise in this charter provided, specifying thereon the fund upon which said warrants are drawn. Every demand must, before it can be paid, be verified by the oath of the claimant, or some one in his behalf and be presented to the clerk. Before approving the same he shall satisfy himself that the claim is unpaid. After such examination he shall approve or reject the claim, in whole or in part and endorse on such demand his approval or rejection over his signature, together with the date thereof. If it be approved, the fund out of which it is to be paid shall be designated. If the claim, or any part of it, be rejected, the city clerk shall return it with his reasons for rejecting it, then if it be allowed by a majority vote of all members of the council or other body authorizing it it shall be passed in the same manner as if it had not been rejected. No demand upon the city treasury shall be considered, presented for action, or acted upon, allowed or approved, unless it specify on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the city clerk in the order of its presentation to him, and when allowed, either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of the fund on which it is drawn in the same order allowed. No demand upon the treasury shall be allowed by the city clerk in favor of any person who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any person having the collection, care, custody

or control of public funds, unless the accounts of such person have been presented, passed, approved and allowed as is or may be required by law. He shall enter upon the assessment roll all the changes and corrections made by the board of equalization and deliver the assessment roll to the auditor. He shall act as clerk to the board of equalization without extra compensation. He shall perform such other duties as are or shall be imposed upon him by this charter or by ordinances; he shall have power to take affidavits and administer oaths in all matters relating to the business of the city and shall make no charge therefor.

The Auditor

SEC. 5. The auditor shall keep a book which shall be marked "City Accounts," in which shall be entered as a credit all moneys received by the city for licenses, the amount of any tax when levied, and all other moneys received, and in which shall be entered upon the debtor side all commissions deducted and all warrants drawn on the treasury. He shall also keep a book, marked "Tax and License Collector's Account," in which he shall charge the tax and license collector with all the tax lists delivered to him, and all licenses delivered to him. He shall credit the tax and license collector with the delinquent lists returned by him. He shall also keep a book, marked "Treasurer's Account," in which he shall keep a full account of the transactions of the city with the treasurer. He shall also keep a book marked "City Licenses," in which he shall enter all licenses issued by him, the date thereof, to whom issued, for what, the time when it expires, and the amount paid. He shall also keep a book, marked "City Attorney's Account," and shall therein charge said city attorney with all delinquent tax lists delivered him and credit him with money paid and delinquent tax lists returned. Each of the foregoing books shall have a general index, sufficiently comprehensive to enable a person readily to ascertain matters contained therein. The auditor shall also keep a book, marked "Demands and Warrants," in which he shall note every demand against the city and file the same. He shall state therein, under the note of the demands, the final disposition made of the same; and if the same is allowed and a warrant is drawn, he shall also state the number of the warrant, with sufficient dates. This book shall contain an index, in which reference shall be made to each demand. Upon the completion of the assessment roll of any of the taxes of the city, and levying of the tax thereon, the auditor shall apportion the taxes upon such assessment roll, and make out and deliver to the tax and license collector a tax list, taking his receipt therefor. It shall not be necessary to make a duplicate assessment roll. He shall make a monthly statement, in writing, showing the receipts and expenditures of the city for the preceding month, and the amount remaining in the treasury. He shall, at the end of every fiscal year, make a full and detailed statement of the receipts and expenditures of the preceding year, and a full statement of the financial condition of the affairs of the city, which shall be printed and a copy thereof mailed to each taxpayer. It shall be his duty to be constantly acquainted with the exact condition of the treasury. On application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, he shall certify to the treasurer the amount thereof, to what fund applicable, and by whom to be paid. Upon the written order of the treasurer directing him to issue a receipt for money paid into the city treasury, he shall charge the treasurer with the amount and give the person paying the same a discharge therefor. It shall be his duty to apportion among the several funds all public money at any time in the city treasury not by law or ordinance specifically apportioned and appropriated and forthwith notify the treasurer of such apportionment or appropriation. He shall, on the first Monday of each month or oftener, if required, report in writing to the council, the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner, every money transaction of the city, so that he can at any time tell the exact condition of the city finances. After the taxes have been duly levied by the council, he shall make the proper calculations, and extend upon the said assessment roll the amount of taxes due from each person, firm or corporation, and deliver said book, so completed, with his certificate attached thereto, to the tax and license collector, on or before the first Monday in October of each year, or at such other time as may be directed by ordinance. The auditor shall approve all warrants and endorse his approval thereon and he shall perform such other duties as are or shall be imposed upon him by this charter or ordinances.

City Assessor

SEC. 6. It shall be the duty of the city assessor, as soon after the first Monday of March of each year as practicable, to make a full, true and correct assessment of all the taxable property within the city owned or possessed by any person or persons, firm or corporation at twelve o'clock noon on the first Monday in March of each year. He shall make out lists, giving the names of owners and a description and value of the property, following the form as near as may be as required by the laws of the State governing county assessors. He shall make his assessment as near as may be in conformity to the laws of the State in relation to assessments

by county assessors. All of said assessments shall be verified by his oath, and shall be returned to the city clerk on or before the first Monday of July in each year. After such time the assessment roll shall remain in the custody of the city clerk until required by law to be delivered to the auditor. No informality shall invalidate said assessment unless the same is substantial. He shall have power to administer oaths and to take affidavits. He shall, at the time of making the assessment collect the tax levied upon personal property from all persons liable therefor who shall not own or be assessed with real estate, and shall pay the same to the city treasurer on the first and fifteenth days of each and every month, and shall make and deliver to the auditor at the same times lists of all persons from whom he shall have collected such taxes and the amounts collected from each person. He shall attend the sessions of the board of equalization and perform such duties as the council may direct. The council may by ordinance further define and declare his duties.

City Treasurer.

SEC. 7. There shall be a city treasurer who shall receive and keep all moneys that shall come to the city by taxation or otherwise, and pay the same out on demands legally audited as in this charter provided, and without such auditing he shall disburse no public moneys whatever, except the principal and interest of the municipal debt, when payable.

7a. He shall receive no money into the city treasury, unless accompanied by the certificate of the auditor provided for in Section 5 hereof. He shall issue to any person paying money into the city treasury an order to the auditor directing the auditor to issue a receipt to such person, which order shall contain a statement of the amount paid into the city treasury, the name of the person paying the same, and the fund to which the same is applied.

7b. He shall make a report at the close of business each month, showing all moneys received during the month, together with the number of each order for a receipt given by him therefor, and from whom received, and to what fund applied.

7c. The treasurer may loan public funds, in excess of \$5000.00 or such an amount as may be required to pay current expenses, as provided by the general laws of the State of California.

Tax and License Collector.

SEC. 8. There shall be a tax and license collector. He shall collect all taxes, general and special, all city licenses, and such other branches of the city revenue not otherwise provided for as the city council may by ordinance direct, and pay the same over to the treasurer daily. He shall at all times keep proper books showing in detail the amount of money received; by whom, at what time and for what purpose paid, and the funds to which the same is apportioned. He shall also keep a book containing a record of every deed issued by him for or on account of said city, for real property sold by him for delinquent taxes. All such books shall at all times, when not in actual use, be open for public inspection.

8a. Whenever any person required by any city ordinance to take out a license shall fail, or neglect, or refuse to take out such license, and pay therefor in the manner and at the time as such ordinance provides, or, if any person required to take out any license, shall transact, do or carry on any business, trade or occupation, without having first procured the requisite license for such trading or carrying on, the license collector shall report such delinquent to the chief of police, who shall at once take such delinquent into custody, and the city attorney shall prosecute said delinquent in the manner provided by law.

Chief of Police.

SEC. 9. There shall be a chief of police. The department of the police shall be under the direction of the chief of police. He shall have all the powers given to peace officers under the laws of this State. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults, disturbances. He shall have all the powers conferred on sheriffs by the laws of the State. His orders shall be promptly executed by the police officers, peace officers or watchmen in the city, and every citizen shall lend him aid when required for the arrest of offenders and the maintenance of order and protection of persons and property. He shall execute and return all processes issued to him by legal authority, and it is hereby made his duty to arrest on view, with or without a warrant, persons violating any law of the State or ordinance of the city. It shall be his duty to take persons arrested before the judge of the police court, or a justice of the peace, or to detain or to take bail for their appearance. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the city prison. He shall perform all duties imposed upon him by the ordinances of the council.

Superintendent of Streets.

SEC. 10. There shall be a superintendent of streets. It shall be his duty to see that the laws, ordinances, orders and regulations, relating to the sewers, drains, levees, streets, alleys and highways are fully carried into execution, and that the penalties thereof are rigidly enforced. He shall superintend and direct the cleaning

of all sewers and drains, and keep himself informed of the condition of all public streets and highways and also of all sewers and levees and report the same to the city council.

10a. He shall perform such other duties as are hereinafter specified or as the council may require of him, and he shall have the power and shall perform the duties required of the superintendent of streets under the provisions of the general statutes of the State of California now in force or which may be hereafter enacted. He shall keep a public office in the city, as provided by the city council, and shall keep therein the records of his office and a register of all streets, alleys, sewers and drains, and all improvements and repairs made thereon, with an index for easy reference. Should he fail to see that the laws, ordinances and regulations relating to the public streets and highways are carried into execution, he and his sureties shall be liable upon his official bond in consequence of said official neglect. All registers, records, books, contracts, plats, diagrams, and all papers and documents belonging to his office shall be delivered to his successor in office.

City Attorney

SEC. 11. There shall be a city attorney, who shall be an attorney at law, duly admitted to practice before the Supreme Court of this State. It shall be his duty to prosecute on behalf of the people, all criminal cases before the police court and all violations of this charter and of city ordinances and resolutions. It shall be his duty to attend to all suits and other matters to which the city is a party, or in which the city may be legally interested; provided, the council shall have control of all litigation of the city, and may direct an attorney, to take charge thereof, or to assist the city attorney therein.

11a. The city attorney shall give his advice or opinion in writing to the mayor, council, board of education or other city officers, whenever required to do so, and do such other things appertaining to his office as the council may require of him. He shall pass upon the sufficiency and validity of all bonds given to and all contracts made with the city. He shall, when required by the council, or any member thereof, draft any and all proposed ordinances, resolutions, laws, rules, contracts, bonds and all other legal papers for the city.

11b. He shall receive the delinquent tax list and receipt therefor; he is authorized to bring suit in the name of the city of Petaluma in the proper court for the collection of any tax or license.

11c. He shall attend all meetings of the council. The salary of the city attorney shall be full consideration for all services rendered except when he is required to appear in the Superior Courts.

11d. He shall prepare all street improvement bonds issued by the city treasurer.

City Engineer.

SEC. 12. There shall be a city engineer who shall be appointed by the city council, and shall hold office at their pleasure.

12a. He shall perform the duties prescribed by this charter and such other duties as may be prescribed by the city council.

12b. He shall possess the same power in said city, in making surveys, plats and certificates, as is or may be from time to time given by law to county surveyors, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of the county surveyor. He shall make all surveys, inspections and estimates required by the city council.

12c. He shall be the custodian of all maps, plats, profiles, field notes, and other records and memoranda belonging to the city appertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with the full index thereto and all of which he shall turn over to his successor. All maps, plats, profiles, field notes, estimates and other memoranda and surveys, and other professional work made or done for the city by him, or under his direction or control, during his term of office, shall be the property of the city.

Chief Engineer of Fire Department

SEC. 13. The fire department of this city shall consist of companies of volunteer or paid firemen as the council may determine, organized into engine, hose and hook and ladder companies. The council shall appoint the chief and assistant engineer of the department. The chief of the fire department shall give such a bond to the mayor as required by this charter or by ordinance. He shall have exclusive control of the working of the fire department in time of conflagration or fire. He must aid in the enforcement of all ordinances duly enacted, examine buildings in process of erection, report violation of ordinances relating to the prevention and extinguishment of fire when directed by the proper authorities, and institute proceedings therefor, and shall have general control, management and direction of the companies that constitute the fire department of this city and shall perform such other duties as may by ordinance of said city or by law, be imposed upon him. His compensation shall be fixed by the council. The chief engineer shall also be ex officio fire marshal.

13a. The chief and the assistant engineer, while in the discharge of their duties, shall be vested with all the powers of arrest and detention vested in police officers.

The chief, or during his absence, the assistant engineer, may, during a conflagration cause to be cut down or otherwise removed, any building or structure when deemed necessary for the purpose of checking such conflagration.

Health Department.

SEC. 14. There shall be a health department under the management of the board of health. Said board shall consist of five members, namely: The mayor, who shall be ex officio a member and president of said board, and the city engineer, who shall be ex officio a member of said board, and three citizens, who shall be appointed, without regard to their political opinions, by the council, within fifteen days after the commencement of their term of office. The mayor shall not have the right to vote unless in case of a tie. At least two of the appointed members of the board shall be duly licensed physicians, in accordance with the laws of the State of California, and qualified electors of the city for one year immediately preceding their appointment. Said members shall serve without compensation, except the member serving as health officer, who shall receive such compensation as the council shall prescribe.

14a. The terms of office for the appointed members of the board shall be for two years, and until their successors are appointed and qualified, said term to commence upon the date of their appointment; if any appointed member fails to qualify within ten days after his appointment, such appointment shall be void and a new appointment shall be made, for the unexpired portion of the term of said member.

14b. Regular meetings of the board of health shall be held once a month, and special meetings when called by the president, or any three members, and all meetings shall be public. Three members shall constitute a quorum.

14c. Said board of health, subject to the ordinances of the city, shall have supervision of all matters pertaining to the sanitary condition of the city.

14d. The council shall, by ordinance, or otherwise, provide for enforcing such orders and regulations as the board of health may from time to time adopt, and all expenses necessarily incurred by the board of health in carrying out the provisions of law and of this charter shall be provided for by the council.

14e. The board of health, within two weeks from the time of its organization, shall elect from among their number a city physician, who shall also act as health officer, and secretary of the board of health. Said city physician shall not be less than thirty years of age, a licensed physician for not less than two years, and actually engaged in the practice of his profession in said city; he shall hold his office during the pleasure of the board of health, and must see that the laws and ordinances of the city, in relation to the public health, and the regulations and orders of the board of health, are properly enforced. He shall keep a full record of all transactions of the board of health, as well as all records appertaining thereto, and, by himself, or his deputy, issue all permits for burial or removals in any of the cemeteries, and no interments shall be made therein unless said health officer is satisfied of the correctness and reliability of the certificate of death presented for his inspection. He shall have the powers of a police officer, and shall make an extended and annual report to the board of health of the affairs pertaining to his office, including mortuary and other statistics, with such observations and other recommendations in relation to the sanitary condition of the city as he may deem proper. It shall be his duty to examine and inspect all nuisances, privies, vaults, cesspools, buildings, and low places within the city limits, with a view to the enforcement of all laws and regulations relating to sanitary matters, and to cause the arrest of and vigorous prosecution of persons violating any of said regulations.

14f. The board of health may cause to be removed to a smallpox hospital or pest house, any person in said city affected with the smallpox, Asiatic cholera, or yellow fever, or leprosy. When a case of either of these diseases exists in any house, and the person so affected is not removed to said hospital or pest house, the health officer, upon order of said board of health, shall immediately place a quarantine flag on said premises and may place a competent person in charge thereof, who shall see that the quarantine is strictly enforced so long as public safety requires.

14g. The board may proclaim such quarantines and declare such quarantine districts and grounds, and the boundaries thereof, as may be in their judgment necessary for the preservation of the public health.

14h. No person shall deposit in any cemetery the body of any human being who has died within the city, or remove the same from within the limits of the city, without having first obtained and filed with the health officer a certificate signed by a physician or coroner, setting forth as nearly as possible the name, age, sex, color, place of birth, occupation, date, and locality, and cause of death of deceased, and obtain from the health officer a permit in writing therefor for burial or other purposes. Physicians, when deaths occur in their practice, must give the certificate herein mentioned, unless the physician believes the death to be a proper case for investigation by the coroner. No body of a human being who has died within the limits of the city, shall be transported in or through the streets or highways of the city, unless the person or persons transporting such body or remains shall first obtain from the health officer a permit in writing therefor, which shall accompany the body or remains.

14i. In addition to the powers and duties in this article enumerated, the board shall have such other powers and perform such other duties as may be prescribed by ordinance of the council or by general law.

Park Commission.

SEC. 15. The several tracts or parcels of land belonging to the city of Petaluma, known as parks or plazas, and such other tracts of land in said city as may hereafter be acquired, dedicated or set apart for park purposes shall be managed and controlled by a board of three commissioners which shall be termed the board of park commissioners.

15a. The said board shall be appointed by the council. The council first elected under the provisions of this charter shall, within one month after taking their office, appoint such commissioners, who shall so classify themselves, by lot, that one shall hold office for one year, one for two years and one for three years. Thereafter one commissioner shall be appointed in the month of July of each year to hold office for a term of three years and until his successor is appointed and qualified. All commissioners must be at least twenty-five years of age and residents of the city of Petaluma at the time of their appointment.

15b. The board shall elect a president and secretary who shall hold office during its pleasure. It shall hold regular meetings once in each month, at such time and place as it may determine; and special meetings may be called by its president or two members of the board at any time. Its meetings shall be public; two members shall constitute a quorum for the transaction of business, it may adopt rules for its proceedings and shall cause a record of such proceedings to be kept by its secretary under its directions.

15c. Said board of park commissioners shall have full power and authority to manage, control and govern the parks of the city of Petaluma and provide for the maintenance and improvements thereof. It shall cause to be prepared and adopted general plans for the permanent improvement of such parks; cause them to be properly laid out in accordance with such plans; planted with suitable trees, shrubs, flowers, grass, etc., and the same to be cared for, cultivated and preserved. It may accept suitable articles donated for the use or adornment of such parks and cause such articles to be placed therein. It shall employ and discharge all persons employed in or about the city's parks, prescribe their powers and duties and fix their salary or compensation. It shall supervise and control the expenditure of all money in the park fund of the city treasury. It may adopt and enforce such rules and regulations as it may deem proper to regulate and govern the use of the grounds under its supervision and control. And said board shall exercise such other powers and perform such other duties as may be necessary to carry into effect the purposes of this article and to maintain, beautify and improve the city's public parks.

15d. The council shall annually include in the general tax levy, a tax of not more than five cents upon each one hundred dollars in valuation of property appearing upon the assessment rolls, for the maintenance and improvement of its parks. Such tax when collected, together with any other money given, donated, devised or bequeathed to the city for park purposes shall constitute the park fund and shall be kept by the city treasurer separate from all other public money and shall be used and paid out only for the benefit of the city's parks. All expenditures of said fund must be authorized by the board of park commissioners and all claims payable therefrom must be approved by said board before being presented to or allowed by the council.

15e. The board of park commissioners shall annually on the first Monday in July, present to the council a full report and statement of its proceedings during the past fiscal year, containing an itemized account of all money received and expended for park purposes, together with an estimate of the amount required to be raised by taxation for the maintenance and improvement of the city's parks during the ensuing year.

15f. The council shall, by ordinance, provide for carrying into effect the powers herein granted to the board of park commissioners and enforcing such orders, rules and regulations as it may make concerning the use of the public parks and the preservation of park property.

Fire Commission

SEC. 16. The board of fire commissioners shall consist of five members as follows. The chairman of the finance committee of the city council, the chief of the fire department, and three members to be appointed by the city council from the volunteer fire department, as long as said department is in existence.

Said board of fire commissioners shall have full control of the fire department and the alarm system of said city. It shall be their duty to see that the city is properly supplied with all the necessary appliances and apparatus for the extinguishment and prevention of fires, to order the placing of hydrants, fire alarm boxes and cisterns for the said purpose, to provide means for the proper handling and hauling of apparatus and to construct buildings for the proper housing of the same, to draft and prescribe rules and regulations for the government of said department and to see that the same are carried into effect. To employ or dismiss any member thereof, *provided*, that said dismissal shall be only for cause, to fix the compensation of the members of said department and of all employees connected therewith.

They shall act as firewardens and shall see that the ordinances of the city regulating the fire limits, the construction of buildings and the storage of combustible

materials and explosives within the city are enforced and carried into effect. They shall furnish the city council not later than the first Monday in July of each year with an estimate of the amount of funds necessary for the fire department for the ensuing year, and it shall be the duty of the council to include in said tax levy a sufficient and proper amount for the successful conduct of such department and the payment of the expenses thereof which tax when collected shall be set aside, as a separate fund for the support and maintenance of said department.

All bills against said fund must be approved by the said commission in writing, before being presented to the city council, who upon approval shall direct the auditor to draw a warrant upon the said fund for the same.

The chairman of the finance committee shall be the presiding officer of said commission.

Said commission shall meet at least once a month and the members thereof shall serve without compensation.

The chief engineer of the fire department and his assistants shall be appointed by the city council and serve at the pleasure of said council.

This commission shall have power to appoint fire police.

The city clerk shall act as clerk for said commission without any additional compensation.

Bonds of Officers

SEC 17. Officers and employees of the city before entering upon the discharge of their official duties shall give and execute to the city such official bonds as may be required by general law, this charter or ordinance of the city.

17a. All official bonds shall be approved or rejected by the council by an order entered on the minutes.

17b. The bond of the city clerk shall be filed with the mayor and all other bonds shall be filed with the city clerk. Official bonds must be recorded in the office of the county recorder of Sonoma County.

17c. The following named officers shall execute official bonds to the city with sureties in the following sums, viz:

City clerk	\$1,000 00
Auditor	2,000 00
Attorney	2,000 00
Superintendent of streets	2,000 00
City engineer	2,000 00
Chief of police	2,000 00
Tax and license collector	20,000 00
Assessor	5,000 00
Treasurer	40,000 00
Police judge	1,000 00
Chief of fire department	1,000 00

17d. The city council may at any time by ordinance change the penal sum of such bonds.

17e. No city officer, deputy or employee shall be accepted as surety for any other city officer, deputy or employee on any official bond. Every such bond shall contain a condition that the principal will perform all official duties then, or which may thereafter be imposed upon or required of him by law, by ordinance or by this charter, and that at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such officer. Such bond must also be executed by two or more sureties, who shall justify in the amount required for said bond, but when the amount of the bond is more than five thousand dollars the sureties may become severally liable for portions thereof, not less than twenty-five hundred dollars. When there are more than two sureties such sureties may justify in an amount which in the aggregate shall equal double the amount of said bond. In giving such official bonds, the principal giving the same may furnish as one of the sureties, or as the sole surety thereon, any of the lawful authorized surety companies described in the Code of Civil Procedure of the State of California.

17f. Each surety upon an official bond required by any ordinance of the city, or by this charter, must severally justify in the manner prescribed by law for the justification of sureties upon bonds of county officers.

17g. The council by resolution adopted at a regular meeting, may require of any officer or employee a bond or additional bond whenever in the opinion of said council the bond given by such official or employee for any reason becomes insufficient.

17h. Every officer of the city shall be liable on his official bond for the acts and omissions of his deputies, assistants, or clerks appointed by him, and may exact for his protection, bonds for such deputies, assistants, and clerks.

17i. No officer, elected or appointed, serving in any capacity for the city shall receive in any manner, any fee, perquisite, emolument in addition to his salary as fixed by this charter, or that may be hereafter fixed by the council or ordinance.

17j. In addition to the duties of city officers enumerated in this charter, officers must be guided by the provisions of the general laws of the State of California.

Salaries of Officers.

17k. The yearly salaries or compensations of the officers of the city for the first term of office under this charter, shall be as follows: City clerk and auditor, fifteen hundred (\$1500 00) dollars; city attorney, six hundred (\$600 00) dollars; superintendent of streets, twelve hundred (\$1200 00) dollars; chief of police, twelve hundred (\$1200 00) dollars, tax and license collector and city assessor, nine hundred (\$900 00) dollars; city treasurer, six hundred (\$600 00) dollars; police judge, five hundred (\$500 00) dollars. The compensation of the city engineer shall be fixed by the council, and it is hereby provided that the council may change any such salary or compensation by ordinance or resolution before the beginning of a term, excepting the first term. All salaries or compensation shall be payable monthly.

17l. The mayor and each member of the city council shall receive a compensation of one hundred and fifty (\$150 00) dollars per year, which amount shall include their compensation for service as a member of the board of equalization

ARTICLE 8.

JUDICIAL DEPARTMENT—POLICE COURT.

SECTION 1 There is hereby created in and for the city of Petaluma, a court which shall be known as the police court of the city of Petaluma

SEC. 2. Said court shall consist of one judge who shall have attained the age of thirty years and shall be a duly qualified elector of said city.

SEC. 3. Said court shall have exclusive jurisdiction:

(1) In all prosecutions for violations of the city ordinances

(2) In all actions for the recovery of any fine, penalty or forfeiture, and the enforcement of any obligation or liability prescribed by the city ordinances and in which the sum sued for does not exceed three hundred dollars.

SEC. 4. Within the city limits said court shall have concurrent and coordinate jurisdiction with township justices' courts in all matters and things in which said justices' courts now or may hereafter have jurisdiction; and the judge of said police court shall have as aforesaid like authority, power and jurisdiction as the justices of the justices' courts

SEC. 5. Appeals may be taken to the Superior Court of the State of California, in and for the county of Sonoma, from the judgments and orders of said police court, in all cases in which appeals now or may hereafter be taken to said Superior Court from said justices' courts and police courts.

SEC. 6. In all proceedings in and appeals from said police court the pleadings, practice, procedure and laws now applicable or that may hereafter be made applicable to said justices' or police courts, are hereby adopted and made applicable to said police court.

SEC. 7. Upon the sickness or disability of the judge of said police court, he may cause to preside in his place any qualified justice of the peace of the county of Sonoma

SEC. 8. Said police court shall be open for the transaction of business at all times

SEC. 9. The city council shall provide a court room and court room accommodations, dockets, blanks and stationery free of charge for the court

SEC. 10. All fines and other moneys received or collected by the judge of said police court, for or on account of the city of Petaluma, shall be paid into the city treasury on the first Monday in each month.

SEC. 11. The chief of police shall attend or assign a police officer for attendance on said court to preserve order therein, and enforce its orders and serve its process

SEC. 12. All actions and proceedings pending and undetermined in the existing city recorder's court shall be proceeded with, heard, tried and determined in said police court hereby provided for, before said judge, the same as if said actions or proceedings had been actually commenced in said police court.

ARTICLE 9.

EDUCATIONAL DEPARTMENT.

SECTION 1 The school department of the city of Petaluma shall comprise all the schools within the city of Petaluma, the Petaluma city school district, and all territory that is now or may hereafter be annexed thereto for school purposes, and shall be known as "Petaluma city school district," which shall succeed to all the obligations, property, rights, and privileges of the Petaluma city school district. It shall consist of primary, grammar and high schools as now established or that may hereafter be established, and may, at the discretion of the board of education include technical, industrial, kindergarten and night schools; *provided*, that no school money shall be used for technical, industrial, or night schools, or kindergarten when such use would prevent the board of education from maintaining primary, grammar and high schools for ten months in each school year.

SEC. 2. All territory included within the limits of the Petaluma city school district or that may hereafter be included within such limits, but not within the city limits, shall be deemed a part of said city for the purpose of holding the general

municipal elections and shall constitute one or more separate election precincts, and the qualified electors therein shall vote only for members of the board of education and on questions submitted to a vote of the people at special or general elections pertaining to school matters; and said outside territory shall be deemed a part of said city for all matters connected with the school department and with the levying and collecting of all taxes for school purposes.

SEC. 3. The government of the school department of the district shall be vested in a board of education, to consist of five members to be called members of the board of education, and who shall receive no compensation. Members of the board of education shall be elected by the qualified electors of the district at the regular municipal election, and shall hold office for a term of four years and until their successors are elected and qualified, *provided* that the first board of education under this charter shall meet on the first Monday after the election of its members shall have been officially declared and shall so classify themselves by lot that three of their members shall go out of office at the expiration of two years and two at the expiration of four years.

SEC. 4. In case a vacancy shall occur on the board of education the remaining members of the same shall choose a person to fill such vacancy, who shall serve until the next election, when, if the term does not then expire, a person shall be elected to serve for the remainder of such unexpired term.

SEC. 5. The board of education shall meet on the first Monday after the election of its members shall have been officially declared, and shall organize by electing one of their number president, and they shall also elect a secretary who may be a member of the board and fix his salary, and shall meet thereafter at such times as may be designated by resolution, and in the place provided for them by the city council. Special meetings may be called by the president of the board of education or by three members of said board united in a call. All meetings of said board shall be public.

SEC. 6. A majority of the board shall be a quorum and the affirmative vote of a majority of the board shall be necessary to pass any measure, but a less number may adjourn from day to day and compel the attendance of absent members, in such manner as the board may prescribe.

SEC. 7. The powers and duties of the board of education are as follows.

7a. To establish and maintain public schools, including high schools; to change, consolidate and discontinue the same.

7b. To manage and control the school property.

7c. To employ, pay and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

7d. To make, establish, and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect, the laws relating to education.

7e. To establish and regulate the grade of schools, and determine the course of study, the mode of instruction and what text-books other than those published by the State, shall be used in said schools, but any text-book adopted by the board, shall not be changed within a period of four years after its adoption.

7f. To provide for the school department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

7g. To build, alter, repair, rent and provide schoolhouses, and to furnish them with proper school furniture, apparatus, and appliances, and to insure any and all school property.

7h. To purchase, sell, lease, or exchange school lots; to take charge of any and all real estate and personal property that may have been or that may be hereafter acquired for the use and benefit of the public schools of the district, and to make, in the name of the district, conveyances of all such real estate belonging to the district and sold by the board of education; *provided*, that no real estate shall be bought, sold or exchanged without the concurrence of four fifths of the members of the board of education; *and, provided further*, that the proceeds shall go into the general school fund of the district.

7i. To sue for any and all lots, land and property, and to prosecute and defend all actions of law, or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, land and property.

7j. To establish regulations for the just and equal disbursement of all moneys belonging to the public school fund.

7k. To prohibit any child under six years of age from attending any public school excepting kindergarten.

7l. To examine and allow, in whole or in part, every demand payable out of the school fund, or to reject any such demand, for good cause, of which the board of education shall be the sole judge.

7m. To admit non-resident children to any of the departments of the schools at their discretion, upon payment, at such time as the board of education may direct, of tuition fees, to be fixed by the board of education.

7n. To dispose of at public or private sale such personal property as shall be no longer required by the department.

7o. To exclude from the schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

7p. To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the district, and shall be kept in the libraries of the school when not in use.

7q. And, generally, to do and perform such other acts as may be required by the general law applicable to the districts, and as may be necessary and proper to carry into force and effect the powers conferred on said board of education, and to increase the efficiency of the public schools in the district.

7r. No teacher shall be elected or appointed to a position in the school department of the district, except in technical or industrial schools that may be established, or as special teacher of some branch, who does not hold a California grammar grade or high school certificate, in full force: *provided*, that this section shall not be so construed as to deprive any person who is employed as a teacher in the schools of the district at the time of the adoption of this charter.

SEC. 8 The president of the board of education shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the school fund, or other matter relating to their official duties.

SEC. 9 All contracts for building shall be awarded to the lowest bidder therefor furnishing adequate security, to be determined by the board of education after due notice, published for not less than ten days in one daily paper of the city.

SEC. 10. The city attorney shall be the attorney of the board of education.

SEC. 11. All claims payable out of the school funds shall be filed with the secretary of the board of education, and shall be approved by a majority of the board. After claims have been approved, the secretary of said board shall draw warrants upon the proper school fund for the payment thereof, which warrants shall be signed by the president and one other member of the board and countersigned by the secretary. All demands for salaries of teachers and compensation of janitors shall be payable monthly, in the same manner, without presentation therefor.

SEC. 12 The board of education shall not have the power to create any debts or liabilities in any one year to exceed the actual revenue or available means in the funds under the control of the board of education and justly applicable for school purposes for such year.

ARTICLE 10

FREE PUBLIC LIBRARY.

SECTION 1 The free public library shall be under the management of a board of five trustees who shall be elected by the qualified electors of the city; *provided*, that the first board of library trustees under the charter shall take office on the third Monday of April, 1911, and shall at their first meeting so classify themselves by lot that three of their number shall go out of office at the expiration of two years, and two at the expiration of four years, otherwise their term of office shall be for four years. On the Tuesday succeeding every general municipal election the board of library trustees shall organize by choosing one of their number president. They shall also elect a secretary who may be a member of the board who shall hold office during the pleasure of said board.

SEC. 2 The position of library trustee shall be one of honorary trust without salary, or compensation, and all appointments made by the board of library trustees shall be made without regard to politics, and irrespective of sex. Said library trustees shall not be less than twenty-five years of age and must have been residents of said city at least two years prior to their election.

SEC. 3. The city council shall, in making the annual tax levy, and as a part thereof, levy a rate which shall not exceed ten cents on each hundred dollars of the assessed value of the taxable property of the city, for the purpose of maintaining said library and purchasing books, journals, and periodicals.

SEC. 4. If payment into the treasury of any money or property derived by donation or bequest would be inconsistent with the conditions or terms of any such donation, or bequests, said board shall provide for the safety and preservation of the same and the application thereof to the use of said library in accordance with the terms and conditions of said donation or bequest.

SEC. 5. The board of library trustees shall meet at least once each month and a majority constitute a quorum, but no business shall be transacted by said board of trustees without the concurrence of three of its members, but a less number may adjourn from time to time. It shall elect a librarian and such assistants as may be necessary. The secretary shall keep a full account of all property, money, receipts and expenditures and a record of all its proceedings.

SEC. 6. The board of library trustees shall have power

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said library and all property belonging thereto, or that may be loaned thereto.

Second—To administer any trust declared, or created for such library and reading rooms

Third—To define the powers and prescribe the duties of all officers; determine the number of, and elect all necessary subordinate officers and assistants, and at their pleasure remove any such officer or assistant.

Fourth—To purchase necessary books, publications and other personal property.

Fifth—To fix salaries of the librarian and assistants, and other employees; to rent and equip such building or buildings, room, or rooms, as may be necessary for such library and reading rooms.

Sixth—To allow non-residents to borrow books upon such conditions as the board may prescribe.

Seventh—To provide memorial tablets and niches or other means to perpetuate the memory of any person who makes donations or bequests to the public library.

Eighth—To do all that may be necessary to carry into effect the provisions of this charter with reference to said library and reading rooms.

SEC. 7. Said board on or before the last day of June shall make a report to the council giving the condition of its trust, with full statement of all property and money received, whence derived, how used and expended, the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the next preceding fiscal year, the number lost or missing, the number of those loaned, and such other statistics, information and suggestions as may be of general interest, and also a financial report showing all receipts and disbursements, with particulars thereof, and the names of all employers and the salaries paid to each.

ARTICLE 11.

REVENUE AND TAXATION.

SECTION 1. The council shall by ordinance provide for the assessment, levy and collection of taxes, and shall act as a board of equalization in equalizing the value of property listed upon the assessment roll. During the month of September in each year, it shall levy such a tax as may be necessary to raise revenue for the maintenance of the city and the several departments during the fiscal year, but such tax levy, for all municipal purposes, except the payment of interest and principal on the bonded debt, shall not exceed the sum of one hundred cents for each one hundred dollars of assessed valuation as the same appears upon the assessment roll.

SEC. 2. The council shall set aside from each year's tax collections a sum not less than five per centum of said amount for a river and harbor fund which can not be used for any other purpose.

ARTICLE 12.

PUBLIC WORK AND SUPPLIES

Form of Contracts.

SECTION 1. All contracts shall be drawn under the supervision of the city attorney. All contracts must be in writing, executed in the name of the city of Petaluma by an officer or officers authorized to sign the same, and must be countersigned by the auditor, who shall number and register the same in a book kept for that purpose.

Progressive Payments on Contracts.

SEC. 2. Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five per cent of the contract price before the completion of the work done under said contract and the acceptance thereof by the proper officer, department or board.

Public Work to be Done by Contract.

SEC. 3. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in all work in or about streams, bays or water front, or in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the city, when the expenditure required for the same exceeds the sum of two hundred dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated for five consecutive days in the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done, *provided, however*, the council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide for the work to be done by the department of public works. In case no bid is received, the council may likewise provide for the work to be done by the department of public works.

Contracts for Official Advertising.

SEC. 4. The council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the council shall advertise for five consecu-

tive days, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate or rates named in the bids. The council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the city which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; *provided*, that the council may reject any or all bids if found excessive, and advertise for new bids.

The newspaper to which the award of such advertising is made shall be known and designated as the "Official newspaper."

Contracts for Lighting.

SEC. 5. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for electric light or any illumination material at a higher rate than the minimum price charged to any other consumer be valid.

Hours of Labor.

SEC. 6. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the city and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Collusion with Bidder.

SEC. 7. Any officer of the city, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Collusion by Bidder.

SEC. 8. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the council shall advertise for a new contract for said work, or provide for such public work to be done by the department of public works.

ARTICLE 13.

FRANCHISES.

Property Rights of the City Inalienable.

SECTION 1. The rights of the city in and to its water front, wharf property, land under water, public landings, wharves, docks, streets, highways, parks and all other public places, except as otherwise provided in this charter are hereby declared inalienable

No Use of Streets Without a Franchise

SEC. 2. No person, firm or corporation shall ever exercise any franchise or privilege mentioned in this article except in so far as he or it may be entitled to do so by direct authority of the Constitution of California or of the Constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the city unless he or it shall have obtained a grant therefor in accordance with the provisions of this article.

Franchise to Use Streets

SEC. 3. Every franchise or privilege to construct or operate street, suburban or interurban railroads along, upon, over, or under any street, or highway, or other public place, or to lay pipes or conduits or to erect poles or wires or other structures in, upon, over, under or along any street, highway or other public place in the city for the transmission of gas or electricity, or for any purpose whatever, shall be granted upon the conditions in this article provided, and not otherwise.

Applications for Franchises.

SEC. 4. An applicant for a franchise or privilege shall file with the council an application therefor, and thereupon the council, if it propose to grant the same, shall, or on petition signed by qualified and registered electors equal in number to twenty per centum of the entire vote cast at the last preceding municipal election, requesting it to grant the same, must advertise the fact of said application together with a statement that it is proposed to grant the same, in the official newspaper of the city. Said advertisement shall contain a copy of the proposed ordinance

making such grant. The publication of such advertisement must be run in the said paper in five successive issues and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application. The form of such petition, signatures, and certification duties of the clerk in respect thereto, provided in Article 14 (for petitions for recall) shall apply to petitions for grant of franchise referred to in this section.

Conditions of Grant.

SEC. 5. The advertisement must state the character of the franchise or privilege proposed to be granted, and if it be granted, and if it be a street, suburban or interurban railroad, the route traversed, that sealed bids therefor will be opened at a stated time and place, and that the franchise will be awarded to the bidder offering to pay to the city during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise; provided that such percentage be not less than one per cent of said gross annual receipts during the first five years, not less than two per cent during the next five years, not less than three per cent during the rest of the life of the franchise.

Bidding for the Franchise.

SEC. 6. At the time of opening the sealed bids, any responsible person, firm or corporation, present in person or represented, may bid for such franchise or privilege not less than one fourth of one per cent of the gross annual receipts above the highest sealed bid, therefor, and such bid so made may be raised not less than one fourth of one per cent of the gross annual receipts, by any other responsible bidder, and such bidding may continue until finally such franchise shall be struck off, sold and awarded by the council to the person, firm or corporation offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise, provided, that if, in the judgment of the council, no adequate or responsible bid has been made, the council may withdraw such franchise from sale or advertise for new bids.

Deposit as Guarantee of Good Faith.

SEC. 7. Every application and bid for franchise under this article shall be accompanied by a cash deposit of five hundred dollars (\$500.00), or a certified check therefor as a guarantee of the good faith of the applicant or bidder, and as a fund out of which to pay all expenses connected with such application and the granting of such franchise.

Upon the franchise being awarded, all deposits made by unsuccessful bidders shall be returned. The deposits of the successful bidder shall be retained until the filing and approval of the surety bond hereinafter provided for, whereupon the remainder of such deposit, after the payment therefrom of all expenses incurred by the city in connection with the advertising and awarding of such franchise, shall be returned.

Open Competition.

SEC. 8. No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this article, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another in bidding for the purchase thereof.

Bond.

SEC. 9. The successful bidder of any franchise or privilege awarded under this article shall file a bond running to the city to be approved by the council, in the penal sum to be prescribed by the council and set forth in the advertisement for bids conditioned that such bidder shall well and truly observe and faithfully perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and surety upon such bond.

Such bond shall be filed with the council within five days after such franchise is awarded, and within thirty days after the filing and approval of such bond upon franchise shall by the council be granted by ordinance (subject to the provisions of Section 23 of this article) to the person, firm or corporation to whom it shall have been struck off, sold or awarded, and in case such bond shall not be filed, the award of such franchise shall be set aside, and any money deposited in connection with the awarding of the franchise shall be forfeited and the franchise shall, in the discretion of the council, be re-advertised and again offered for sale in the same manner and under the same restrictions as hereinafter provided.

Life of Franchise.

SEC. 10. The maximum length of time for which a franchise or privilege to use the streets, highways or other places of the city may be granted to any person, firm or corporation shall be forty (40) years.

Beginning and Completion of Work.

SEC. 11. Work under any franchise granted in accordance with the terms of this article shall be commenced in good faith within no more than four months from the date of the final adoption of the ordinance granting such franchise, and, if not so commenced within said time, said franchise shall be forfeited. Work under any franchise so granted shall be completed within the time fixed for such completion in the ordinance granting such franchise, which time shall be not more than three years from the date of the final adoption of the ordinance granting said franchise, and if not so completed within said time said franchise shall be forfeited; *provided*, that if good cause be shown, the council shall by resolution extend the time for completion thereof not exceeding three months.

Regulation of Grants, Franchises and Privileges.

SEC. 12. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper services and accommodations for the people and insure their comfort and convenience.

Rates and Charges

SEC. 13. The grant of every franchise or privilege shall be subject to the right of the city, whether reserved or not, to prescribe and regulate the rates, fares, rentals or charges made for the service rendered under such franchise. The grant of every franchise for a street, suburban or interurban railroad shall provide that all United States mail carriers and all officials, policemen and firemen of the city shall at all times, while in the actual discharge of their duties, be allowed to ride on the cars of such railroad within the boundaries of the city, without paying therefor and with all the rights of other passengers.

Right of the City to Assume Ownership.

SEC. 14. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance the city at its election and upon the payment of a fair valuation therefor to be made in the manner provided in the ordinance making the grant, may purchase and take over to itself the property and plant of the grantee in its entirety, but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation. Or it may be provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which the franchise was granted, become the property of the city without any compensation to the grantee.

No Conveyance Necessary for City's Ownership.

SEC. 15. Every ordinance granting any franchise shall further provide that upon the payment by the city of a fair valuation in the manner provided in the ordinance, the plant and property of the grantee shall become the property of the city by virtue of the grant in the payment thereunder, and without the execution of any instrument or conveyance, and in case it is provided in the ordinance granting any franchise that the property and plant of the grantee shall, at the expiration of the period for which it was granted become the property of the city without any compensation to the grantee, the property and plant of the grantee shall then become the property of the city by virtue of the grant and without the execution of any instrument or conveyance.

Lease or Assignment of Franchise

SEC. 16. Any franchise granted by the city shall not be leased, assigned or otherwise alienated without the express consent of the city, and no dealings with a lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent, *provided*, that nothing herein shall be construed to prevent the grantees of such franchise from including it in a mortgage or trust deed executed for the purpose of obtaining money for corporate objects.

Street Sprinkling, Cleaning and Paving.

SEC. 17. Every grant of any franchise or privilege in, over, under or along any of the streets, highways or public places in the city for railway purposes, shall be subject to the conditions that the person, firm or corporation exercising or enjoying the same shall sprinkle, clean, keep in repair, and pave and repave so much of said street, highway or other public place as may be occupied by said railway, as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of said tracks.

Examination of Company's Books, Audit.

SEC. 18. The city of Petaluma by its auditor, deputy auditor, or accountants authorized by the auditor, or by the council, shall have the right at all reasonable times to examine all the books, vouchers and records of any person, firm or corporation exercising or enjoying any franchise or privilege granted by the city, for the purpose of verifying any of the statements of gross receipts provided for, and for any other purpose whatsoever connected with the duties or privileges of the city, or of such person, firm or corporation, arising from this charter, or from the ordinance granting the franchise, and may audit the same at the end of each year.

Annual Reports of Company.

SEC. 19. Every person, firm or corporation operating any business under a franchise granted under this article shall file annually with the city auditor on such date as shall be fixed by the council a report for the preceding year.

Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the council shall direct, and shall contain a statement, in such form and detail as shall from time to time be prescribed by the council, of all the gross receipts arising from all the business done by said person, firm or corporation, within the city of Petaluma for the year immediately preceding such report.

Such report shall contain such further statements as may be required by the council concerning the character and amount of business done, and the amount of receipts and expenses connected therewith, and also the amount expended for new construction, repairs and betterments during such year.

Payment of Gross Receipts.

SEC. 20. The stipulated percentage of gross receipts shall be paid annually at the time of filing the annual report. Failure to pay such percentage shall work a forfeiture of the franchise. The provisions as to the payment of gross receipts shall apply to every person, firm or corporation using or operating the works constructed under such franchise.

Forfeiture for Non-compliance.

SEC. 21. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege the same as though in each instance such power was expressly reserved.

Franchise Not in Use Forfeited.

SEC. 22. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Manner of Granting and Renewing Franchises.

SEC. 23. No exclusive franchise shall ever be granted, and no franchise shall be renewed prior to one year before its expiration. No franchise shall be granted, renewed or extended except by ordinance, and no such grant or franchise, or renewal or extension thereof shall be of any validity until the same shall have been approved by the majority of the electors voting thereon at a general or special election. Said election shall be held not less than fifteen and no more than thirty days from and after the final passage of such ordinance by the council granting such franchise, or a renewal or extension thereof. It shall be the duty of the council to provide for said elections. Said elections shall be held in all respects as are other elections under this charter, relating to the submission of ordinances to a vote of the electors. The ballots used at such elections shall read as follows:

For the franchise, Yes.

For the franchise, No.

Stating the nature of the franchise ordinance in terms sufficient to identify it. If a majority of the qualified electors voting on said proposed franchise ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the city, and said franchise shall thereupon become valid and effective.

ARTICLE 14.**RECALL OF ELECTIVE OFFICERS.***Applies to All Elective Officers*

SECTION 1. Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city. The procedure to effect such removal from office shall be as follows:

Petition for Recall.

SEC. 2. A petition signed by qualified electors equal in number to thirty per centum of the entire vote cast for mayor at the last preceding general municipal election at which a mayor was elected, demanding an election of a successor of the officer sought to be removed, shall be addressed to the council and presented to the city clerk. The petition may request such election to be held at a special municipal election or at the next general municipal election. The petition must contain a statement of the reasons of the demand.

The Petition.

SEC. 3. The forms and conditions of the petition and the mode of verification and certification and filing shall substantially follow the general laws of the State of California, with such modification as the nature of the case requires.

Election Under Recall Petition.

SEC. 4. If the officer sought to be removed shall not resign within five days after the petition is filed by the city clerk, and if the petition requests a special election, the council shall cause a special election to be held within forty-five days to determine whether the people will recall said officer, or, if a general municipal election is to occur within sixty days, the council may in its discretion postpone the holding of such election to such general municipal election.

Grounds of Recall. Officer's Justification.

SEC. 5. In the published call for the election there shall be printed in not more than two hundred words the reasons for demanding the recall of the officer as set in the recall petition, and in not more than two hundred words the officer may justify his course in office; and both the reasons for recall and answer of the officer as printed and mentioned in this section, shall be mailed together with a sample ballot to each qualified voter.

Candidates. Election.

SEC. 6. The officer sought to be removed shall be deemed a candidate and, unless he resigns, his name shall be printed on the ballot. The nomination of other candidates and the election shall be in accordance with the provisions of Article 4, Section 1.

Incumbent Removed.

SEC. 7. The officer sought to be removed shall, if he do not resign, continue to perform the duties of his office until the election and, if he fail of election, he shall be deemed removed from office.

No Recall Petition for the First Three Months.

SEC. 8. No recall petition shall be filed against any officer until he has actually held his office for at least three months.

Incapacity of Recalled Official.

SEC. 9. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within one year after such recall or resignation.

Further Regulations.

SEC. 10. The council shall by ordinance make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE 15.

THE INITIATIVE.

Direct Legislation.

SECTION 1. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal in number to the percentage hereinafter required.

The Petition

SEC. 2. The forms and conditions of the petition and the mode of verification and certification, and filing shall substantially follow the general laws of the State of California with such modification as the nature of the case requires.

Twenty-five Per Cent Petition.

SEC. 3. If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and contain a request that said ordinance be submitted forthwith to the vote of the people at a special election, then the council shall either.

(a) Pass said ordinance without alteration within twenty days after the attachment of the clerk's certificate of sufficiency to the accompanying petition (subject to a referendary vote, under the provisions of Article 16 of this charter); or

(b) Within twenty-five days after the clerk shall have attached to the petition accompanying such ordinance his certificate of sufficiency, the council shall proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people.

Fifteen Per Cent Petition.

SEC. 4. If the petition be signed by electors equal in number to at least fifteen per centum, but less than twenty-five per centum of the entire vote cast for all candidates for mayor at the last preceding general municipal election at which a mayor was elected, and said ordinance be not passed by the council as provided in the preceding subdivision, then such ordinance, without alteration shall be then submitted by the council to a vote of the people at the next general municipal election that shall occur at any time after twenty days from the date of the clerk's certificate of sufficiency in such ordinance.

Publication of Popular Ordinance

SEC. 5. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city at any election either (a) the council shall cause the ordinance or proposition to be printed and it shall be the duty of the clerk to enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least three days prior to the election, or (b) the council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballots as first above provided.

Election.

SEC. 6. The ballots used when voting upon such proposed ordinance shall contain the words, "For the Ordinance" (setting forth in full the title thereof and stating the general nature of the proposed ordinance) and "Against the Ordinance," (setting forth in full the title thereof and stating the general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

Several Ordinances at One Election.

SEC. 7. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this article.

Limit to Special Elections.

SEC. 8. There shall not be held under this article of the charter more than one special election in any period of six months

Repeal of Popular Ordinance.

SEC. 9. The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general municipal election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition, or adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Further Regulations.

SEC. 10. The council may by ordinance, make such further regulations as may be necessary to carry out the provisions of this article

ARTICLE 16.

THE REFERENDUM.

Mode of Protecting Against Ordinances.

SECTION 1. No ordinance passed by the council shall go into effect before thirty days from the time of its final passage, except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by the vote of five members of the council; *provided*, that no grant of any franchise shall be construed to be an urgency measure. If during said thirty days said petition signed by registered electors of the city equal in number to fifteen per cent of the total number of votes cast for mayor at the last preceding regular municipal election protesting against passage of such ordinance, be presented to the council the same shall thereupon be suspended from taking effect until the expiration of sixty days from the date of its final passage. It shall be the duty of the council to reconsider such ordinance within ten days after the attachment of the clerk's certificate of sufficiency to said petition; and if, upon such reconsideration, the said ordinance be not entirely repealed, the protestants shall have the right to file additional petitions of remonstrance at any time prior to the expiration of said period of sixty days. In the event

that any petitions of remonstrance containing in the aggregate the signatures of the twenty-five per cent of the registered electors of the city be presented to the clerk within said period of sixty days, the council must submit the ordinance, as is provided in Article 15, of this charter, to the vote of the electors of the city, either at the next regular municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of the state law of California respecting the forms and conditions of the petition and the mode of verification, certification, amendment and filing shall be substantially followed, with such modifications as the nature of the case requires.

Reference of Measures to Popular Vote.

SEC. 2. At any special election called under the provisions of this charter, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the highest affirmative vote shall control.

Further Regulations

SEC. 3. The council must, by ordinance, make such further regulations as may be necessary to carry out the provisions of this article.

ARTICLE 17.

GENERAL PROVISIONS.

SECTION 1. No appointive officer, whether under salary or not, and no deputy of any city officer or employee of the city receiving pay from the city—except firemen without pay—shall be eligible to hold any other public office while in the employment of or holding office under the city government, except notaries public or members of the national guard. For a violation of any of the provisions of this section, such position or office shall immediately become vacant, and the compensation of such person offending shall terminate.

SEC. 2. The word "City" wherever it occurs in this charter, means the city of Petaluma, and every department, board or officer, wherever mentioned in this charter, means a department, board or officer, as the case may be, of the city of Petaluma.

SEC. 3. No officer of the city shall absent himself from the state except upon the written consent of the mayor so to do. Violation of this section shall be sufficient cause for the removal of any officer violating the same.

SEC. 4. No officer of the city shall be or become, directly or indirectly, interested in, or in the performance of any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the treasury, or in the purchase or lease of any real estate or other property belonging to, or taken by the city. If any person in this section designated, shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, the city, or any department or officer thereof, or in any franchise, right or privilege granted by the city, unless the same shall be devolved upon him by law, he shall forfeit his office, and all such contracts shall be void, and shall not be enforced against the city.

SEC. 5. All officers of the city of Petaluma, elective or appointive, shall, in addition to the duties herein prescribed perform such duties as may be imposed by ordinance or by the general laws of the State of California.

SEC. 6. Any officer of the city who shall, while in office, accept any donation or gratuity in money, or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him, shall forfeit his office.

SEC. 7. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies of extracts from said books and records shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering ten cents a folio of one hundred words for such copies or extracts, but the records of the police department shall not be subject to such inspection, except permission be given by the chief of police.

SEC. 8. No person shall be eligible to or hold any office, or be clerk or deputy in any office or department, who has been guilty of malfeasance in office, bribery, or other infamous crime, or who, in any capacity, has embezzled public funds.

SEC. 9. The fiscal year mentioned in this charter shall commence with the first day of July and end with the thirtieth day of June following.

SEC. 10. Any elected or appointed officer, except a member of the council may be suspended. And any appointed officer may be removed by the council for cause. The council shall appoint some person to discharge the duties of the office during the period of such suspension. Any elected officer suspended by the mayor may be

removed after due process of law. When the mayor shall suspend any elected or appointed officer from office, he shall immediately notify the council of such suspension and furnish it a statement of the cause therefor, which statement shall be entered in the record of its proceedings.

SEC. 11. Whenever special meetings are called of the council, board of education, or any other board of the municipality, notice thereof shall be served on each member personally. At such special meeting no subject shall be considered except that specified in the notice.

SEC. 12. No person shall be eligible to hold office in this city, whether elective or appointive, unless he be an elector therein and have resided within its present limits for at least two years next preceding the date of such election or appointment, except superintendent, principals and teachers of the public schools, engineers, and as herein otherwise provided.

SEC. 13. It shall be the official duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city or with any officer or department thereof, or relating to the business of any officer, has been or is about to be violated by the other contracting party, forthwith to report to the mayor all facts and information within his possession concerning such matter; and a willful failure so to do shall be cause for the removal of such officer or employee, as in case of malfeasance in office.

SEC. 14. All claims against the city must contain a statement that every item in such claim has occurred within one year immediately preceding the filing of such claim, and no claim shall be valid against the city unless presented within one year from the date the article, labor, commodity, or service was furnished or contract performed: *provided, however*, that nothing herein contained shall deprive any person of the right to bring suit against the city upon any claim which has been rejected or refused payment by the council, if such claim was properly filed with the city clerk within the time above specified.

SEC. 15. No privy, vault or cesspool shall be permitted upon any premises adjoining a lateral sewer.

SEC. 16. Every officer provided for in this charter shall, before entering upon the duties of his office, take, subscribe and file with the city clerk, the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of—naming the office—to the best of my ability."

SEC. 17. The council of the present city of Petaluma shall provide for the holding of the first election of officers under this charter, and shall canvass the votes and declare the result.

SEC. 18. All acts of the Legislature relating to the city and all city ordinances, resolutions, and other regulations now in force and not inconsistent herewith, shall be and remain in force after this charter takes effect until changed or repealed by the proper authority; and all rights vested under any formal act or regulation, when this charter takes effect, shall remain unimpaired, and all actions and proceedings commenced in any court wherein the city is a party, shall be continued under the law existing when said action or proceeding was commenced. No business of, or pending before any officer or department of the city at the time this charter takes effect shall be discontinued or abandoned by reason thereof, but the same shall be carried on and completed by or before the proper officer or department herein provided for.

SEC. 19. Except as otherwise in this charter provided for, all officers of the city shall keep their respective offices open for the transaction of business during such hours as may be prescribed by the council.

SEC. 20. No officer elected or appointed serving in any capacity for the city, shall receive in any manner fees, perquisites or emoluments in addition to his salary as fixed by the charter or salaries that may hereafter be fixed by the council by ordinance, provided that this section shall not apply to the office of city engineer.

One-twelfth Law.

SEC. 20. Neither the municipal council, the board of education, nor any other board, commission, committee, officer, or person, shall have power to authorize, allow, contract for, pay, or render payable, and they are prohibited from authorizing, allowing, contracting, paying, or rendering payable in present or future, in any one month, any demand or demands, liability or liabilities, against the treasury of this city, or the funds thereof, which shall, in the aggregate, exceed one-twelfth part of the amount allowed by laws existing at the time of such contract, authorization, allowance, payment or liability, to be expended within the fiscal year of which said month is a part: *provided, however*, that if, at the beginning of any month, any money remains unexpended in any of the funds set apart for maintaining the municipal government of this city and which might lawfully have been expended the preceding month, such unexpended sum or sums may be carried forward and expended by order of the municipal council, for the same purpose allowed by law

in any succeeding month of the fiscal year. All contracts, authorizations, allowances, payments, and liabilities to pay, made or attempted to be made, in violation of this section, shall be absolutely void, and shall never be the foundation or basis of a claim against the treasury of this city and all officers of this city are hereby charged with notice of the condition of the treasury of this city and the extent of the claims against the same. *Provided*, that in case of calamities or for greater protection from fire, the provisions of this section may be vacated.

Indebtedness not to Exceed Moneys Provided.

SEC. 20a. The council shall not create, audit, allow, or permit to accrue any debt or liability in excess of the available money in the treasury that may be legally apportioned and appropriated for such purposes, except in the manner provided by law for incurring indebtedness; *provided*, that the city during the first year of its existence under this act may incur indebtedness or liability as may be necessary, not exceeding in all the income and revenue provided for it for such year; nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the treasury legally applicable to the payment of the same, except as hereinbefore provided.

ARTICLE 18.

AMENDMENTS.

SECTION 1. This charter may be amended at intervals of not less than two years by proposals therefor, submitted by the council to the qualified electors of the city at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in said city and ratified by a majority of the electors voting thereon, and approved by the Legislature as provided in the Constitution of the State of California. Whenever fifteen per centum of the qualified voters of the city shall petition the council to submit any proposed amendment or amendments to this charter to the qualified voters thereof for approval the council must submit the same. In submitting any such amendment or amendments to the charter any alternative article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to the others.

SEC. 2. The petition herein provided for must be made, presented, examined and certified to in the manner and form required for petitions under the general laws of the State of California.

SEC. 3. The council must make all necessary provisions for submitting proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

SEC. 4. The ballots used at such elections shall contain the words, "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

CHARTER EFFECTIVE.

For the purpose of the qualification and of the nominating of candidates and electing of city officers in accordance with this charter, this charter shall take effect from the time of the approval of the same by the Legislature, and for all other purposes said charter shall take effect and be in force from and after the third Monday in April, 1911, immediately after the result of the said election is officially declared.

The present board of trustees of the city of Petaluma shall provide for holding an election to elect for the first term of office, the officers created by this charter, and shall canvass the returns and declare the result of such election and cause certificates of election to be issued to the several officers declared to have been elected at such election.

The city officers in office, at the time of approval of this charter, shall continue to hold their respective offices until the result of the said election is officially declared.

CERTIFICATE.

WHEREAS, The city of Petaluma, a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants on the thirtieth day of August, 1910, at a special election held under and in accordance with the provisions of section eight of Article XI of the Constitution of the State of California, did elect J. L. Camm, E. E. Drees, Chas. H. Egan, M. H. Fredricks, Dr. H. S. Gossage, Wm. J. Hickey, A. W. Horwege, A. Kahn, John Lawler Sr., F. H. Myers, Wm. J. Palmer, W. C. Stradling, H. Schluckebier, H. H. Weber and Wm. H. Zartman a board of freeholders to prepare and propose a charter for said city.

BE IT KNOWN, That pursuant to the provisions of the Constitution and within a

period of ninety days after said election, said board of freeholders has prepared and does propose the foregoing as and for the charter of the city of Petaluma.
Done in duplicate.

IN WITNESS WHEREOF, We have hereunto set our hands this 26th day of November, 1910

JOHN L. CAMM.
E. E. DREES.
C. H. EGAN.
M. H. FREDRICKS.
H. H. GOSSAGE, M.D.
W. J. HICKEY.
A. W. HORWEGE.

Attest:

C. H. EGAN,
Secretary of the Board of Freeholders.

Filed this 26th day of November, 1910, at four P. M.

WM. H. ZARTMAN,
President of the Board of Freeholders.

A. KAHN.
JOHN LAWLER.
F. H. MYERS.
WM. J. PALMER.
W. C. STRADLING
HENRY SCHLUCKEBIER.
H. WEBER.

WM. C. KEIG,
President of the Board of Trustees of the
City of Petaluma, California.

STATE OF CALIFORNIA, }
COUNTY OF SONOMA. } SS.
CITY OF PETALUMA. }

I, W. C. KEIG, president of the board of trustees of the city of Petaluma, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter, were on the 30th day of August, 1910, at a special municipal election held in said city of Petaluma on said day, duly elected by the qualified electors of said city to prepare and propose a charter for said city, that each of said freeholders had been a qualified elector and freeholder in said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as president of said board of trustees within ninety (90) days after said election, as required by Section 8 of Article XI of the Constitution of this State; that said proposed charter was then published in the "Petaluma Courier", a daily newspaper which then was a daily newspaper of general circulation in said city and that said publication was made for more than twenty (20) days, and that the first publication of said proposed charter was made within twenty (20) days after the completion of said charter; that within and not less than thirty (30) days after the publication of said charter, as required in said Section 8 aforesaid, to wit, on the 14th day of February, 1911, said charter was submitted at a special election duly called and held therein for the purpose of ratifying or rejecting said proposed charter; that by a majority of the votes of the qualified electors voting at said election said proposed charter was ratified as a whole; that the returns of said election were duly canvassed by the board of trustees of said city of Petaluma on the 20th day of February, 1911, and the result thereof declared as above set forth; and that in all matters and things pertaining to said proposed charter, all provisions of said section of the Constitution and the laws of State of California pertaining to the adoption of the charter have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of said city of Petaluma to be affixed this 21st day of February, 1911

[SEAL]

WM. C. KEIG,
President of the Board of Trustees
of the City of Petaluma.

Attest: J. A. PEOPLES.

City Clerk and ex officio Clerk of the Board of Trustees
of the City of Petaluma.

AND, WHEREAS, Said proposed charter has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without the power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein), that said charter of the city of Petaluma adopted and ratified by the qualified electors of said city, be, and the same is hereby, approved as a whole as and for the charter of said city of Petaluma

RECESS.

At five o'clock and twenty minutes P. M., the Assembly was declared at recess until eight o'clock P. M., of this day.

REASSEMBLED.

At eight o'clock P. M., the Assembly reconvened.
Speaker Hewitt in the chair.

MOTION.

Mr. Bohnett moved that the Assembly proceed with consideration of the Second Reading File.

Motion carried.

SECOND READING OF BILLS.

Assembly Bill No. 361—An Act fixing the salaries of the judges of the Superior Court of the State of California, in and for the county of Kern, and providing for the payment thereof.

During second reading of bill, the following amendment was submitted by the committee:

In line 3, Section 1, of the printed bill, strike out the word "six", and insert in lieu thereof the word "five".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 1345 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1345, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman

Mr. Bohnett moved that the report be adopted.

Motion carried.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdraw-

ing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

Bill passed to foot of file.

Assembly Bill No. 1334—An Act to regulate the employment of females in public places.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1, line 2, of printed bill, strike out the word "cafe".

Amendment adopted.

AMENDMENT No. 2.

In line 3, strike out the words "or public house of any kind".

Amendment adopted.

AMENDMENT No. 3.

In line 6, after the word age, add the following: "shall be guilty of a misdemeanor".

Amendment adopted.

AMENDMENT No. 4.

In line 6, after the word fine, add the following: "of not less than \$50".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1284—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of lines 28 to 35 inclusive, in Section 1, page 2, of the printed bill, and insert the following: "3 The recorder, twenty-eight hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder the following deputies, who shall be appointed by the recorder and shall be paid salaries as follows: One chief deputy at a salary of ninety dollars per month; and one deputy at a salary of seventy-five dollars per month; said salaries to be paid by said counties in monthly installments at the same time and in the same manner and out of the same funds as the salary of the recorder is paid."

Amendment adopted.

AMENDMENT No. 2.

In line 40, Section 1, page 2, of the printed bill, strike out the word "ninety", and insert in lieu thereof the words "one hundred".

Amendment adopted.

AMENDMENT No. 3.

In line 70, Section 1, page 3, of the printed bill, strike out the words "one hundred", and insert in lieu thereof the word "seventy-five".

Amendment adopted.

AMENDMENT No. 4.

In line 71, Section 1, page 3, of the printed bill, strike out the word "seventy-five", and insert in lieu thereof the word "fifty".

Amendment adopted.

AMENDMENT No. 5.

In line 72, Section 1, page 3, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "twenty-five".

Amendment adopted.

AMENDMENT No. 6.

In Section 1, on pages 3 and 4, of the printed bill, strike out all of lines 89 to 101 inclusive, and insert in lieu thereof the following:

"13. Justices of the peace shall receive the following monthly salaries, to be paid each month in the same manner and at the same time and out of the same funds as other county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than ten thousand, ninety dollars per month; in townships having a population of thirty-five hundred and not over ten thousand, seventy-five dollars per month, in townships having a population of two thousand and not over thirty-five hundred, forty dollars per month; in townships under two thousand population, twenty-five dollars per month; *provided*, that in townships where there have been no justices of the peace appointed or elected for two years preceding, justices of the peace shall be allowed such fees as are now or may hereafter be allowed by law in criminal cases."

Amendment adopted.

AMENDMENT No. 7.

In Section 1, page 4, of the printed bill, strike out all of the lines 110 to 123 inclusive, and insert in lieu thereof the following:

"14. Constables shall receive the following monthly salaries, to be paid each month and in the same manner and at the same time and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of more than ten thousand, seventy-five dollars per month; in townships having a population of thirty-five hundred and not over ten thousand, seventy dollars per month; in townships having a population of two thousand and not over thirty-five hundred, forty dollars per month; in townships having a population of under two thousand, twenty-five dollars per month; *provided*, that in townships where there have been no constables appointed or elected for two years preceding, constables shall be allowed such fees as are now or may hereafter be allowed by law in criminal cases.

"In addition to the above compensation received in criminal cases, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases. Constables shall also be allowed all necessary expenses incurred in conveying prisoners.

"For the purposes of this section the population of townships in counties of this class is hereby determined to be the population of such townships as shown by the Federal census taken in the year A. D. 1910."

Amendment adopted.

AMENDMENT No. 8.

In lines 126 and 127, Section 1, page 4, of the printed bill, strike out the following: "and as road commissioner five dollars per day for not to exceed fifteen days in any one month", and insert in lieu thereof the following: "and as road commissioner, four dollars per day for not to exceed eighteen days in any one month".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1557—An Act to amend Section 4250 of the Political Code of the State of California, relating to fees and salaries of county officials.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, of the printed bill, on line 2, of the title, after the word "salaries", strike out the words "of county officials.", and insert in lieu thereof the words "and fees of officers in counties of the twenty-first class".

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 1, of the printed bill, and before the word "Section" add the words "Section 1".

Amendment adopted.

AMENDMENT No. 3.

On page 5, of the printed bill, on line 151, before the word "this", insert the words "Section 2".

Amendment adopted

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 1555—An Act to amend section four thousand two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers of counties of the eighteenth class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 968—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, line 1, of the printed bill, before the word "Section", insert the following "Section 1".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 1, line 52, after the word "obtainable", insert the following "on terms customary for similar risks".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 52, of the printed bill, strike out the word "such", and in lieu thereof insert the word "all".

Amendment adopted.

AMENDMENT No. 4

On page 5, line 149, strike out the figures "149", and in lieu thereof insert the following: "Section 2".

Amendment adopted

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1492—An Act to add a new section to the Penal Code of the State of California to be known and numbered as Section 628f, relating to gathering clams, and prescribing a penalty for gathering clams under a certain size, or having more than a certain number in one's possession

During second reading of bill, the following amendment was submitted by the committee:

In Section 1, line 4, after 628f, strike out all the rest of the section, and insert in lieu thereof the following: "Every person who takes, gathers, catches or has in his possession any clam, known as the Pismo clam (*Tivela stultorum*), which shall measure less than thirteen inches around the outer edge of the shell, or who during any one calendar day takes, gathers, catches or has in his possession more than two hundred of said clams, shall be guilty of a misdemeanor."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 957—An Act to add a new section to the Penal Code of the State of California to be numbered Section 635½, relating to the protection and preservation of fish.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out of line 2, Section 3, of the printed bill, the word "January", and insert in lieu thereof the word "July".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1373—An Act to add three new sections to the Penal Code of the State of California, to be numbered Sections 626p, 626q, and 626r.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In line 1, of the title, strike out the word "three", and insert in lieu thereof the word "two".

Amendment adopted.

AMENDMENT No. 2.

In line 2, of the title, strike out the figures and letter "626q", and change the "r" to "q" at the end of the line.

Amendment adopted.

AMENDMENT No. 3.

In line 3, Section 1, of the printed bill, strike out the figures "626" and the letter "q" and the comma (,) and strike out the letter "r" after the figures "626", and insert in lieu thereof the letter "q".

Amendment adopted.

AMENDMENT No. 4

In line 4, Section 1, of the printed bill, strike out the words "in the State of California or".

Amendment adopted.

AMENDMENT No. 5.

Strike out all of Section "626r".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1500—An Act to amend an Act entitled "An Act for the support of certain cemeteries in Tehama County," approved April 1, 1872.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1406—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, whereby general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, dis-rate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published as the case may be, in the manual or guide published for the guidance or information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence: also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed." approved March 23, 1907.

During second reading of bill, the following amendment was submitted by the committee:

On page 3, Section 2, line 33, strike out the word "second", and insert in lieu thereof the following: "Second and one-half".

Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 5, of the title, of the printed bill, after the word "waters", insert the following words: "and lands".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 5, line 4, of the printed bill, strike out the figures "50", and insert in lieu thereof the following: "25".

Amendment adopted.

AMENDMENT No. 3.

On page 4, Section 13, line 1, of the printed bill, strike out the word "lessees", and insert in lieu thereof the following word: "leases".

Amendment adopted.

AMENDMENT No. 4

On page 4, Section 13, line 6, of the printed bill, strike out the period after the word "hereunder", and in lieu thereof insert a comma and the following words: "provided that when a lease is not delivered to the lessee until after the fifteenth day of January of any year, the minimum tonnage for such year shall be less than five (5) tons, and shall be proportional to the number of days remaining in such year after the completion of the works."

Amendment adopted

The following amendments were submitted by Mr. Brown:

AMENDMENT No. 1.

On page 5, Section 15, line 5, of the printed bill, as amended, strike out the period at the end of the sentence, and in lieu thereof insert a semicolon and the following: "provided that no lease given under this Act shall be subject to any change, as to the royalty or rental provided for in said lease subsequent to the execution of such lease until after ten years from the passage of this Act."

Amendment adopted.

AMENDMENT No. 2.

On page 3, Section 5, line 8, of the printed bill, as amended, strike out the period at the end of the sentence, and in lieu thereof insert a semicolon and the following: "provided that the royalty on sodium bicarbonate and on sodium hydrate so taken shall be fifty (50) cents for each ton of 2000 pounds."

Amendment adopted.

AMENDMENT No. 3.

On page 4, Section 11, line 8, of the printed bill, strike out the period after the word "required", and insert in lieu thereof the following: "and every such lease shall be subject to, and shall contain a reservation of, the right of any city and county or incorporated city or town of this State to at any time appropriate and take, under the laws of this State relative to the appropriation of waters, water from any stream or lake tributary to or discharging into any stream or lake of the character mentioned in section one of this Act, for any use or uses within the authorized powers of such city and county, or incorporated city or town."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 1475—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts

During second reading of bill, the following amendment was submitted by the committee:

Strike out Sections 2, 3 and 4 of said Assembly Bill No 1475 and in lieu thereof, insert the following.

SEC. 2 The management and control of the said district is hereby made subject to the provisions of the Political Code of the State of California, and other laws of the State, relative to reclamation districts formed under the provisions of the said Political Code, or such as may be hereafter enacted.

• The management and control of the said district shall be vested in three (3) trustees. H. L. Hansen and C. W. McConaughy are hereby appointed to act as trustees of the said district in conjunction with a third trustee, who shall be appointed by the board of supervisors of the county of Sutter, at the next regular meeting of the said board after the passage of this Act; and the said H. L. Hansen and the said C. W. McConaughy and the third trustee so appointed shall hold office as such

trustees until their successors are elected and qualified. An election of three trustees shall be held in the said district on the first Monday in May, 1911, and every two years thereafter, and the term of office shall be two years, and until their successors are elected and qualified. In case of any vacancy in the office of trustee of the said district, the board of supervisors of the said county of Sutter shall appoint a qualified person as trustee, who shall hold the said office for the unexpired term. The office of the said district shall be in Yuba City, county of Sutter.

The board of supervisors of the county of Sutter shall have jurisdiction of all matters concerning said district.

All funds of the said district shall be deposited in the county treasury of the said county of Sutter, and shall be disbursed by the treasurer of the said county of Sutter in payment of the warrants of the said district.

The said district shall have power to make by-laws in conformity with the provisions of law, and shall have all the rights and powers which are now or may hereafter be conferred by the provisions of the Political Code, or by other laws of the State, upon reclamation or swamp land districts, and shall also have the right and power of purchasing real and personal property and rights of way, within the boundaries of said district, or outside thereof, that may be necessary or desirable to carry out the purpose of the said district, or to acquire the same by condemnation proceedings, in the manner provided by law, and shall have the right and power to join in with other reclamation districts, levee districts, or swamp land districts, or other persons, in the construction and maintenance of levee and reclamation works, and to contract as to the same and also to do all other Acts and things that may be lawfully done by any reclamation district.

All laws, and parts of laws, now existing, or that may hereafter be enacted, relative to the qualification of electors for trustees, election of trustees, levy and collection of assessments, disbursements of funds, and the management and control of reclamation districts, and in and to all other matters pertaining to the management, control, or administration of reclamation districts are, so far as the same may be applicable, made a part of this Act, and shall be deemed to be incorporated herein.

SEC 3. All reclamation districts, levee districts, and swamp land districts wholly situated within the boundaries of said district, are hereby dissolved except for the purposes of liquidation and the disposition of property, and for these purposes only the existence of each of said districts is continued.

Each of said reclamation districts, levee districts, or swamp land districts, shall pay all legal outstanding indebtedness that each may respectively owe, and may cause assessments or taxes to be levied and collected therefor, and may sell and dispose of any levees and other works of reclamation and property belonging to any of such districts, to the said Reclamation District No 1001, and may use the proceeds received from such sale for the purpose of paying such indebtedness, and shall divide the excess of such proceeds, if any there be, among the landowners of land within such dissolved district in the proportion which the last assessment or tax assessed against each tract of land, as shown by the last assessment roll or list within such dissolved district, shall bear to the total amount of the assessment or tax levied or assessed by the said last assessment roll or list, on all the lands within such dissolved districts; provided, that in the event that a sale of any of such levees or other works of reclamation or property shall be agreed upon, and the parties are unable to agree upon the price to be paid therefor, then the question of what price shall be paid therefor shall be determined by a board of arbitration to consist of three members to be appointed by the board of supervisors of the said county of Sutter, a majority of whom must vote in the decision, and the decision of a majority of said board of arbitration shall be final and conclusive.

Any lands within the boundaries of said Reclamation District No 1001, and now included in any reclamation district, however formed or existing, and which reclamation district is not wholly situated within the boundaries of said Reclamation District No 1001, are hereby excluded from said reclamation district now existing, and included within the said Reclamation District No 1001, provided, however, that the said lands so excluded from any such existing district, shall be liable for its just proportion of the existing indebtedness of any such existing district.

SEC 4. All Acts, and parts of Acts, inconsistent with the provisions of this Act, and all Acts creating any reclamation districts, levee districts, or swamp land districts, wholly within the above described boundaries of said Reclamation District No 1001, are hereby repealed.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 1476—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp

land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

During second reading of bill, the following amendment was submitted by the committee:

Strike out Sections 2, 3 and 4 of the said Assembly Bill No. 1476 and, in lieu thereof, insert the following:

SEC. 2. The management and control of said Reclamation District No. 1000 is hereby made subject to the provisions of the Political Code of the State of California, and other laws of this State, relative to reclamation districts, formed under the provisions of said Political Code, or such as may be hereafter enacted. The management and control of said Reclamation District No. 1000 shall be vested in three trustees, and the Governor shall appoint three trustees who shall hold office until their successors are elected and qualified. An election of three trustees shall be held in said district on the first Monday in May, 1911, and every two years thereafter, and the term of office shall be two years, and until their successors are elected and qualified.

In case any vacancy in the office of trustee of said district, the board of supervisors of the county of Sacramento, shall appoint a qualified person as trustee, who shall hold said office for the unexpired term. The office of said district shall be in the city of Sacramento, and the board of supervisors of the county of Sacramento shall have jurisdiction of all matters concerning said district. All funds of said district shall be deposited in the county treasury of said county of Sacramento, and shall be disbursed by the treasurer of said county in payment of the warrants of said district.

The said district shall have power to make by-laws in conformity with the provisions of law, and shall have all the rights and powers which are now or may hereafter be conferred by the provisions of the Political Code, or by other laws of the State, upon reclamation or swamp land districts, and shall also have the right and power of purchasing real and personal property and rights of way, within the boundaries of said district, or outside thereof, that may be necessary or desirable to carry out the purposes of the said district, or to acquire the same by condemnation proceeding, in the manner provided by law, and shall have the right and power to join in with other reclamation districts, levee districts, or swamp land districts, or other persons, in the construction and maintenance of levee and reclamation works, and to contract as to the same, and also to do all other acts and things that may be lawfully done by any reclamation district.

All laws, and parts of laws, now existing, or that may hereafter be enacted, relative to the qualification of electors for trustees, election of trustees, levy and collection of assessments, disbursements of funds, and the management and control of reclamation districts, and in and to all other matters pertaining to the management, control, or administration of reclamation districts are, so far as the same may be applicable, made a part of this Act, and shall be deemed to be incorporated herein.

SEC. 3. All reclamation districts, levee districts, and swamp land districts wholly or partly situated within the boundaries of said district, are hereby dissolved except for the purposes of liquidation and the disposition of property, and for these purposes only the existence of each of said districts is continued.

Each of the said reclamation districts, levee districts, or swamp land districts shall pay all legal outstanding indebtedness that each may respectively owe, and may cause assessments or taxes to be levied and collected therefor, and may sell and disposed of any levees or other works of reclamation and property belonging to any of such districts, to the said Reclamation District No. 1000, and may use the proceeds received from such sale for the purpose of paying such indebtedness, and shall divide the excess of such proceeds, if any there be, among the landowners of land within such dissolved district in the proportion which the last assessment or tax assessed against each tract of land, as shown by the last assessment roll or list, within such dissolved district shall bear to the total amount of the assessment or tax levied or assessed by the said last assessment roll or list, on all the lands within such dissolved districts; *provided*, that in the event that a sale of any of such levees or other works of reclamation or property shall be agreed upon, and the parties are unable to agree upon the price to be paid therefor, then the question of what price shall be paid therefor, shall be determined by a board of arbitration to consist of three members to be appointed by the board of supervisors of the said county of Sacramento, a majority of whom must unite in the decision, and the decision of a majority of said board of arbitration shall be final and conclusive.

SEC. 4. All Acts, and parts of Acts, inconsistent with the provisions of this Act, and all Acts creating any reclamation districts, levee districts, or swamp land districts within the above described boundaries of said Reclamation District No. 1000, are hereby repealed.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 252—An Act to amend Subdivision 1 of Section 261 of the Penal Code.

During second reading of bill, the following amendments were submitted by the committee:

Strike out all after the word "An Act" and insert the following.

"To amend Section 261 of the Penal Code of the State of California, relating to the crime of rape.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 261 of the Penal Code of the State of California is hereby amended to read as follows:

261. Rape is an act of sexual intercourse, accomplished with a female not the wife of the perpetrator, under either of the following circumstances:

1. Where the female is under the age of eighteen years;

2. Where she is incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent;

3. Where she resists, but her resistance is overcome by force or violence;

4. Where she is prevented from resisting by threats of great and immediate bodily harm, accompanied by apparent power of execution, or by an intoxicating narcotic or anesthetic substance, administered by or with the privity of the accused;

5. Where she is at the time unconscious of the nature of the act and this is known to the accused;

6. Where she submits under the belief that the person committing the act is her husband, and this belief is induced by any artifice, pretence, or concealment practiced by the accused with intent to induce such belief."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 702—An Act amending Section 264 of the Penal Code fixing the punishment for rape.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1122—An Act to amend Section 14 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property thereon to pay the expense of such improvement," approved March 24, 1909, and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, strike out beginning with the semicolon following the figures "1903" in the ninth line of the title, to the end of the title, and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 2

On page 2, Section 1, line 17, after the period following the word "paid" insert the following: "If the proceedings be abandoned or the action dismissed no attorneys' fees shall be awarded the defendants or either or any of them."

Amendment adopted.

AMENDMENT No. 3.

On page 2, strike out all of Section 2.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 323—An Act providing that in the event of no election having been held for the election of officers of municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 705—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1462—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be known as section twenty-one *a*, relating to the proof of posting and publishing of notices.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1463—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be known as section five *a*, relating to the proof of posting and publishing of notices.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1456—An Act to amend Section 33 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1508—An Act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 828—An Act to amend Section 3493*m* of the Political Code, relating to land uncovered by the recession or drainage of the waters of inland lakes.

During second reading of bill the following amendments were submitted by the committee:

AMENDMENT No 1

On page 1, line 4, of the printed bill, after the word "lands", insert the word "now".

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 4, of the printed bill, after the word "uncovered", insert the words: "or which may hereafter be uncovered"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Committee Substitute for Assembly Bills Nos 377, 590, 601, 624, 632, 739, 1017, 1039, 1066, 326, 538, 613, 104, and 378—An Act to amend Sections 626, 626*a*, 626*d*, 626*f*, 626*j*, and 626*m* of the Penal Code of the State of California, relating to the protection of fish and game and adding a new section thereto to be known and numbered as Section 626*p*.

During second reading of bill, the following amendments were submitted by the committee:

On page 4, Section 6, line 6, strike out the word "following"

Amendment adopted.

Also:

On page 4, Section 6, strike out all of lines 10, 11, and 12, and insert after the word "misdemeanor" in line 9, a period instead of the comma

Amendment adopted.

Also:

On page 2, Section 1, line 14 strike out the word "fifteenth", and insert in lieu thereof the following "first".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Committee Substitute for Assembly Bill No. 1457—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto, to be designated as section one *a*, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities.

Bill read second time, and ordered to engrossment and third reading.

Committee Substitute for Assembly Bill No. 1458—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2*a*, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending Section 4 of said Act.

Bill read second time, and ordered to engrossment and third reading.

Committee Substitute for Assembly Bill No. 1461—An Act to provide for the sale of an excess of water when owned by a municipality, and repealing an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1133—An Act to amend Section 4258 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-ninth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, in title, line 1, strike out the figures "4258", and insert in lieu thereof the following: "4251".

Amendment adopted.

AMENDMENT No. 2.

On page 1, in title, line 2, strike out after the word "the" the figures "29th", and insert in lieu thereof the following: "22nd".

Amendment adopted.

AMENDMENT No. 3

On page 1 Section 1, line 1, strike out the figures "4258", and insert in lieu thereof the following "4251".

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, line 3, insert before the word "In" the following: "4251".

Amendment adopted.

AMENDMENT No. 5.

On page 1, Section 1, line 3, strike out after the word "the" the word "twenty-ninth", and insert in lieu thereof the following "twenty-second".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 1, line 26, strike out after the word "of" the word "seventy-five", and insert in lieu thereof the following "one hundred".

Amendment adopted.

AMENDMENT No. 7

On page 3 Section 1, line 58, after the word "unemployed", insert a comma.

Amendment adopted.

AMENDMENT No. 8

On page 3, Section 1, line 65, strike out after the word "of" the word "seventy-five", and insert in lieu thereof the following "one hundred".

Amendment adopted

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1341—An Act to amend Section 3570 of the Political Code, relating to the abandonment or relinquishment of state lands embraced in certificates of purchase, by conveyance of title, by the owner of the lands, to the State of California.

During second reading of bill the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 3, strike out the comma after the word "land".

Amendment adopted.

AMENDMENT No. 2

On page 1, Section 1, line 4, of the printed bill, after the word "issued" strike out the comma.

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 5, of the printed bill, strike out the words "or relinquish to the State any legal subdivision thereof"

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, line 8, of the printed bill, after the word "office", strike out the balance of Section 1, and insert in lieu thereof the following: "to be cancelled, likewise if it appears to the Surveyor General that any applicant has by mistake or inadvertence applied for an amount of land in excess of the amount allowed to be purchased by law, the applicant, or his successor in interest, may relinquish such portion thereof as may be necessary to reduce the amount of said land to an amount not in excess of that allowed by law to be purchased, but no relinquishment of a portion of land described in an application, shall be less than a legal subdivision. If a legal subdivision be relinquished, as herein provided, the said portion so relinquished shall be eliminated from the certificate of purchase by the register of the State Land Office and the certificate of purchase returned to the owner"

Amendment adopted

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2 line 43, of the printed bill, omit the word "petitions", and place in lieu thereof the word "papers"

Amendment adopted.

AMENDMENT No. 2

On page 2, line 45, of the printed bill, omit the words "made to", and place in lieu thereof the words "filed with".

Amendment adopted.

AMENDMENT No. 3.

On page 3, Section 2, line 12, before the word "whose", insert the words "counties, or cities and counties".

Amendment adopted.

AMENDMENT No. 4

On page 3, Section 2, line 15, of the printed bill, omit the word "organization".

Amendment adopted.

AMENDMENT No. 5.

On page 6, line 44, of the printed bill, after the word "words", insert the following, enclosed in double quotation marks and followed by a comma "party nomination for -----".

Amendment adopted.

AMENDMENT No. 6.

On page 6 line 45, of the printed bill, before the period, insert a comma, followed by the word "and", and the words, enclosed in double quotation marks "----- nomination for the".

Amendment adopted.

AMENDMENT No. 7.

On page 7, lines 80, 81 and 82, of the printed bill, omit the sentence beginning with "such", and ending with "Code", and insert in lieu thereof the following: "The county clerk or registrar of voters shall keep a record in which he shall enter the names of all such verification deputies as designated by each candidate."

Amendment adopted.

AMENDMENT No. 8.

On page 7, line 84, of the printed bill, omit the words "July 1st", and place in lieu thereof the words "June 15th".

Amendment adopted.

AMENDMENT No. 9.

On page 7, line 95, of the printed bill, omit the words "July 1st", and place in lieu thereof the words "June 15th".

Amendment adopted.

AMENDMENT No. 10.

On page 7, line 100, of the printed bill, omit the word "original".

Amendment adopted.

AMENDMENT No. 11.

On page 7, lines 112 and 113, of the printed bill, omit the words "the great register", and insert in lieu thereof the words "an affidavit of registration".

Amendment adopted.

AMENDMENT No. 12.

On page 7, lines 113, 114, 115 and 116, of the printed bill, omit the sentence beginning with "For" and ending with "register".

Amendment adopted.

AMENDMENT No. 13.

On page 8, line 119, of the printed bill, omit the words "great register", and insert in lieu thereof "affidavits of registration".

Amendment adopted.

AMENDMENT No. 14.

On page 8, line 130, of the printed bill, omit the words "in the office".

Amendment adopted.

AMENDMENT No. 15.

On page 10, line 201, of the printed bill, strike out the word "candidate" and insert in lieu thereof the words "such candidate as may have been the candidate of such party only".

Amendment adopted.

AMENDMENT No. 16.

On page 10, lines 207 to 214 inclusive, of the printed bill, omit the sentence beginning with "A party" and ending with "candidates".

Amendment adopted.

AMENDMENT No. 17.

On page 10, lines 218 and 219, of the printed bill, omit the words "but a candidate whose name appears by petition printed", and insert in lieu thereof "except that a candidate who has filed nomination papers".

Amendment adopted.

AMENDMENT No. 18.

On page 10, line 222, of the printed bill, after the word "defeated", insert the following "for such party nomination".

Amendment adopted.

AMENDMENT No. 19

On page 10, line 225, of the printed bill, omit the period and place in lieu thereof a comma, followed by the words, "and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person voted for at any primary election for any office have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of Section 1188 of the Political Code, unless at such primary election he shall have received for such office votes equal in number to the minimum number of nomination papers which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office".

Amendment adopted.

AMENDMENT No. 20

On page 11, of the printed bill, after line 232, at the end of Section 5, add a new subdivision to be numbered "10" and to read as follows:

"10. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all persons filing the same, the name of the office, the party if any, and the time of filing."

Amendment adopted.

AMENDMENT No. 21.

On page 11, line 24, of the printed bill, omit the word "number".

Amendment adopted.

AMENDMENT No. 22.

On page 11, line 25, of the printed bill, after the word "returned", insert the words "by the candidate".

Amendment adopted.

AMENDMENT No. 23.

On pages 11 and 12, of the printed bill, change Subdivision 1 of Section 7 to read as follows:

"1. A filing fee of fifty dollars shall be paid to the Secretary of State by each candidate for state office or for the United States Senate."

Amendment adopted.

AMENDMENT No. 24.

On page 12, Section 7, Subdivision 2, lines 6 and 7, of the printed bill, omit the words "when the nomination paper or papers and affidavit of any", and insert in lieu thereof the words "by each".

Amendment adopted.

AMENDMENT No. 25.

On page 12, Section 7, Subdivision 2, lines 9 and 10, of the printed bill, omit the words "are filed with the Secretary of State."

Amendment adopted.

AMENDMENT No. 26.

On page 12, Section 7, after Subdivision 2, interchange the order of subdivisions 3 and 4 numbering the interchanged subdivisions consecutively.

Amendment adopted.

AMENDMENT No. 27.

On page 12, line 25, of the printed bill, place after the word "offices", the following: "the compensation to the holder of which does not exceed the sum of nine hundred dollars per annum."

Amendment adopted.

AMENDMENT No. 28.

On page 12 of the printed bill, after line 25, at the end of Section 7, add two new subdivisions to be numbered 7 and 8 and to read as follows:

"7. In no case shall the Secretary of State receive any nomination papers for filing until the requisite fee for such filing, as prescribed in this section, has first been paid to him."

"8. When a person is nominated for an office by reason of his name having been

written on a ballot that has been voted at any primary election provided for by this Act, he must pay the same filing fee provided for the same office to the same officer as would have been required if nomination papers had been filed to place his name on the primary ballot; otherwise his name must not be printed on the ballot at the ensuing general election, provided he is not the nominee of another party for the same office."

Amendment adopted.

AMENDMENT No. 29.

On page 12, Section 8, line 7, of the printed bill, omit the word "Immediately", and insert in lieu thereof "Within ten days".

Amendment adopted.

AMENDMENT No. 30

On page 13, Section 9, line 7, of the printed bill, before the word "elections", insert the word "general".

Amendment adopted.

AMENDMENT No. 31.

On page 14, line 4, before the word "it" insert the following "The ballots must have a different tint or color for each of the political parties participating in the primary election."

Amendment adopted.

AMENDMENT No. 32.

On page 15, lines 48 and 49, of the printed bill, omit the words "voting precinct", and insert in lieu thereof the words "assembly district".

Amendment adopted.

AMENDMENT No. 33

On page 15, line 57, of the printed bill, omit the word "the", and place in lieu thereof the letter "a".

Amendment adopted.

AMENDMENT No. 34.

On pages 17 and 18, of the printed bill, omit all of lines 143 to 164 inclusive, and place in lieu thereof the following.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of Representative in Congress or State Senator or Assemblyman, the county clerk of such county or the registrar of voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots, *provided*, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the county clerk or registrar of voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of State Senator or Assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

Amendment adopted.

AMENDMENT No. 35.

On page 19, line 199, of the printed bill, omit the words "and township."

Amendment adopted.

AMENDMENT No. 36.

On page 19, lines 212 and 213, of the printed bill, after the word "ward", omit the words "and voting precinct in any such city or municipality", and omit the comma after the word "municipality".

Amendment adopted.

AMENDMENT No. 37.

On page 19, lines 213 and 214, of the printed bill, after the word "district", omit the words, "and of the voting precinct".

Amendment adopted.

AMENDMENT No. 38.

On page 20, line 247, of the printed bill, before the word "shall", insert the words "except as to the order of the names of candidates".

Amendment adopted.

AMENDMENT No. 39.

On the printed ballot, pasted between pages 20 and 21, of the printed bill, make the following changes:

(1) In the first line of the directions to voters, omit the word "mark" and place in lieu thereof the word "stamp".

(2) Under the names of each of the various candidates for legislative offices in eight-point type insert the following:

Under the name of William S. Stokes—"Signed Statement No. 1."

Under the name of Amos Strong—"Signed Statement No. 2."

Under the name of Peter Peterson—"Signed Statement No. 1."

Under the name of Andrew Anderson—"Signed neither statement."

Under the name of George Gaughbey—"Signed Statement No. 1."

Amendment adopted.

AMENDMENT No. 40.

On page 21, lines 4 and 5, of the printed bill, omit the words "alphabetically, according to surnames", and insert in lieu thereof "in the order provided in subdivision 7 of Section 12 of this Act, and"

Amendment adopted.

AMENDMENT No. 41.

On page 21, line 10, of the printed bill, before the word "shall", insert the words, "on a sample ballot of the party to which the voter belongs as evidenced by his registration."

Amendment adopted.

AMENDMENT No. 42.

On page 21, line 13, omit the word "of", and insert in lieu thereof the word "or".

Amendment adopted.

AMENDMENT No. 43.

On page 21, of the printed bill, omit the words "Such clerk or registrar of", in line 20, and omit all of lines 21 to 35, inclusive.

Amendment adopted.

AMENDMENT No. 44.

On page 21, line 39, of the printed bill, omit all after the letters "tributed", and on page 22 omit all of the first three lines on the page, and in lieu thereof insert, "in the same manner and in the same quantities as provided in Sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections"

Amendment adopted.

AMENDMENT No. 45.

On page 22, of the printed bill, omit all of lines 43 to 50, inclusive.

Amendment adopted.

AMENDMENT No. 46.

On page 23, Section 17, line 11, of the printed bill, after the period insert "*Provided, however,* that no one shall be entitled to vote at any primary election who has not been a resident of the State one year, and of the county ninety days preceding the day upon which such primary election is held."

Amendment adopted.

AMENDMENT No. 47.

On page 26, line 7, of the printed bill, omit the period and place in lieu thereof a comma, followed by the words "*provided* he has paid the filing fee required by subdivision 8 of Section 7 of this Act."

Amendment adopted.

AMENDMENT No. 48.

On page 26, of the printed bill, omit all of lines 14 and 15, and insert in lieu thereof the following: "the votes cast by all the political parties participating in the primary election for nomination to such office, shall be".

Amendment adopted.

AMENDMENT No. 49.

On page 26, line 24, of the printed bill, omit the words "herein contained", and insert in lieu thereof the words "contained in this section".

Amendment adopted.

AMENDMENT No. 49a.

On page 26, line 25, of the printed bill, insert after the word "person" the words: "who was not a candidate at the primary election".

Amendment adopted.

AMENDMENT No. 50.

On page 27, line 48, of the printed bill, after the word "Congress", insert a comma and the words "members of the State Senate and Assembly."

Amendment adopted.

AMENDMENT No. 51.

On page 27, line 50, of the printed bill, omit the words "twenty-five", and insert in lieu thereof the word "thirty".

Amendment adopted.

AMENDMENT No. 52.

On page 28, line 27, of the printed bill, omit the words "Said call shall be filed with the Secretary of State at", and insert in lieu thereof the word "At".

Amendment adopted.

AMENDMENT No. 53.

On page 28, line 28, of the printed bill, after the word "convention", insert the words "said call shall be filed with the Secretary of State".

Amendment adopted.

AMENDMENT No. 54.

On page 30, of the printed bill, omit all of lines 87 to 97, inclusive.

Amendment adopted.

AMENDMENT No. 55.

On page 30, Section 25, line 3, of the printed bill, omit the word "petitions", and insert in lieu thereof the word "papers".

Amendment adopted.

AMENDMENT No. 56.

On page 31, Section 25, line 7, of the printed bill, omit the word "petitions", and insert in lieu thereof the word "papers".

Amendment adopted.

AMENDMENT No. 57.

On page 31, Section 25, line 17, of the printed bill, omit the word "shall", and insert in lieu thereof the word "may".

Amendment adopted.

AMENDMENT No. 58.

On page 35, Section 29, line 5, of the printed bill, after the word "expenses", place a period and omit the rest of the line, substituting in lieu thereof the following: "Lawful expenses as used in this section are limited to expenses for the following purposes only:".

Amendment adopted.

AMENDMENT No. 59.

On page 36, of the printed bill, omit the period and the two words following in line 25, and omit all of lines 26 and 27, and insert in lieu thereof the words "who shall record the same in".

Amendment adopted.

AMENDMENT No. 60.

On page 36, Section 30, line 24, of the printed bill, omit the word "petitious", and insert in lieu thereof the word "papers".

Amendment adopted.

AMENDMENT No. 61.

On page 38, of the printed bill, omit all of Section 34, and in lieu thereof, substitute the following

"SEC. 34. This Act shall be known as the Direct Primary Law."

Amendment adopted.

AMENDMENT No. 62.

On page 38, of the printed bill, add a new section to be known as Section 35, and to read as follows

"SEC. 35. An Act approved March 24, 1909, entitled 'An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator' is hereby repealed; and all other Acts or parts of Acts inconsistent with or in conflict with the provisions of this Act are also hereby repealed."

Amendment adopted.

The following amendments were submitted by Mr. Young:

AMENDMENT No. 1.

On page 8, line 132, of the printed bill, omit the words "with his nomination paper or papers his affidavit, stating" and place in lieu thereof the following: "his affidavit with the officer to whom, and at the time when, his filing fee is paid, according to the provisions of Section 7 of this Act; or in cases where no filing fees is required, at the time when his nomination papers are filed; which affidavit shall state".

Amendment adopted.

AMENDMENT No. 2.

On page 9, line 182, of the printed bill, after the word "election" insert the following: "and on the sample ballot mailed to voters under the provisions of Section 13 of this Act".

Amendment adopted.

AMENDMENT No. 3.

On page 13, Section 10, line 10, of the printed bill, after the period insert the following: "In the case of each candidate for nomination to the office of State Senator or Assemblyman, at the primary election next preceding the election of a United States Senator in Congress, the Secretary of State shall certify as to whether such person has signed and included with his affidavit Statement No. 1, Statement No. 2 or either statement, as such statements are defined in Subdivision 5 of Section 5 of this Act."

Amendment adopted.

Bill read second time, and ordered to reprint with rush order, engrossment, and third reading.

THIRD READING OF BILLS.

Assembly Bill No. 1182—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California and adding a new section to the Political Code of the State of California to be numbered Section 462, relating to the public schools and creating a fund for their support.

Bill passed to foot of file.

Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer system of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 153—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Bill passed to foot of file.

Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

Assembly constitutional amendment passed to foot of file.

Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

Assembly constitutional amendment passed to foot of file.

Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to the Constitu-

tion of the State of California, abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission, to have power to regulate and control the business of furnishing certain commodities and performing certain services to or for the public, and to that end amending section twenty-two of article twelve, and repealing section twenty-three of article twelve of the Constitution of the State of California.

Assembly constitutional amendment passed to foot of file.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights.

Assembly constitutional amendment passed to foot of file.

Assembly Bill No. 386—An Act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill passed on file.

Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital, buildings destroyed April 18, 1906; to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 706 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cunningham, Feeley, Freeman, Gaylor, Gerdes, Guill, Harlan, Hayes, Held, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Maher, March, McDonald, McGowen, Mott, Nolan, Polslev, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Teller, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Bill passed on file.

Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 2 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Denegri, Feeley, Gaylor, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Nolan, Polslev, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Ala-

meda, Rosendale, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Williams, Wilson, Wylie, Young, and Mr. Speaker—52.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 720 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Beunink, Bliss, Brown, Callaghan, Cattell, Clark, Denegri, Feeley, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—45.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 283—An Act amending Section 995 of the Penal Code, relating to motion to set aside indictment and information.

Bill passed to foot of file.

Assembly Concurrent Resolution No. 8—Relative to the appointment of a commission on aerial navigation.

Assembly concurrent resolution passed to foot of file.

Assembly Joint Resolution No. 4—Relative to the appointment of a commission on aerial navigation.

Assembly joint resolution passed to foot of file.

Assembly Bill No. 488—An Act to provide for the regulation of the business of watchmen, guards, and private detectives in the State of California; to provide for the granting of permits to engage in such occupations, and prescribing penalties for the violation thereof.

Bill passed to foot of file.

Assembly Bill No. 491—An Act to repeal an Act entitled “An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities and cities and counties, and to provide penalties for the violation thereof,” approved April 16, 1909.

Bill passed to foot of file.

Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Mr Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 795 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No 795, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Bohnett moved the adoption of the report

Motion carried.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 795 passed by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callahan, Cattell, Chandler, Clark, Denegri, Feeley, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McDonald, McGowen, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbans, Williams, Wilson, and Wythe—47.

NOES—Messrs Benedict and Hinshaw—2.

Title read and approved.

Bill ordered transmitted to the Senate

SPEAKER PRO TEM. IN THE CHAIR.

At nine o'clock P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair

Assembly Bill No. 859—An Act to provide for the appointment of humane officers, with the powers of peace officers, to have the authority in any city or county, or city and county in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 859 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Denegri, Feeley, Freeman, Gaylord, Gerdes, Guill, Hamilton, Hayes, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, McGowen, Mott, Nolan, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, and Young—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 592—An Act to amend sections six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Bill passed to foot of file.

Assembly Bill No. 704—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Bill passed to foot of file.

Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights of water which may be acquired by appropriation.

Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder; providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such license; prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said board of control and fixing their com-

pensation; compelling persons, firms, associations, and corporations, supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control, limiting the expenses of said Board of Control and providing for the payment thereof; fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this Act to be a misdemeanor, and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

SPECIAL ORDERS SET.

On motion of Mr. Clark the consideration of Assembly Bills Nos 788, 830 and 735 were made special orders for Wednesday, March 8, 1911, at eleven o'clock A. M.

Assembly Bill No 366—An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909

Bill passed to foot of file.

Assembly Bill No 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21st, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

SPECIAL ORDER SET.

On motion of Mr. Coghlan the consideration of Assembly Bill No. 745 was made a special order for Wednesday, March 8, 1911, at eleven o'clock and thirty minutes A. M.

Committee Substitute for Assembly Bill No. 310—An Act to provide for the accomplishment of the work of constructing of a breakwater in Monterey Bay, California, as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No. 1084, sixty-first Congress, third session, and making an appropriation for such work.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No 310 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Beunink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Denegri, Feeley, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McDonald, McGowan, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, and Wilson—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1142 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Denegri, Feeley, Freeman, Gerdes, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Piersker, Randall, Rodgers of San Francisco, Rogers of Alameda, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbitts, Walker, Williams, and Wilson—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1353—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Bill passed to foot of file.

Assembly Bill No. 15—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 15 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Freeman, Gaylord, Gerdes, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, March, McDonald, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbitts, Walsh, Williams, Wilson, Wythe, and Young—49.

NOES—Messrs. Denegri and Schmitt—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 674—An Act to amend section one thousand ninety-six of the Penal Code of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 674 refused passage by the following vote:

AYES—Messrs. Beckett, Clark, Coghlan, Denegri, Lamb, Lyon of San Francisco, Maher, Mullally, Nolan, Polsley, Preisker, Rosendale, Telfer, Walker, Williams, and Wythe—16.

NOES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Cunningham, Feeley, Freeman, Hamilton, Hayes, Kehoe, Kennedy, Lynch, March, McDonald, Mott, Randall, Rimlinger, Rogers of Alameda, Rutherford, Smith, Sutherland, and Young—28.

Assembly Bill No. 1123—An Act to add a new section to the Political Code to be known as section two thousand eight hundred ninety-six, relating to public ferries.

Bill passed to foot of file.

Assembly Bill No. 1190—An Act to amend section number twelve of an Act entitled "An Act to provide for the formation of boulevard

districts, and the construction, maintenance, and use of boulevards and defining the term boulevard," approved March 22, 1905, and amended April 15, 1909, the amendment relating to the definition of the term "boulevard."

During the third reading of the bill Mr. Brown moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of the title after the words "An Act", and insert in lieu thereof the following: "To provide for the formation and establishment of boulevard districts; the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevards, providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts, providing for the appointment of such commission, their terms of office, and of elections to be held in such districts."

Motion carried.

The Speaker appointed Mr. Brown as such select committee.

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1190, with instructions, do now report that the instructions of the Assembly have been carried out.

BROWN, Select Committee.

Report of select committee and amendment adopted

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 885—An Act to amend Sections 2, 3, 13 and 21 of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907.

SPECIAL ORDER SET.

On motion of Mr. Bliss, the consideration of Assembly Bill No. 885 was made a special order for Wednesday, March 8, 1911, at three o'clock and thirty minutes P. M.

Assembly Bill No. 1173—An Act to amend Section 1313 of the Civil Code, relating to devises or bequests by will.

Bill passed to foot of file.

Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Assembly Bill No. 368—An Act to repeal Article VIII of Title III, Part III, of the Political Code.

SPECIAL ORDERS SET.

On motion of Mr. Benedict, the consideration of Assembly Bills Nos. 367 and 368 were made special orders for Thursday, March 9, 1911, at eleven o'clock A. M.

Assembly Bill No. 1377—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Bill passed to foot of file.

Assembly Bill No. 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors respecting roads.

Bill passed on file, retaining its place.

Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 357 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cunningham, Denegri, Feeley, Freeman, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, Mullally, Polesley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Williams, Wyllie, and Young—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468—An Act to amend Section 513 of the Code of Civil Procedure of the State of California, relating to exception to sureties and proceedings thereon, or on failure to except.

Bill passed to foot of file.

Assembly Bill No. 990—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office and fixing their salaries.

Bill passed to foot of file.

Assembly Bill No. 1486—An Act to amend Section 2468 of the Civil Code of the State of California, relating to fictitious partnerships.

Bill passed to foot of file.

Assembly Bill No. 1503—An Act to amend Section 3466 of the Political Code of the State of California, relating to reclamation districts and to the collection of unpaid assessments in reclamation districts.

Bill passed to foot of file.

Assembly Bill No. 1030—An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for the violation of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1030 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cunningham, Feeley, Freeman, Gaylord, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, Mott, Mullally, Nolan, Polesley, Preisker, Randall, Rimlinger, Rodgers of San Fran-

cisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, and Young—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1297—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages.

Bill passed on file.

Assembly Bill No. 312—An Act regulating the placing, erection, use and maintenance of electric poles, wires, cables and appliances, and providing the punishment for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 312 passed by the following vote :

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cunningham, Denegri, Feeley, Freeman, Gerdes, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mott, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, and Williams—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 12—Relating to a more strict enforcement of the immigration laws.

The question being on the adoption of the resolution.

The roll was called, and Assembly Joint Resolution No. 12 adopted by the following vote :

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Chandler, Clark, Coghlan, Cunningham, Denegri, Feeley, Freeman, Gerdes, Guill, Hayes, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, Mott, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Telfer, Walker, Williams, Wilson, and Wyllie—47.

NOES—None.

Assembly joint resolution ordered transmitted to the Senate.

ASSEMBLY JOINT RESOLUTION No. 12

Relating to a more strict enforcement of the immigration laws

WHEREAS, The natural resources of our country belong first and by inherent right to our own native born citizenship; and

WHEREAS, The conservation of these resources is being yearly more difficult, with the tremendous increase in native and foreign born population; and

WHEREAS, The country faces the problem of assimilating many hundreds of thousands of aliens, many of whom are of questionable fitness for citizenship; and

WHEREAS, The industrial and social relations of these two populations demand either assimilation of one by the other, or a fixed and equable adjustment of such relations; and

WHEREAS, There is a constantly increasing number of native born citizens engaged in various occupations being displaced by aliens; and

WHEREAS, Scientific research shows that this infusion of this lower alien strain tends to lower the standard of the American nationality; and

WHEREAS, The immigration laws on our statute books have been very liberally construed, with the result that there has been but slight check placed upon the influx of aliens, therefore, be it

Resolved, That while we welcome to our shores all immigrants of such mental and moral equipment as will tend to elevate instead of lower the standard of our industrial population, and who come with bona fide intentions of becoming citizens of our country, we deplore the addition to our population of a vast unassimilable element of doubtful fitness for citizenship, and further be it

Resolved, by the Assembly and the Senate, jointly, That our Senators in Congress be instructed, and our Representatives be requested to use their best efforts to bring about the enactment of such laws and treaties as will best serve the purposes indicated in this resolution, with a view to the enactment of more strict immigration laws.

Assembly Bill No. 507—An Act to amend Section 4235 of the Political Code of the State of California, relating to the compensation of officers of counties of the sixth class and their assistants and deputies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 507 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Feeley, Freeman, Gerdes, Guill, Hayes, Held, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mort, Mullally, Noiau, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Schmitt, Slater, Stevenot, Sutherland, Telfer, Wilson, and Wyllie—47

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California, creating a railroad commission and defining its powers and duties—and report the same has been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1911

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1321—An Act to amend Section 977 of the Code of Civil Procedure of the State of California, relating to the transmission of papers to appellate courts.

Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned or closed up as public streets and authorizing the execution of deeds therefor by officers of municipalities.

Assembly Bill No. 160—An Act entitled an Act to amend Sections 1918 and 1920 of the Civil Code, and to add new sections thereto to be numbered Sections 1918½, 1921, and 1922, relating to "loan of money" and providing for rate of interest thereon.

Assembly Bill No. 1554—An Act to amend Section 1622 of the Political Code of the State of California, relating to county and state school moneys.

Assembly Bill No. 191—An Act to amend section six hundred and thirty-seven *a* of an Act entitled "An Act to amend section six hundred and thirty-seven *a* of the Penal Code of California and to add thereto three new sections to be numbered six hundred and thirty-seven *j*, six hundred and thirty-seven *d*, and six hundred and thirty-seven *c*, all relating to protection of wild birds other than game birds and their nests and eggs" approved April 16, 1909.

Assembly Bill No. 1090—An Act to regulate the wearing of hat pins.

Assembly Bill No. 1152—An Act to amend Sections 2319, 2319*a*, 2319*b*, 2319*c*, 2319*d*, 2319*e*, 2319*f*, 2319*h*, 2319*i*, of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers,

duties and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said commissioner and providing methods, means and penalties for the enforcement of such powers and duties and providing for the appointment of additional officers, fixing their compensation and prescribing their duties.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof

And report that the same have been correctly engrossed

RANDALL, Chairman.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M., of Wednesday, March 8, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Wednesday, March 8, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Bently, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowan, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Walsh, Wilson, Willie, and Mr. Speaker—72.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Father Henry H. Wyman, Chaplain of the Senate.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hayes, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Stuckenbruck, Messrs. J. F. Childs, Charles Foster, E. J. Gooding, and J. E. Webb were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Hewitt, Mrs. W. H. Doneley and General Tillotson were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Jasper, Mr. E. L. Bosqui was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Messrs. H. E. White, H. O. Beckley, and J. J. Sullivan were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Judson, Mr. Geo. L. Melton was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Fitzgerald, Mr. A. J. Ford was granted the privilege of the floor of the Assembly for this day.

LEAVE OF ABSENCE.

On motion of Mr. Rutherford, leave of absence was granted Mr. Griffiths for the day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 1469—An Act relating to the liability of common carriers by railroad in this State for injuries or death sustained by their employees—have had the same under consideration, and respectfully report the same back, and recommend that it do pass; with minority report that it do not pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 1367—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 471—An Act to amend the Political Code by amending Section 1032 thereof, relating to records open to public inspection; exceptions in attachment—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 649—An Act to amend section three of an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907—have had the same under consideration, and respectfully report the same back, with the following committee substitute therefor:

An Act to amend an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale

of land by reference to said maps, unless the same are recorded," approved March 15, 1907, by adding a new section thereto—and recommend that the committee substitute do pass.

KEHOE, Chairman.

The question being on the adoption of committee substitute.

A vote was taken, and committee substitute adopted.

Committee substitute ordered on file for second reading, and Assembly Bill No. 649 withdrawn.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 1103—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Also Assembly Bill No. 1167—An Act to add a new section to the Penal Code of the State of California, to be numbered 382c, forbidding the transportation within the State of California of any misbranded, mislabeled or adulterated drug or food.

Also Assembly Bill No. 1404—An Act to amend section eight hundred and sixty-eight of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs and constables of counties other than the one in which said justices' courts may be situated.

Also Assembly Bill No. 1287—An Act to authorize the State of California to convey to the county of Sacramento the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of Section 17, said point being the northwest corner of the property deeded to the board of supervisors of Sacramento County by James Lansing, on April 8, 1869, and recorded in Book 51 of Deeds, page 683, on file in the office of the county recorder of Sacramento County.

Also: Senate Bill No. 1125—An Act to amend Section 254 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman

The above reported bills ordered on file for second reading

ON LABOR AND CAPITAL

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER. Your Committee on Labor and Capital, to whom was referred Senate Bill No. 472—An Act to regulate the occupation of barbering, to create a board of examiners for the licensing of persons to carry on such practice, to insure the better education of such practitioners, to provide rules regulating the proper sanitation of barber shops, barber schools and colleges, preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service; and providing penalties for violations thereof—have had the same under consideration, and respectfully report the same back, and a majority recommend that it do pass; and a minority, that it do not pass.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER. Your Committee on Labor and Capital, to whom was referred Senate Bill No. 774—An Act providing for the time of payment of wages

Also Senate Bill No. 1040—An Act adding a new section to the Penal Code, to be known and numbered as Section 367c, prohibiting the charge or taking of any money or gratuity by the superintendent, foreman or other person having charge of two or more men, and providing a penalty.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass

TELFER, Chairman

The above reported bills ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER. Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 1521—An Act authorizing the Governor to appoint a

commission to investigate and report concerning the adoption of a system of old age insurance and pensions, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CALLAGHAN, Chairman

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 679—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions, to prevent deception and fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter, and oleomargarine, to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese, to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor

Also Assembly Bill No. 42—An Act to provide for the continuation of the construction of the highway known as Kings River Highway, and to make an appropriation therefor—which have been referred to us from other committees

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended

COGSWELL, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 24—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics

Also Assembly Bill No. 65—An Act to provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics

Also Assembly Bill No. 66—An Act to provide an appropriation for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics—which have been re-referred to us from other committees

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended

COGSWELL, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics—which was re-referred to us from the Committee on Public Buildings and Grounds.

Have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 921—An Act to provide an appropriation for the equipment of an instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also Assembly Bill No. 922—An Act to provide an appropriation for grading, terracing, building drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

Also Assembly Bill No. 923—An Act to provide an appropriation for the equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR SPEAKER Your Committee on Claims, to whom was referred Assembly Bill No. 1407—An Act making an appropriation of two thousand sixteen dollars and sixty-seven cents (\$2,016.67) to pay the claim of Gustav Wilmunder against the State of California and prescribing the duties of the Controller and the Treasurer of State in relation thereto—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended

WALKER, Chairman.

The above reported bill ordered on file for second reading.

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR SPEAKER Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bill No. 1166—An Act to provide for the licensing and regulation of hospitals and special hospital nurses in the State of California

Also Assembly Bill No. 1482—An Act to amend Section 213a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

McGOWEN, Chairman

The above reported bills ordered on file for second reading.

Also

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR SPEAKER Your Committee on State Hospitals and Asylums, to whom was referred Senate Bill No. 226—An Act authorizing and directing the construction and furnishing of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor

Also Senate Bill No. 227—An Act authorizing and directing the construction and furnishing of two cottages for low-grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Engrossed and Enrolled Bills for comparison with Assembly Bills Nos. 232 and 231 respectively.

McGOWEN, Chairman

The above reported bills re-referred to Committee on Engrossed and Enrolled Bills

SENATE MESSAGES

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 7, 1911

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns, for the incidental establishment of grades thereof, for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks, for the issue of bonds representing the costs and expenses thereof, for a special fund derived in part from the county road fund and in part by special assessment upon a district and for the establishment of such districts," approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

Also Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and

repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor, approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

Also, Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Peivotto, C. C. McDougall, A. J. Hechtman, and James Rolph, Jr., against the State of California, and making an appropriation therefor.

Also, Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Also, Assembly Bill No. 965—An Act to amend Sections 2322, 2322b, 2322c, 2322d and 2322e of the Political Code of the State of California, said sections relating to orchards, trees, vines or plants of any variety infested with diseases or scale insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or noxious weeds and to the eradication of insect pests and diseases, and to the appointment and removal of a county horticultural commissioner in the several counties of the State, prescribing his duties and powers and fixing his compensation and term of office, also providing for a State Board of Horticultural Examiners, prescribing the duties of said board and providing for examinations to be taken by persons desiring to qualify for position as county horticultural commissioners; providing for the dividing of the several counties of the State into districts by the respective county horticultural commissioners and providing for the appointment of deputy commissioners, local inspectors and quarantine guardians, prescribing their duties and powers and fixing their compensation.

Also, Assembly Bill No. 848—An Act to amend sections one, three and seven of an Act entitled "An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTHEWSON, Assistant Secretary.

The above bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending section one of said Act.

Also, Senate Bill No. 735—An Act to provide for the payment by cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Also, Senate Bill No. 33—An Act making an appropriation for the equipment, support and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Also, Senate Bill No. 559—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also, Senate Bill No. 563—An Act providing for the erection of a grandstand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also, Senate Bill No. 566—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns providing for their equipment and making an appropriation therefor.

Also, Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Also Senate Bill No. 770—An Act to enable the board of supervisors of any county or city and county in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the Nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county or city and county, and of all kindred or allied patriotic organizations.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 875 read first time, and referred to Committee on Medical and Dental Laws

Senate Bill No. 735 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 33 read first time, and referred to Committee on Ways and Means

Senate Bill No. 559 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 563 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 566 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 565 read first time, and referred to Committee on Ways and Means

Senate Bill No. 770 read first time, and referred to Committee on County and Township Governments.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day refused to concur in the Assembly amendments to Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in—and we respectfully request your honorable body to recede from said amendments.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly recede from its amendments to Senate Bill No. 373?"

The roll was called, and the Assembly refused to recede by the following vote:

AYES—None.

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Gill, Hall, Hamilton, Hayes, Held, Hinkle, Hushaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowan, Mendenhall, Mott, Mullally, Polsley, Randall, Rogers of Alameda, Rosendale, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Walsh, Wylie, and Mr. Speaker—58.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs. Sutherland, Bishop, and Jones as a Committee on Conference, to meet a like committee from the Senate to consider Assembly amendments to Senate Bill No. 373.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 540—An Act to amend the Code of Civil Procedure by adding six new sections thereto, to be numbered Sections 99, 100, 101, 102, 102a, and 102b, relating to justices' courts in townships having a population of more than 250,000 and less than 400,000.

Also Senate Bill No. 364—An Act appropriating money for the purchase of a *standpipe* and water pipes to repipe grounds and buildings of the Whittier State School.

Also Senate Bill No. 79—An Act to amend Section 4300a of the Political Code of the State of California, relating to the county clerk's fees.

Also: Committee Substitute for Senate Bill No. 296—An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of olives, olive oil, salad oil, soda waters, mineral or aerated water, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, white beer or other beverages, repealing "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral or aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, also repealing "An Act to amend an Act entitled 'An Act to protect the owners of bottles, boxes, siphons, and kegs, used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages' (approved March 31, 1891), by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof," approved March 5, 1903.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed as amended Assembly Bill No. 661—An Act giving and granting to the Board of Park Commissioners of the city of San Diego the right to use and the right to authorize the use of Balboa Park in said city for exposition purposes.

Also Assembly Bill No. 833—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

And we respectfully request your honorable body to concur in the Senate amendments to said bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 661?"

Strike out all of title after the words, "An Act", and insert in lieu thereof the following: "giving and granting to the Board of Park Commissioners of the city of San Diego the right to use and the right to authorize the use of Balboa Park in said city for exposition purposes."

Also On page 1, Section 1, line 1, after the word "the", and before the words "city of San Diego", insert the following "(board of park commissioners of the)".

Also On page 1, Section 2, line 1, after the word "the", and before the words "city of San Diego", insert the following "(board of park commissioners of the)".

Also On page 2, Section 2, line 11, after the word "said", and before the words "city of San Diego", insert the following "(board of park commissioners)"

The roll was called, and Senate amendments to Assembly Bill No. 661 were concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Brown, Callaghan, Cattell, Chandler, Clark, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowan, Mott, Polesy, Preisker, Randall, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Wilson, and Wyllie—54

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 833?"

On page 10, Section 13, line 6, strike out the word "thereon", and all of lines 7 and 8, and the words "said lien" on line 9.

Also By striking out all of Section 13, on page 10, of the printed bill, and insert in lieu thereof the following:

"Section 13. Section 3463 of the Political Code of the State of California is hereby amended to read as follows:

3463 From and after the filing of the list or certified copy thereof with the treasurer, the charges assessed upon any tract of land within the county shall constitute a lien thereon and shall impart notice thereof to all persons. No subsequent act or conduct of the trustees shall invalidate said assessment or lien, but such trustees may be compelled by mandate, or other proper proceeding, to perform their duties as required by law."

The roll was called, and Senate amendments to Assembly Bill No. 833 were concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Bohnett, Brown, Callaghan, Cattell, Chandler, Cogswell, Cronin, Cunningham, Farwell, Feeley, Gaylord, Gerdes, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Raudall, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, and Mr. Speaker—52.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on March 4, 1911, adopted Senate Concurrent Resolution No. 12—Approving ten certain amendments to the charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto, at a special municipal election held therein for that purpose on the first day of February, 1911.

And On March 6, 1911, adopted Senate Joint Resolution No. 21—Relative to requesting our Senators in Congress to support "A bill, House Resolution No. 29346," pending in the Senate of the United States.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

Senate Concurrent Resolution No. 12 read, and referred to Committee on Municipal Corporations.

Senate Joint Resolution No. 21 read, and referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 24—Approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

Assembly concurrent resolution ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day receded from its amendments, as follows, to Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option, authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions, providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license, providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted, forfeiting and declaring void all such licenses or permits theretofore issued and in force, making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses.

AMENDMENT.

By adding to Section 7. at bottom of page 4, the following

"Shall the number of saloons in this city town or township be limited to -----?"

Yes	
No	

"Shall the license for each saloon in this city, town or township be fixed at \$-----?"

Yes	
No	

"Shall alcoholic liquors be permitted and licensed to be sold wholesale in quantities of not less than ----- gallons, in this city, town or township?"

Yes	
No	

"Shall the location of saloons in this city, town or township be fixed at ----- feet from a church or public school situated in this city, town or township?"

Yes	
No	

"Shall the serving of wines and beers at regular meals in the dining rooms of hotels and restaurants in this city, town or township be permitted?"

Yes	
No	

"And also any other question or proposition relating to the regulation of the traffic in alcoholic liquors which the qualified electors of any city, or town or township may desire to submit, shall be submitted by the proper authority in the manner and at the time as hereinbefore provided, upon petition filed therefor."

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1911

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to recede from its amendments to Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits therefore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

AMENDMENTS.

By inserting in Section 1, line 2, of printed bill, after the word "portion", the following words: "of any township".

Also: By inserting in Section 1, page 2, line 8, of printed bill, after the word "county", the following words: "in which said township may be located".

Also: By striking out of Section 1, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 7, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 10, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 2, page 2, line 13, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of said Section 2, page 2, line 17, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 11, page 5, line 1 thereof, of the printed bill, the word "county", and insert in lieu thereof the word "township".

Also: By striking out of Section 16, pages 7 and 8, of the printed bill, lines 39 to 59 inclusive, and insert in lieu thereof the following:

"The keeping or storing of alcoholic liquors when manufactured or at wineries, cellars, vaults, breweries, or warehouses, where such liquors are manufactured, kept, stored, sold or disposed of in wholesale lots or quantities; the sale, receiving or filling of orders for such liquors at the above named places and the shipment and delivery of the same therefrom; *provided*, said liquors are not sold or delivered to any person, firm or corporation to be retailed in no-license territory within the county in which such wineries, cellars, vaults, breweries or warehouses are situated, *and provided further*, that none of said liquors so sold or delivered shall be drunk or consumed on the premises where sold or delivered, nor in quantities of less than two gallons; *and provided further*, that nothing in this Act shall prevent or prohibit the serving of wines or beers at regular meals in the dining-rooms of hotels and restaurants, situated in no-license territory, subject however, to the local ordinances governing the sale or distribution of liquor."

Also: By inserting in Section 8, line 2, page 4, after the word "license", the following words: "or any other proposition submitted".

Also: By inserting in Section 8, line 4, page 4, after the word "license", the following words: "or any other proposition submitted".

Also: By striking out of Section 1, line 10, page 2, the word "to", being the first word in that line.

Also: Strike out the word "county", in Section 8, page 4, occurring after the word "or" in the form of ballot", and insert in lieu thereof the word "township".

Also: In Section 8, line 2, insert quotation marks before and after the words "for license", and insert a comma (,) after the word "license".

Also: In Section 8, lines 3 and 4, insert quotation marks before and after the words "against license", and insert a comma (,) after the word "license".

Also: Add interrogation (?) point after the first and second proposition on page 5.

Also: Insert comma (,) after the word "provided", in line 6, of Section 9, page 5.

Also: Insert comma (,) after the word "license", in Section 10, line 2.

Also: Insert comma (,) after word "provided", in Section 10, line 15, page 6.

Also: Insert in Section 11, line 1, page 6, after the words "any city", the following words: "towns or", and strike out the words "or county", in same line.

Also: Strike out the period (.) in line 9, of Section 16, and insert in lieu thereof a semicolon (;).

Also: Insert in Section 16, line 13, after the word "provided", a comma (,).

Also: Strike out the period after the word "dispensed", in Section 16, line 21, page 7, and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) in Section 16, line 23, after the word "provided".

Also: Strike out the period (.) in Section 16, page 8, line 27, after the word "inspection", and insert in lieu thereof a semicolon (;).

Also: Insert a comma (,) after the word "provided", in Section 16, line 29, page 8.

Also: Strike out the period (.) after the word "inspection", in Section 16, page 8, line 36, and insert in lieu thereof a semicolon (;).

Also: Strike out the period (.) after the word "organization", in Section 16, page 8, line 38, and insert in lieu thereof a semicolon (;).

Also: Strike out the word "when", in Section 16, page 8, line 39, and insert in lieu thereof the word "where".

Also: Strike out the comma (,) after the word "breweries", in Section 16, line 40, page 8.

Also: Strike out the period (.) after the word "gallons", in Section 16, page 8, line 51, and insert in lieu thereof a semicolon (;).

Also: Transpose the five propositions and lines 2 to 7, inclusive, of Section 8, page 5, to a position or place under the first proposition on page 4, and transpose lines 2 to 5, inclusive, on page 4 of said section underneath and following lines 2 to 7 of said section.

And the President of the Senate has named Senators Estudillo, Stetson, and Thompson as a conference committee, and we respectfully request your honorable body to appoint a like committee.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs Wyllie, Slater, and Schmitt as a Committee on Conference, to meet a like committee from the Senate to consider Senate amendment to Assembly Bill No. 37.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:
By Mr. Kehoe:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 4244 of the Political Code

KEHOE
Member of Second District.

Referred to Committee on Introduction of Bills.

By Mr. Polsley:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Sections 1142 and 1204 and to repeal Section 1202 of the Political Code

POLSLEY
Member of Fifth District

Referred to Committee on Introduction of Bills

By Mr. Cronin:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend the Penal Code of the State of California, by adding thereto a section to be numbered 402f, relating to the keeping and owning of dogs and other animals that kill or injure sheep.

CRONIN
Member of Twentieth District.

Referred to Committee on Introduction of Bills.

SPECIAL ORDERS.

The hour of eleven o'clock A. M., having arrived, the special orders heretofore set for this hour were taken up for consideration.

Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder, providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting rights under such license, prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to

divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges; preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control, providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations, and corporations, supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof, fixing the place of business of said Board of Control; declaring the diversion or use of water for generating electricity, or electrical or other power, otherwise than provided in this Act to be a misdemeanor, and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 735 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Feelev, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Preisker, Rumliger, Rogers of Alameda, Roseadale, Shragin, Slater, Smith, Struckenbruck, Sutherland, Telfer, Tibbits, Walker, Wilson, Young, and Mr. Speaker—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 788 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polslev, Preisker, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Roseadale, Rutherford, Shragin, Slater, Smith, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 830 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schnutt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None

Title read and approved

Bill ordered transmitted to the Senate.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, abolishing the Railroad Commission, and creating a commission to be known as the Public Utilities Commission, to have power to regulate and control the business of furnishing certain commodities and performing certain services to or for the public and to that end amending section twenty-two of article twelve, and repealing section twenty-three of article twelve of the Constitution of the State of California

The question being on the adoption of the Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 6 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Laub, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—Messrs. Bishop, Freeman, Jasper, Mendenhall, Mullally, and Polesley—6.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 6

A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California, creating a railroad commission and defining its powers and duties.

The Legislature of the State of California, at its regular session, commencing on the second day of January, one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section twenty-two of article twelve of the Constitution of the State of California be amended so as to read as follows.

Section 22. There is hereby created a railroad commission which shall consist of five members and which shall be known as the Railroad Commission of the State of California. The commission shall be appointed by the Governor from the State

at large; *provided*, that the Legislature, in its discretion, may divide the State into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; and *provided further*, that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the Governor immediately after the adoption of this section, to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration, one of whom shall be appointed to hold office until January 1, 1917, two until January 1, 1919, and two until January 1, 1921. Whenever a vacancy in the office of commissioner shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The Legislature shall fix the salary of the commissioners, but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The Legislature shall have the power, by a two thirds vote of all members elected to each house to remove any one or more of said commissioners from office for detection of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said railroad commission and no person owning stock or bonds of any such corporation or who is in any manner peculiarly interested therein, shall be appointed to or hold the office of railroad commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every order made by a commissioner so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates, established by said commission than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies, to hear and determine complaints against railroad and other transportation companies, to issue subpoenas and all necessary process and send for persons and papers, and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the railroad commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the railroad commission in this Constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution.

The provisions of this section shall not be construed to repeal in whole or in part any existing law not inconsistent herewith, and the "Railroad Commission Act" of this State, approved February 10, 1911, shall be construed with reference to this constitutional provision and any other constitutional provision becoming operative concurrently herewith. And the said Act shall have the same force and effect as if the same had been passed after the adoption of this provision of the Constitution and of all other provisions adopted concurrently herewith.

SPECIAL ORDERS

The hour of eleven o'clock and thirty minutes A. M. having arrived, the special orders heretofore set for this hour were taken up for consideration.

Assembly Bill No. 682—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of

mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 682 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Deuegro, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hushaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mort, Mullally, Nolan, Polsley, Raudall, Rimlinger, Rodgers of San Francisco, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, and Wyllie—58.

NOES—Messrs. Callaghan, Hall, Rutherford, and Young—4.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Crosby gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 682 was this day passed.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

During the third reading of the bill, Mr. Walker moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, Section 1, line 63, strike out the words "one year", and insert in lieu thereof the following: "twenty days"

Motion carried.

The Speaker appointed Mr. Walker as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read.

MR. SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 682, with instructions, do now report that the instructions of the Assembly have been carried out.

WALKER, Select Committee.

Report of select committee, and amendment adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to Section 18 Article 20, relative to the employment of females in the handling and sale of intoxicating liquors.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Polsley moved a call of the House.

Motion carried.

Time, eleven o'clock and fifty minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Gordes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Young, and Mr. Speaker—67.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Walsh, Cronin, Mullally, Fitzgerald, Hamilton, Nolan, March, and Wylie were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock M., further proceedings under the call of the House were dispensed with, on motion of Mr. Polsley.

The roll of absentees was called, and the Assembly constitutional amendment refused adoption by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Farwell, Freeman, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Malone, McGowan, Mendenhall, Mott, Preisker, Randall, Rutherford, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wylie, Young, and Mr. Speaker—46.

NOES—Messrs. Beatty, Callaghan, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gordes, Hayes, Joel, Kennedy, Maher, March, McDonald, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Stevenot, and Walsh—28.

NOTICE OF MOTION TO RECONSIDER.

Mr. Polsley gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Constitutional Amendment No. 13 was this day refused adoption.

THIRD READING OF BILLS.

Assembly Bill No. 1546—An Act making an appropriation to pay per diem and mileage of the Assemblymen for the thirty-ninth session of the Legislature of the State of California during the sixty-second fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1546 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cronin, Cunningham, Deneeri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimbinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer system of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 153—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 725—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Bill passed on file.

Assembly Bill No. 56—An Act appropriating money for the erection of buildings on and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 56 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Dengri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimbinger, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 39—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article, a new section to be numbered twenty-two *a* (22*a*), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

During the consideration of Assembly constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "to" in line 2, of the printed caption or title, to the resolution, insert the words "section twenty-three of"

Amendment adopted.

AMENDMENT No. 2.

Strike out that part of line 3, of said caption or title following the word "California", and all of line 4, and in lieu thereof insert the words "to confer".

Amendment adopted.

AMENDMENT No. 3

In line 8, of the printed resolution, strike out the word and figures "Section 22*a*", and insert in lieu thereof "SEC. 23".

Amendment adopted.

AMENDMENT No. 4.

In line 10, of the printed resolution, after the word "any", insert "commercial railroad, interurban railroad, street".

Amendment adopted.

AMENDMENT No. 5

In line 11, of the resolution, strike out the article "a", and insert in lieu thereof "such".

Amendment adopted.

AMENDMENT No. 6

After the comma, following the word "public" in line 18, of the printed resolution, insert the following, "and every common carrier."

Amendment adopted.

AMENDMENT No. 6*a*

After the second word "to" in line 19, insert the word "such".

Amendment adopted.

AMENDMENT No. 7.

In line 20, strike out the period, and add the following "as may be provided by the Legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation."

Amendment adopted.

AMENDMENT No. 8

After the comma in line 23, insert the following "and to fix the rates to be charged for commodities furnished, or services rendered by public utilities".

Amendment adopted.

AMENDMENT No. 9.

After the word "utilities" in line 25, strike out down to and including the comma following the word "California" in line 27

Amendment adopted.

AMENDMENT No 10

In line 30, strike out the last word "the".

Amendment adopted.

AMENDMENT No 11.

In line 31, strike out the words "control and regulation of".

Amendment adopted.

AMENDMENT No 12.

In line 32, of the printed resolution, strike out the words "control and regulation theretofore exercised by" and insert in lieu thereof the words "public utilities vested in".

Amendment adopted.

AMENDMENT No. 13

In line 33, strike out the word "by".

Amendment adopted.

AMENDMENT No. 14

In line 35, strike out the word "the" and in lieu thereof insert the word "this".

Amendment adopted.

AMENDMENT No. 15

In line 35, strike out the first word "by" and in lieu thereof insert the word "in".

Amendment adopted.

AMENDMENT No 16.

Strike out all of the resolution following the word "of", in line 36, and in lieu thereof insert the following "the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad Commission *provided, however,* that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated town as, at any election to be held pursuant to laws to be passed hereafter by the Legislature, a majority of the electors of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired, but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the railroad commission as provided by law: *and provided, further,* that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may by vote of a majority of its electors, thereafter surrender such powers to the Railroad Commission in the manner to be prescribed by the Legislature, or if such municipal corporation shall have surrendered any powers to the Railroad Commission, it may, by like vote thereafter reinvest itself with such power.

"Nothing in this section shall be construed as a limitation upon any power conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith."

Amendment adopted

Assembly constitutional amendment ordered to reprint, reëngrossment and on file for adoption.

Assembly Bill No 1182—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California and adding a new section to the Political Code of the State of California to be numbered Section 462, relating to the public schools and creating a fund for their support.

SPECIAL ORDER SET.

On motion of Mr. Wylhe, the consideration of Assembly Bill No. 1182 was made a special order for Thursday, March 9, 1911, at eleven o'clock A. M.

Assembly Constitutional Amendment No. 34—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the superintendent of public instruction.

The question being on the adoption of Assembly constitutional amendment.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Young moved a call of the House.

Motion carried.

Time, twelve o'clock and thirty-three minutes.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polslev, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—71.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Farwell and Rutherford were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and forty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Young.

The roll of absentees was called, and Assembly Constitutional Amendment No. 34 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Stucken-

bruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Willie, Young, and Mr. Speaker—57.

NOES—Messrs. Bennink, Bishop, Brown, Cronin, Cunningham, Denegri, Feeley, Freeman, Hall, Jasper, Lynch, Lyon of San Francisco, Maher, Mullally, Polsley, Rimlinger, Shragia, and Schmitt—18.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 34.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section two of article nine of the Constitution of the said State, relating to the election and salary of a superintendent of public instruction, and also by repealing section ten of article twenty-two of said Constitution, relating to the term of officers first elected under the Constitution, and also to the election and term of office of the successors of such officers and also to the election of judicial officers and the Superintendent of Public Instruction.

The Legislature of the State of California at its regular session commencing on the second day of January, nineteen hundred and eleven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that the Constitution of the State of California be amended as follows:

First. Amend section two of article nine so as to read as follows:

Sec. 2. A Superintendent of Public Instruction shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the Governor; *provided, however,* that any person elected to said office before the adoption hereof shall continue to hold his office until the expiration of the term for which he may have been elected. The Superintendent of Public Instruction shall receive a salary of five thousand dollars per annum.

Second. Section ten of article twenty-two of the Constitution of the State of California is hereby repealed.

RECESS.

At twelve o'clock and fifty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

LEAVE OF ABSENCE.

On motion of Mr. March, leave of absence was granted the select committee to investigate the Fish and Game Commission until Wednesday, March 15, 1911.

THIRD READING OF SENATE BILLS.

Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

During consideration of bill, the following amendment was submitted by the committee:

On page 1 strike out all of the printed bill after the words "An Act", and insert in lieu thereof the following:

"To prevent fraud in the sale of poultry, wild fowl and eggs, in the State of California, established minimum weight of eggs and fixing the grades and brands of eggs and directing the State Board of Health to make rules and regulations to carry this Act into effect.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of preventing fraud in the sale thereof of all poultry and wild fowl, whether produced or taken in the State of California, when sold in this State must be sold by avoirdupois weight, according to the United States standard of weights.

SEC. 2. For the purpose of preventing fraud in the sale thereof all eggs, whether produced in the State of California or elsewhere, when sold in this State, must be

sold by avoirdupois weight, according to the United States standard of weights.

SEC. 3 The State Board of Health shall fix and establish and from time to time determine the grades and brands under which eggs shall be sold and promulgate regulations establishing the minimum average weight per dozen of grades or brands of all eggs sold in this State.

SEC. 4. Any person, firm or corporation who shall sell any poultry, wild fowl or eggs within this State other than by weight as in this Act required, or who shall sell or expose for sale any hen's eggs that shall not at the time be equal in weight to the minimum weight in or under the authority of this Act established for the grade or brand under which they are sold or exposed for sale, shall be deemed to be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

SEC. 5. This Act shall take effect and be in force from and after September 15, 1911.

Amendment adopted.

Bill ordered to reprint, with a rush order, and on file for passage.

Senate Bill No. 543—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State for the purpose of determining whether any horse, mule or ass is affected with glanders; and providing for penalties for violations of this Act.

Bill passed on file.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Bill passed to foot of file.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill passed to foot of file.

Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Bill passed to foot of file.

Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill passed to foot of file.

Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Bill passed to foot of file.

Senate Bill No. 478—An Act to amend Section 128 of the Civil Code, by providing that a cross-complainant in an action for divorce need not be or have been a resident of the State, or of the county in which the action is brought or pending, but must personally verify the cross-complaint and all but certain amendments thereto.

Bill passed to foot of file.

Senate Bill No. 696—An Act to amend section one of an Act entitled "An Act amending an Act making an appropriation for the establish-

ment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said Act.

On motion of Mr. Gerdes, bill ordered to unfinished business.

Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating, vinous or alcoholic liquors within or contiguous to certain state buildings and grounds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 935 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hall, Hamilton, Harlan, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Mendenhall, Mott, Polsley, Rogers of Alameda, Rosendale, Slater, Smith, Stevenot, Telfer, Williams, Wilson, Willie, Young, and Mr. Speaker—41.

NOES—Messrs. Beatty, Cunningham, Denegri, Feeley, Kennedy, Lynch, McDonald, Mullally, Nolan, and Sbragia—10.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 498—An Act entitled an Act to amend an Act "to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto, to be numbered section two and one half.

Bill passed to foot of file.

Senate Bill No. 497—An Act to amend an Act "to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," by amending section thirty-nine of said Act relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

During the third reading of the bill, Mr. Judson moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, amend lines 2, 3, and 4, of title, to read as follows "To amend sections one, two, fifteen, fifteen and one half, seventeen, thirty, thirty-two, thirty-four, thirty-nine, fifty-five, and sixty-one of an Act entitled "An Act to provide for the organization and government".

Also: On page 1, amend line 8, of title, by adding the final quotation marks after the word "purposes".

Also: On page 1, line 9, of the title, preceding the word "and" at the beginning of the line, add the following: "Approved March 31, 1897".

Also: On page 1, Section 1, line 1, strike out the word "fifteen", and insert in lieu thereof the word "one".

Also: On page 1, Section 1 (changed to Section 1), after line 7, insert the following:

Section 1 A majority in number of the holders of title or evidence of title, including the holders of possessory rights under receipts or other evidence of the rights of entrymen or purchasers under any law of the United States or of this State, to lands susceptible of irrigation from a common source and by the same system of works, such holders of title, or evidence of title and of possessory rights, representing a majority in value of said lands, according to the equalized county assessment roll or rolls for the year last preceding, may propose the organization of an irrigation district, under the provisions of this Act. Said equalized assessment roll or rolls

shall be sufficient evidence of title and of such possessory rights, for the purposes of this Act.

Sec. 2. Section two of the above entitled Act is hereby amended to read as follows:

Section 2. In order to propose the organization of an irrigation district, a petition shall be presented to the board of supervisors of the county in which the lands within the proposed district, or the greater portion thereof, are situated, signed by the required number of holders of title, or evidence of title, including such aforesaid possessory rights, to lands within such proposed district, and representing the requisite majority in value of said lands, which petition shall set forth generally the boundaries of the proposed district, and also shall state generally the source or sources (which may in the alternative) from which said lands are proposed to be irrigated, and shall pray that the territory embraced within the boundaries of the proposed district may be organized as an irrigation district under the provisions of this Act. The petition may consist of any number of separate instruments and must be accompanied with a good and sufficient undertaking to be approved by said board of supervisors, in double the amount of the probable cost of organizing such district, conditioned that the sureties shall pay all of said costs, in case said organization shall not be effected. Said petition shall be presented at a regular meeting of said board, and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is presented, together with a notice stating the time of the meeting at which the same will be presented; and if any portion of the lands within said proposed district lie within another county or counties, then said petition and notice shall be published, as above provided in a newspaper published in each of said counties. When contained upon more than one instrument, one copy only of such petition need be published, but the names attached to all of said instruments must appear in such publication. When such petition is presented, said board of supervisors shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all. No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures, thereto, shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto. On the final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. But said board shall not modify said boundaries so as to exclude from such proposed district any territory which is susceptible of irrigation from any of the sources proposed; nor shall any lands which will not, in the judgment of said board, be benefited by irrigation, by means of any of said systems of works, be included within such proposed district. Any person whose lands are susceptible of irrigation from any of the proposed sources, may, upon his application, in the discretion of said board, have such lands included within said proposed district.

Also: At top of page 2, immediately preceding Section 15, add the following: "Sec. 3. Section fifteen of said Act is hereby amended to read as follows:"

Also: On page 2, Section 1 (changed to Section 3), line 8, after the word "board", add the words "of directors".

Also: On page 2, Section 1 (changed to Section 3), line 25, strike out the "period" following the word "appurtenances", and insert in lieu thereof a comma, and immediately following the comma insert the following: "and also where necessary or convenient to said ends to acquire and hold the stock of other corporations owning waters, canals, water works, franchises, concessions or rights".

Also: On page 2, Section 1 (changed to Section 3), line 27, after the comma following the word "kind" insert the following words: "or stock in any other corporation".

Also: On page 2, Section 1 (changed to Section 3), line 32, after the comma following the words "Evidence of title" insert the following words: "and of possessory rights as aforesaid".

Also: On page 2, Section 1 (changed to Section 3), line 33, after the comma following the words "Evidence of title" insert the following words: "and of possessory rights".

Also: On page 2, Section 1 (changed to Section 3), line 43, after the words "for irrigation", insert the following words: "and domestic".

Also: On page 3, following Section 1 (changed to Section 3), line 61, insert the following: "Sec. 4. Section fifteen and one half of said Act is hereby amended to read as follows: Section 15½. The board of directors, when they deem it advisable for the best interests of the district, and the convenience of the electors thereof, may at any time, but not less than sixty days before an election to be held in the district, change the boundaries of the divisions and election precincts of the district; *provided*, such changes shall be made to keep each division as nearly equal in area and population as may be practicable. Such change of boundaries of the divisions must be shown on the minutes of the board. The board of directors of any irrigation district now or that may hereafter be organized in the State, shall also have the power, and such board is hereby vested with the authority, to lease the system of canals and works in the district, or any parts thereof, whenever such leasing may be for the benefit of

the district: *provided*, that when the directors of any irrigation district contemplate the leasing of the canals and works of such district, they shall give notice of such contemplation by publishing the same in some newspaper published in the county in which such irrigation district lies, at least three weeks prior to the making of any lease, and such lease shall be made to the highest bidder. But such board shall have the right to reject any and all bids. Such lease shall in no way interfere with any rights that may have been established by law, at the time such lease is made: *and, further provided*, that the board of directors shall require a good and sufficient bond to secure faithful performance of the lease by the lessees."

SEC. 5. Section seventeen of said Act is hereby amended to read as follows:

Section 17. The use of all water required for the irrigation of the lands of any district formed under the provisions of this Act, or the Act of which this is supplementary or amendatory, and for domestic and other incidental and beneficial uses within such district, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this Act is hereby declared to be a public use, subject to the regulation and control of the State, in the manner prescribed by law.

Also: On page 3, Section 2, line 1, strike out the figure "2", and insert in lieu thereof the figure "6".

Also: On page 3, Section 2 (changed to Section 6), line 8, strike out the comma following the word "district".

Also: On page 3, Section 2 (changed to Section 6), line 15, after the comma following the words "evidence of title", add the words "and of possessory rights".

Also: On page 3, Section 2 (changed to Section 6), line 17, before the word "representing", insert the words "and of such possessory rights".

Also: On page 4, Section 3, line 1, strike out the figure "3", and insert in lieu thereof the figure "7".

Also: On page 5, Section 4, line 1, strike out the figure "4", and insert in lieu thereof the figure "8".

Also: On page 6, Section 5, line 1, strike out the figure "5", and insert in lieu thereof the figure "9". On same page, section and line, strike out parentheses.

Also: On page 6, Section 5 (changed to Section 9), line 3, add "Section" before the numerals "39".

Also: On page 6, Section 5 (changed to Section 9), line 3, add the word "then" after the word "shall".

Also: On page 7, Section 5 (changed to Section 9), after the last line (50), add the following:

"All the powers and duties respecting the collection of taxes on all assessments of possession of, claim to, or right to the possession of land that are now provided in Sections 3820, 3821, 3822, 3823, 3824, 3825, and 3829 of the Political Code as regards county assessors shall apply so far as applicable to irrigation district assessors".

Also: On page 8, Section 6, line 1 strike out figure "6", and insert in lieu thereof the figures "10".

Also: On page 8, Section 7, line 1, strike out figure "7", and insert in lieu thereof the figures "11".

Also: On page 9, Section 7 (changed to Section 11), line 23, after the comma following the word "charges", add the following: "for irrigation and other public uses declared by this Act".

Also: On page 9, Section 8, line 1, strike out the figure "8", and insert in lieu thereof the figures "12".

Motion carried.

The Speaker appointed Mr. Judson as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 497, with instructions, do now report that the instructions of the Assembly have been carried out.

JUDSON, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Bill passed to foot of file.

Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 301 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Hall, Hamilton, Harlan, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rumlinger, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Telfer, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—52.

NOES—Messrs. Callaghan, and Fitzgerald—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 30, 1868, or any other of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Bill passed on file.

Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of civil actions.

Bill passed to foot of file.

Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

During the third reading of the bill, Mr. Benedict moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add to Section 1, page 1, immediately after the period in line 14, the following: Moneys payable into the county treasury, as the term is used in this section, shall include moneys belonging to estates of deceased persons and required by law to be paid to the county treasurer, taxes on inheritances and transfers, all moneys deposited by order of court, and all other moneys deposited with such treasurer by virtue of any official authority whatever.

Motion carried.

The Speaker appointed Mr. Benedict as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 674, with instructions, do now report that the instructions of the Assembly have been carried out.

BENEDICT, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 383—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 383 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Tibbits, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and thirty minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Senate Bill No. 384—An Act to amend Section 895 of the Penal Code and to repeal Sections 164, 896, 897, 898, 899, 900 and 901 of the Penal Code, all relating to grand juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 384 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Stevenot, Tibbits, and Walsh—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 385—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 385 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Chandler, Clark, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, and Walsh—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 386—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 386 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, and Walsh—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 387—An Act to amend Section 995 of the Penal Code, relating to motions to set aside indictments or informations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 387 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohuett, Butler, Cattell, Chandler, Cogswell, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Smith, Stevenot, Telfer, Tibbits, Walsh, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 388—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 388 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Smith, Stevenot, Telfer, Tibbits, and Walsh—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 390—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 390 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Smith, Stevenot, Telfer, Tibbits, and Walsh—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 391—An Act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 391 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wyllie, and Young—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 393—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 393 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Gerdes, Griffin of Modesto, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Malone, McGowen, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wyllie, and Young—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 394—An Act to add a new section to the Penal Code to be numbered Section 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 394 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Feeley, Flint, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimplinger, Rogers of Alameda, Rutherford, Sbragia, Slater, Stevenot, Tibbits, Walsh, and Young—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 395—An Act to add a new section to the Penal Code to be numbered Section 1506, relating to appeal from an order or judgment on habeas corpus.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 395 refused passage by the following vote:

AYES—Messrs. Beatty, Bliss, Bohnett, Joel, Judson, Mott, Nolan, Preisker, Rimlinger, Rogers of Alameda, and Young—11.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mullally, Polsley, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stuckenbruck, Walsh, and Wyllie—46.

Bill ordered transmitted to the Senate.

Senate Bill No. 1191—An Act to add a new section to the Penal Code to be numbered Section 907, relating to the duties of grand juries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1191 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McGowen, Mott, Polsley, Preisker, Rogers of Alameda, Slater, Telfer, Tibbits, Walsh, Williams, Wyllie, and Young—43.

NOES—Messrs. Bishop, Brown, Coghlan, Cronin, Cunningham, Feeley, Harlan, Lyon of Los Angeles, Mullally, Randall, Rosendale, Sbragia, Stevenot, and Stuckenbruck—14.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926a, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

On motion of Mr. Rogers of Alameda, Senate Bills Nos. 1192 and 1193 were made special orders for three o'clock P. M. of Monday, March 13, 1911.

Senate Bill No. 188—An Act to amend section two thousand nine hundred and seventy-nine a of the Political Code of the State of California, relating to the preservation of the public health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 188 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Guill, Harlan, Hayes, Hinkle, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Slater, Smith, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Young—45.

NOES—Messrs. Brown, and Hinshaw—2.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Rosendale gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 394 was this day passed.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER. Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows :

An Act to amend Sections 1142 and 1204 and to repeal Section 1202 of the Political Code, relating to elections.

An Act to amend the Penal Code of the State of California by adding thereto a section to be numbered 402f, relating to the keeping and owning of dogs and other animals that kill or injure sheep.

An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifteenth class.

CHANDLER, Chairman.

Mr. Chandler moved the adoption of the report.

The roll was called, and the report adopted by the following vote :

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Young, and Mr. Speaker—61.

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated :

By Mr. Polsley: Assembly Bill No. 1565—An Act to amend Sections 1142 and 1204 and to repeal Section 1202 of the Political Code relating to elections.

Bill read first time, and referred to Committee on Election Laws

By Mr. Cronin: Assembly Bill No. 1566—An Act to amend the Penal Code of the State of California by adding thereto a new section to be numbered 402f relating to the keeping and owning of dogs and other animals that kill or injure sheep.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Kehoe: Assembly Bill No. 1567—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the fifteenth class.

Bill read first time, and referred to Committee on County and Township Governments.

SPEAKER IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

SPECIAL ORDER.

The hour of three o'clock and thirty minutes P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 885—An Act to amend Sections 2, 3, 13, and 21 of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907.

During the third reading of the bill Mr. Bliss moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 4, Section 2, strike out the words "for such period of time, not to exceed five", in line 48, and all of line 49, and insert in lieu thereof the following "to enable petitioner to appoint a commission to investigate and report on the best method of sewage disposal, and".

Motion carried.

The Speaker appointed Mr. Bliss as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 885, with instructions, do now report that the instructions of the Assembly have been carried out.

BLISS, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT.

Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

The question being on the adoption of the Assembly constitutional amendment.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Bohnett moved a call of the House.

Motion carried.

Time, four o'clock and twenty-five minutes.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—GS.
NOES—None

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and twenty-eight minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Bohnett.

The roll of absentees was called, and Assembly Constitutional Amendment No. 35 adopted by the following vote :

AYES—Messrs. Beatty, Beckett, Benedict, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hamilton, Harlan, Held, Hinkle, Hinchaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Malone, McDonald, McGowen, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—Messrs. Bennink, Bishop, Brown, Cronin, Freeman, Hall, Hayes, Jasper, Jones, Lynch, Maher, March, Mendenhall, Polsley, and Schmitt—15.

Assembly constitutional amendment transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 35.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending section seventeen of article five of the Constitution of the State, relating to the election and term of office of a secretary of state, a controller, a treasurer, an attorney general and a surveyor general and also by amending section nineteen of article five of the said Constitution, relating to the compensation of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General.

The Legislature of the State of California, at its regular session commencing on the second day of January nineteen hundred and eleven, two thirds of all the members elected to each of the houses of the said Legislature voting in favor thereof, hereby propose that sections seventeen and nineteen of article five of the Constitution of the State of California be amended so as to read as follows :

Section 17. A secretary of state, a treasurer, an attorney general, and a surveyor general shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office during the term of office at the pleasure of the Governor; *provided, however*, that the officers herein mentioned, including the Controller, elected before the adoption hereof, shall continue to hold their respective offices until the expiration of the term for which they may have been elected. A controller shall be elected at the same time and place, and in the same manner, as the Governor and Lieutenant Governor, and whose term of office shall be the same as that of the Governor.

Section 19. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General, shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected or appointed, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant Governor, four thousand dollars per annum; the Secretary of State, Controller, Treasurer, and Surveyor General, five thousand dollars each per annum, and the Attorney General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature may, by law, diminish the compensation of any or all of such officers but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of surveyor general; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights.

Assembly constitutional amendment passed to foot of file.

REPORT OF COMMITTEE ON CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR SPEAKER: Your Committee on Conference, concerning Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option: authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic

liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits therefore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses—report that we have met a like committee of the Senate, consisting of Senators Estudillo, Thompson, and Stetson, and report that the Conference Committee was unable to agree, and we therefore recommend that a Committee on Free Conference be appointed.

(Signed)

WYLLIE.
SCHMITT.
SLATER.

Assembly Conference Committee.

Mr. Cattell moved the adoption of the report.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 386—An Act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 386 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Bill passed on file.

Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Bill passed to foot of file.

SECOND READING OF BILLS.

Assembly Bill No. 737—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

During second reading of bill the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 6, of the title in the printed bill, strike out the word "state", and insert the word "said".

Amendment adopted.

AMENDMENT No. 2.

In lines 1 and 2, section one of the printed bill, strike out the words "five hundred eighty-two thousand seven hundred one", and insert in lieu thereof the words "three hundred eighteen thousand two hundred and seventy".

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 6, Section 7, and Section 8, in the printed bill, and insert in lieu thereof the following:

SEC 6 Of the amount hereby appropriated the sum of sixty-five thousand and ten dollars shall become available on and after the passage of this Act. The sum of one hundred twenty-six thousand six hundred and thirty dollars shall become available on and after July 1, 1911; and the sum of one hundred twenty-six thousand six hundred and thirty dollars shall become available on and after July 1, 1912.

SEC 7. The State Controller is hereby authorized and directed to draw his warrant for the amount made payable, in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos 737 and 917.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 731 and 917 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 737 and 917, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 1329—An Act to add six new sections to the Political Code of the State of California, relating to weights and measures.

During the third reading of the bill, Mr. Hamilton moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, strike out all of lines 40 and 41, and insert in lieu thereof the following: "Section 3220. The weights and measures of the metric system shall be recognized under the provisions of this Act as well as any existing standards of weights and measures now in use in this State."

. Motion carried.

The Speaker appointed Mr. Hamilton as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1329, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMILTON, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 160—An Act entitled "An Act to amend Sections 1918 and 1920 of the Civil Code and to add new sections thereto to be numbered Sections 1918½, 1921, and 1922, relating to 'loan of money,' and providing for rate of interest thereon."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 160 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 1152—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319h, 2319j of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers, duties, and compensation of said

State Commissioner of Horticulture and the officers and employees appointed by said commissioner, and providing methods, means, and penalties for the enforcement of such powers and duties, and providing for the appointment of additional officers, fixing their compensation, and prescribing their duties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1152 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Cunningham, Denegry, Feeley, Fitzgerald, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Hinkle, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Malone, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Sutherland, Walsh, Williams, Wilson, and Mr. Speaker—43.

NOES—Mr. Held—1

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly Bills:

Committee Substitute for Assembly Bill No. 998—An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

Assembly Bill No. 1180—An Act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers in counties of the sixteenth class.

Assembly Bill No. 265—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto to be numbered three hundred and seventy-four *a*, relating to the loading of vessels with garbage or other refuse with intent to dump the same upon the waters bordering upon the State of California, and dumping garbage thereon.

Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 375—An Act entitled "An Act to amend section two thousand and thirty-one of the Code of Civil Procedure of the State of California, relating to depositions of witnesses in civil actions and proceedings."

Assembly Bill No. 1070—An Act to amend Section number 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; the compensation of jurors and grand jurors, in counties of the twentieth class.

Assembly Bill No. 519—An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville County road to the western terminus of Lake Tahoe wagon road at Smiths Flat, a state highway, and making an appropriation therefor.

Assembly Bill No. 466—An Act to regulate the organization of fraternal insurance associations.

Assembly Bill No. 858—An Act to amend Section 1521 of the Political Code, relating to the powers and duties of the State Board of Education.

Assembly Bill No. 1293—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Assembly Bill No. 817—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered and known as section three hundred and fifty-nine *a*, relating to the issuance of preferred stock by corporations.

Assembly Bill No. 1479—An Act to add a new section to the Code of Civil Procedure of the State of California to be known as section one thousand seven hundred and twenty-six *a*, relating to the payment of the burial expenses of deceased persons.

Assembly Bill No. 1053—An Act to amend Section 1426*n* of the Civil Code, relating to fees of county recorders.

Assembly Bill No. 489—An Act to amend Section 679 of the Penal Code of California, and to add a new section to the Penal Code of California to be numbered 680*a*, and to protect workmen.

Assembly Bill No. 197—An Act to amend Section 850 of the Code of Civil Procedure of the State of California, relating to notice of trial or hearing thereof in justices' courts.

Assembly Bill No. 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Assembly Bill No. 1545—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056*b*, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at domestic or foreign expositions.

Assembly Bill No. 509—An Act to amend section number 59 of the Civil Code, relating to marriages which are incestuous and void.

Assembly Bill No. 768—An Act providing for the erection of a grand stand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof.

Assembly Bill No. 1073—An Act to amend Section 1 of an Act entitled an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor, approved March 21, 1907.

Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof.

Assembly Bill No. 767—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the manufacturers' building, and making an appropriation therefor.

Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose.

Assembly Bill No. 167—An Act making an appropriation for the equipment, support and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Assembly Bill No. 58—An Act providing for the improving and caring for the grounds of the Fresno State Normal School, and making an appropriation therefor.

Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment, and making an appropriation therefor.

Assembly Bill No. 769—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Assembly Bill No. 1193—An Act to add a new section to the Penal Code of the State of California, to be designated and numbered three hundred and eighty-one, prohibiting the appointment to office of relatives by state officers and judges, and fixing the penalty for making such appointments.

Assembly Bill No. 1302—An Act to amend section four thousand two hundred and sixty-three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fourth class and adding a new section thereto to be numbered 4263*a*.

Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors relating to roads.

Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State, power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds.

Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to the use of slot machines or card dice, or others having more than six faces or bases each.

Assembly Bill No. 1349—An Act providing for the conveyance by quitclaim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

Committee Substitute for Assembly Joint Resolution No. 7—Relative to foreign immigration.

Assembly Bill No. 790—An Act to amend section three hundred and seventy-seven of the Code of Civil Procedure, relating to actions for the death of one not a minor caused by the unlawful act of another.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

SPECIAL ORDER SET.

On motion of Mr. Harlan, the consideration of Assembly Bill No. 265, was made a special order for Thursday, March 9, 1911, at eleven o'clock and thirty minutes A. M.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The Speaker announced the appointment of Messrs. Randall, Cronin, and Rosendale, a Committee on Free Conference, to meet with a like committee from the Senate to consider Senate amendments to Assembly Bill No. 37.

ADJOURNMENT.

At five o'clock and five minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M., of Thursday, March 9, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.. {
Thursday, March 9, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Freisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Rogers of Alameda, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Jasper, Messrs. Theo. Richmond and George Cousins were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Slater, Rev. R. L. Macfarlane was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Mrs. La Rue, Miss Younger, and Mr. J. J. Conlin were granted the privilege of the floor of the Assembly for this day.

LEAVE OF ABSENCE.

On motion of Mr. Jasper, Mr. Tibbits was granted leave of absence for the day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1553—An Act to amend Section 4250 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

Also Assembly Bill No. 1563—An Act to amend section four thousand two hundred and seventy-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROGERS, of Alameda, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1157—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ROGERS, of Alameda, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 111—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class—have had the same under consideration, and respectfully report the same back, with amendments and recommend that it do pass as amended.

ROGERS, of Alameda, Chairman.

The above reported bill ordered on file for second reading.

ON STATE PRISONS AND REFORMATORY INSTITUTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on State Prisons and Reformatory Institutions, to whom was referred Assembly Bill No. 653—An Act to add a new section to the Penal Code of the State of California, under title sixteen thereof, to be numbered 651, pro-

hibiting the use of cruel and unusual punishments in state prisons and reformatory institutions—have had the same under consideration, and respectfully report the same back without recommendation.

GERDES, Chairman.

The above reported bill ordered on file for second reading.

Also:

MR. SPEAKER On the 26th day of January, 1911, this Assembly, by resolution, instructed its Committee on State Prisons and Reformatories to investigate and report to this House, the different methods, and to what extent, punishment is used in the state prisons of California, and especially to what extent the strait-jacket is used therein.

Pursuant to said resolution, said committee obtained leave of absence from this House, and have held sessions of the committee at both the state prisons at San Quentin and at Folsom, and from the official records and sworn testimony introduced at such sessions, the committee makes and reports its findings as follows

SAN QUENTIN PRISON

At the state prison at San Quentin there is in use seven different methods of punishment inflicted upon convicts for infraction of the rules and regulations of that prison. The first two may be comprehended in one head, designated as denial of privileges, which consists of refusing the convict—

1. The privilege of the right to see and converse with relatives and friends for a period of thirty minutes each month, a right allowed to all convicts who are not subject to punishment.

2. Taking away from the convict, and forbidding the use for a designated period, of tobacco.

3. Solitary confinement, which consists in putting the convict in a cell by himself in a removed portion of the prison, without the right to speak with, or be spoken to, by any one except an officer in giving directions

4. Solitary confinement on bread and water, which is solitary confinement, carrying with it the additional punishment of being deprived of all food or drink, except plain bread and water

5. Confinement in the dungeon, which is solitary confinement, except that the cell in which the convict is confined is made as near totally dark as possible.

6. Cuffing up. This punishment is accomplished by causing the convict to stand erect, facing the door of his cell, and extending his hands and forearms through the grating of the door of the cell, about even with his face. The hands are then fastened together with handcuffs about the wrists. He is compelled to stand in this position for six consecutive hours, after which he is allowed to rest for six hours, and is then again cuffed for six consecutive hours. This is repeated daily during such period as may be prescribed by the warden.

7. The strait-jacket. This punishment consists of placing the convict in a jacket made of heavy, strong, canvas, cut so as to fit the body and shoulders of the wearer, along the edges of which there is a row of strong eyelets. The jacket extends from the throat down to and below the knees. On the inside there are two loops, or places where the hands of the wearer are placed, so that the hands rest upon and in front of the upper portion of the legs. The jacket is placed upon the convict, he is then laid down upon his face, and the jacket, by means of a quarter-inch rope through the eyelets on the edge thereof, is laced upon the body.

The jacket by these means may be laced up tight enough to inflict great physical pain, and even death, by impeding breathing, and pressure on the heart and kidneys. The convict is kept in the jacket such a length of time as is necessary in the discretion of the warden, in no case exceeding six hours, consecutively, in any one day. This is repeated each day until the punishment inflicted by the judgment of the warden has been complied with.

We find that this is the most severe and dreaded punishment that is inflicted on the convicts, and that it is never resorted to except by judgment of the warden for a violation of the rules, and after a careful physical examination of the convict by the prison physician

In the state prison at San Quentin we found 39 complete sets of strait-jackets: 17 in that portion of the prison where convicts sentenced to solitary confinement are placed, and 22 sets in that portion of the prison where convicts sentenced to the dungeon are placed.

Your committee investigated the conditions which exist there now, and which have existed since the first day of January, 1905, and find as follows:

In 1905, 270 men were punished by the jacket, serving altogether 7,911 hours in the strait-jacket.

In 1906, 223 men were punished in the jacket, serving altogether 6,072 hours in the strait-jacket.

In 1907, 164 men were punished in the jacket, serving altogether 1,606½ hours in the strait-jacket.

In 1908, 134 men were punished in the jacket, serving altogether 929 hours in the strait-jacket.

In 1909, 73 men were punished in the jacket,* serving altogether 279 hours in the strait-jacket.

In 1910, 19 men were punished in the jacket, serving altogether 39½ hours in the strait-jacket.

In justice to the present warden at San Quentin, your committee desires to say that he has been in charge of said prison since July, 1907.

FOLSOM PRISON.

In the state prison at Folsom there are six modes of punishment in vogue, as follows

1. Solitary confinement, which is accomplished by the same means as described for the same punishment in San Quentin Prison.

2. Solitary confinement on bread and water, which is also accomplished by the same means as at San Quentin.

3. Confinement in the dungeon, which is accomplished by the same means as described in use at San Quentin.

4. Cuffing up, which is accomplished by the same means as described for the same punishment in San Quentin Prison.

5. Standing between doors. This punishment consists in causing the convict to stand in the doorway of his cell in an erect position. In front of him is a steel grated door; behind him is a concaved or curved steel rack or grate extending from the floor to the top of the steel door, so that with the sides of the door to his right and left, the steel door in front of him, the steel rack or grate behind him, the convict is forced to stand in an erect position, unable to move but slightly. This punishment is inflicted for eighteen hours out of each twenty-four, during the number of days of punishment prescribed by the warden. The convict is placed between the doors at 6:00 A. M., removed at 12:00 M., placed between the doors again at 1:00 P. M., removed at 7:00 P. M., and replaced between the doors at 9:00 P. M., and removed at 2:00 A. M., from which time he is allowed to sleep or rest, until 6:00 A. M. the next morning.

6. Tricing up. This punishment is inflicted by means of rings fastened to the wall, through which rings a strap is passed, upon which strap there is a buckle so that the strap can be shortened or lengthened. At the end of the strap a pair of handcuffs is fastened, the convict is placed with his back to the wall, his hands being behind his back, his hands are then fastened together by means of the handcuffs about his wrists. The strap is then shortened so as to raise his hands about even with the back of his neck, which throws the upper portion of the body forward. The convict is allowed to stay in this position as long as he can stand it, but in no case longer than one hour and fifteen minutes, when he is taken down for a period of fifteen minutes, and then again drawn up for one hour and fifteen minutes, when he is again taken down and again triced up in the afternoon, so that the convict is triced up four times in each day one hour and fifteen minutes, making a total of five hours triced up out of each twenty-four hours, for the period prescribed by the warden. It is never inflicted except after physical examination by the prison physician, for the reason that it is a severe strain upon the heart and kidneys. We found seventeen sets of rings for the purpose of inflicting this punishment, in Folsom Prison all of said rings being imbedded in the wall, the lowest one being four and a half feet high, from the floor, and the highest being seven feet from the floor.

7. The strait-jacket. This punishment is accomplished by the same means as at San Quentin Prison, excepting that in applying the jacket at Folsom all buttons are removed from the clothes of the convict. The upper portion of his body is then encased in a thick pad, and wound in a blanket after which the strait-jacket is applied as in San Quentin Prison. We find that the longest period that any convict has been subjected to the jacket since the first of January, 1905, is three hours and forty-five minutes. The usual time in any one day that the convict is compelled to stay in the jacket is two hours, and may be extended over as many days as the warden may order. The jacket is never applied except after a physical examination by the physician, and is always applied in his presence. We find, from the testimony of Doctor Ingersoll, physician at Folsom Prison, that the strait-jacket is especially injurious to the heart, lungs, and the kidneys, and that whenever any of these organs are affected, he withholds his consent for its application. We further find that the jacket is never applied unless, after a physical examination, the prison physician certifies in writing that the convict is in a physical condition to undergo the punishment.

We find at Folsom Prison twelve complete sets of strait-jackets, all in that portion of the prison commonly designated as the "Alley," where the prison punishment is inflicted.

We further find that since the first day of January, 1905, the punishment of convicts by means of the jacket has been as follows:

	Total number of men confined in the jacket	Total number of hours in jacket
In 1905 -----	43	87 hours 31 minutes
In 1906 -----	14	43 hours 49 minutes
In 1907 -----	7	26 hours 27 minutes
In 1908 -----	19	78 hours 21 minutes
In 1909 -----	38	197 hours 23 minutes
In 1910 -----	49	305 hours 40 minutes

In justice to the warden, your committee desires to state that the present warden has been in charge of the prison since February, 1905.
Respectfully submitted.

E. J. LYNCH.
H. G. CATTELL.
F. G. STEVENOT,
CLYDE BISHOP.
GEORGE H. HARLAN.
ANDREW CUNNINGHAM.
R. L. TELFER.
FRED C. GERDES, Chairman.

Committee on State Prisons and Reformatory Institutions.

Dated this 9th day of March, 1911.

Mr. Rogers of Alameda, not visiting either prison as a committeeman, has not signed the report.

Report ordered printed in the Journal.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 13—Approving certain amendments to the charter of the city of Eureka.

Also: Assembly Bill No. 1484—An Act to amend sections eleven and eighteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip, and maintain systems of street lights on public highways to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody, and disbursement of taxes therein; and the creation of ex officio boards of supervisors", approved March 20, 1909, relating to the duties of supervisors, the fixing of rates to be paid, and the disposition of property on dissolution of districts.

Have had the same under consideration, and respectfully report the same back and recommend that they respectively be adopted and do pass.

COGHLAN, Chairman.

The above ordered on file.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 903—An Act to amend section six hundred and eleven of the Political Code, relative to the publication of statements of insurance companies—have had the same under consideration, and respectfully report the same back and recommend that it do not pass.

CALLAGHAN, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 898—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CALLAGHAN, Chairman.

The above reported bill ordered on file for second reading.

ON LIVE STOCK, DAIRIES AND DAIRY PRODUCTS

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Assembly Bill No. 474—An Act to regulate the public service of stallions and jacks in the State of California—have had the same under consideration, and respectfully report the same back with the following committee substitute therefor:

Committee Substitute for Assembly Bill No. 474—An Act to regulate the public service of stallions in California—and recommend that the committee substitute do pass.

HAMILTON, Chairman.

Committee substitute read and adopted.

Assembly Bill No. 474 ordered stricken from the file.

ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 703—An Act to amend Sections 1, 3, 5 and 6 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

CHANDLER, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on Roads and Highways, to whom was referred Senate Bill No. 109—An Act to declare the Sonora and Mono road in Tuolumne County a state highway—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

CHANDLER, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on Roads and Highways, to whom was referred Senate Bill No. 108—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to Committee on Ways and Means

CHANDLER, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on Common Carriers, to whom was referred Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced rate transportation for freight and passengers.

Also: Assembly Bill No. 1551—An Act to amend Section 2182 of the Civil Code of the State of California, relating to liability of a carrier for luggage and prescribing the method of handling same

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended

PREISKER, Chairman.

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on Common Carriers, to whom was referred Senate Bill No. 900—An Act to add a new section to the Political Code to be known as section two thousand eight hundred and ninety-six, relating to public

ferries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

PREISKER, Chairman.

The above reported bill ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Senate Bill No. 1047—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the San Joaquin River, and appropriating fifteen thousand dollars for said purpose—have had the same under consideration, and respectfully report the same back, and recommend that it do pass and be re-referred to the Committee on Ways and Means.

LYNCH, Chairman.

The above reported bill re-referred to Committee on Ways and Means.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Assembly Bill No. 1472—An Act authorizing and empowering Reclamation District No. 818 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Also: Assembly Bill No. 1473—An Act authorizing and empowering Reclamation District No. 818 to contract for and to construct and maintain, jointly or in connection with any person, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees or other joint works for reclamation.

Also: Assembly Bill No. 1474—An Act authorizing the payment of assessments levied in Reclamation District No. 818 to be made to the county treasurer of the county of Sutter.

Also: Senate Bill No. 355—An Act legalizing the formation and organization of Homeland Reclamation District No. 780, in the counties of Kings and Tulare, State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

The above reported bills ordered on file for second reading
Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Assembly Bill No. 1375—An Act to create a reclamation district to be called "Reclamation District Number 831," and providing for the control and management thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

LYNCH, Chairman.

The above reported bill ordered on file for second reading
Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Assembly Bill No. 1455—An Act to amend sections one, two, three, and four and to repeal sections four and one half and five of an Act entitled "An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district," approved April 21, 1909, and to add one new section to said Act to be numbered six—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be re-referred to Committee on Ways and Means.

LYNCH, Chairman.

The above bill re-referred to Committee on Ways and Means.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of the State and to provide for the revenue therefor—have had the same under consideration, and respectfully report the same back without recommendation.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 505—An Act to amend Section 1750 of the Political Code, relating to course of study for high schools.

Also: Senate Bill No. 11—An Act establishing a State Normal School at Fresno, county of Fresno, State of California, and making an appropriation for the maintenance of said school.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WYLLIE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 1034—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section one thousand five hundred and forty-three a, providing for the payment of interest on unpaid orders or demands against any school district.

Also: Senate Bill No. 400—An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the board of directors of the California Institution for the Deaf and the Blind.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WYLLIE, Chairman.

The above reported bills ordered on file for second reading.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Concurrent Resolution No. 25—Relative to inviting the National Encampment of the Grand Army of the Republic to hold its forty-sixth annual encampment in the city of Los Angeles, California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CROSBY, Chairman.

The above reported bill ordered on file for second reading.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 1198—An Act to amend section four of an Act entitled "An Act providing for the purchase of a University farm for the use of the college of agriculture of the University of California, providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm and appropriating money therefor," approved March 18, 1905, relating to providing for the appointment of a board of trustees for the administration of the affairs of the University farm—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

HARLAN, Chairman.

The above reported bill ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 168—An Act to add a new section to the Penal Code of the State of Cali-

forma to be known as Section 532a, relating to false statements regarding financial condition or liabilities of any person seeking credit for the purpose of obtaining the same, and providing the penalty therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No. 957—An Act to regulate contracts on behalf of the State, in relation to erections of buildings—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Public Buildings and Grounds.

KEHOE, Chairman

The above reported bill re-referred to Committee on Public Buildings and Grounds.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No. 672—An Act to increase the number of judges of the Superior Court of the county of Kern, and to provide for the appointment of an additional judge—have had the same under consideration, and respectfully report the same back without recommendation.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No. 943—An Act to establish the legality of certain school districts and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

KEHOE, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 1558—An Act to amend Section 224 of the Civil Code—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Senate Bill No. 97—An Act to amend Section 848 of the Code of Civil Procedure of the State of California—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER. Your Committee on Judiciary, to whom was referred Assembly Bill No. 1179—An Act to amend Section 2969 of the Civil Code of the State of California, relating to limitations of rights of officers—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 637—An Act to amend Section 642 of the Political Code of the State of California, relating to the Fish Commissioners and their assistants, etc.—have had the same under consideration and respectfully report the same back, and recommend that it be re-referred to the Committee on Fish and Game.

KEHOE, Chairman.

The above reported bill re-referred to Committee on Fish and Game.

ON ATTACHÉS AND EMPLOYÉS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911

MR. SPEAKER: Your Committee on Attachés and Employés beg leave to report as follows: That on the 6th day of March, 1911, your committee through its chairman directed communications to the Chief Clerk and to the Sergeant-at-Arms of the Assembly, requesting said officers to report to this committee a statement of the positions under their respective charges, which might be vacated with the least interference with the business of the House; that pursuant to such communication your committee received from said officers the information requested, and we recommend the following resolution be adopted:

Resolved, That the names of Nick Lennon, Frank Barry, J. K. Steinman, P. E. Lamb, J. J. O'Brien and J. F. Melvin, heretofore appointed as committee clerks at a per diem of \$4.00 each, and Mrs. Helen Dobbins, heretofore appointed as assistant mailing clerk, at a per diem of \$4.00, and Joseph Costello, heretofore appointed as a bill clerk, at a per diem of \$4.00, and F. Y. Madeley, heretofore appointed as a porter at a per diem of \$3.00, be and the same are hereby stricken from the rolls, from and after the 9th day of March, 1911.

BLISS, Chairman.

Mr Bliss moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Crobin, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lyon of Los Angeles, Maher, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Schmitt, Smith, Stevenot, Sutherland, Telfer, Wilson, Young, and Mr. Speaker—44.

NOES—Messrs. Cunningham, Denegri, Lamb, Rimlinger, Rutherford, and Ryan—6

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Attachés and Employés, to whom was referred the resolution introduced by Mr. Held and adopted on the 7th day of March, 1911, beg leave to report that they have had the same under consideration, and respectfully report as follows:

That to and including Thursday, March 9, 1911, the Assembly has been in session sixty-eight days, which at \$500.00 per day, amounts to \$34,000.00, and that we have expended and incurred for attachés, employés and officers of the Assembly for said time \$33,170.50, leaving a balance to the credit of said fund of \$829.50; that the expenses incurred and to be incurred by the committee heretofore appointed to investigate the matters in connection with the Fish and Game Commission have incurred and will incur expense for clerks, attachés and employés, which expense will be deducted from the contingent expenses of this Assembly. The daily expense of the House at the present time is \$534.50. Your committee has this day reported and recommended the adoption of a resolution striking the names of certain employés from the roll, which, if adopted, will reduce the daily expenses of the House to \$499.50. Following is a list of the names of the employés drawing salary who have not this week signed the Assembly attachés daily register, viz:

Dan Daniels, excused account death in family	3 days
Frank Barry	1 day
J. H. Steinman	4 days
S. D. Bromley	3 days
W. B. McKnight	4 days
W. M. Connell	4 days
Morris Doody	1 day
Grace March	1 day
Wm. H. Nolan	1 day

BLISS, Chairman.

Report read, and ordered printed in the Journal.

GOVERNOR'S MESSAGE.

The following message from the Governor was taken up and read:

EXECUTIVE OFFICE, SACRAMENTO, March 8, 1911

To the Assembly of the State of California:

I return herewith to you, without my approval, Assembly Bill No. 604, entitled: "An Act to amend the Penal Code of the State of California by adding a new section thereto to be numbered 653c, relating to blacklisting."

My reasons for vetoing this bill are that its provisions are vague, uncertain and indefinite, and that while prohibiting some things that we might desire to prohibit, it prohibits others we do not wish to prohibit.

Reading the Act, omitting superfluous words, the first inhibition contained in it is, that no company shall blacklist or require a letter of relinquishment. I inquired of the author of the bill what a "letter of relinquishment" was, and he was unable to tell me. I have sought the same information from various sources, and but one gentleman has been able to define this term and he was quite uncertain of his definition. If "letter of relinquishment" has some specific and definite meaning, it has not as yet acquired a legal signification, and should be described in some fashion so that the phrase may be easily understood. The next inhibition in the section is contained in the words, that no company, etc., shall publish any employee. The most astute attorneys will be somewhat at a loss accurately to determine what constitutes publication of one individual by another. It is possible we may accept the legal definition of "publish" as applied to libel, and it might be held that when a person, firm or corporation is prohibited from publishing an employee, the meaning intended is that nothing shall be uttered or circulated concerning that employee. At any rate, the vagueness of the expression renders it so uncertain as to be of doubtful validity.

Again, the Act makes it an offense for any person (if "publish" be construed in accordance with its legal significance) to impart to another truthful information concerning a discharged employee with intent to prevent that employee from securing similar employment. I doubt very much if it was the intention of the Legislature to make it a crime for "A" who had discharged for theft, or incompetency, or other righteous cause, his employee, to say to "B" if "B" were about to engage that employee, that the employee was dishonest or incompetent. There are in the United States many statutes designed to reach blacklisting. In most of those statutes there is a saving clause providing for a truthful declaration respecting a discharged employee, and in any statute our Legislature might enact, I think such a proviso should be contained. I may add that this particular law is copied from the Oklahoma statute, but I have been unable to find any construction of that statute, and though it has the sanction of Oklahoma, I yet believe it open to the objections I have presented. I have no objection to prohibiting blacklisting; but if it is to be done, I wish it accomplished by an Act direct, certain and plain in its terms which can not be defeated by judicial construction, and which would preserve as well the right to make a truthful disclosure of the reasons for the discharge of a dishonest or incompetent employee.

For the reasons I have stated, I have vetoed the bill.

Respectfully submitted.

HIRAM W. JOHNSON,
Governor of California.

The question being put, "Shall the bill become a law notwithstanding the veto of the Governor?"

The roll was called and the veto of the Governor sustained by the following vote:

AYES—Mr. Denegri—1.

NOES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—52.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an

amendment to the Constitution of the State by adding a new article thereto to be numbered Article XXIII, providing for the recall by the electors, of public officials.

Also: Senate Bill No. 461—An Act to amend Section 2468 of the Civil Code, relating to certificates of partnership and the execution and filing thereof.

Also: Senate Bill No. 192—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, by adding a new subdivision thereto to be known as Subdivision 16

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Also: Senate Bill No. 1013—An Act to amend section twelve hundred and three of the Penal Code of the State of California, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Also: Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61, and 65 thereof and by adding a new section to be numbered Section 684.

Also: Senate Bill No. 940—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, 124, and 121 thereof and by adding new Sections 12a, 52, 53, and 84 thereto.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on March 4, 1911, passed Senate Bill No. 502—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 367d, defining certain misdemeanors.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on March 8, 1911, adopted Senate Concurrent Resolution No. 10—Relative to the appointing of a commission to select and to recommend to the Legislature a site for a public park in Humboldt County, California.

Also: Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XIX, relating to term of office.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California, to be known as number two thousand nine hundred eighty-two a, providing for an engineer, inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

Also: Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

Also Senate Bill No. 1154—An Act entitled "An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons."

Also: Senate Bill No. 633—An Act to supplement an Act known as the "San Diego Seawall Act of 1900," approved April 16, 1900, by more fully providing for the payment of the principal and interest of the bonds of the State of California authorized by said Act.

Also. Senate Bill No. 1005—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 615 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 1013 read first time, and referred to Committee on Judiciary.

Senate Bill No. 490 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 939 read first time, and referred to Committee on Banks and Banking.

Senate Bill No. 940 read first time, and referred to Committee on Banks and Banking.

Senate Bill No. 502 read first time, and referred to Committee on Judiciary.

Senate Concurrent Resolution No. 10 read, and referred to Committee on Public Buildings and Grounds.

Senate Constitutional Amendment No. 45 read, and referred to Committee on Constitutional Amendments.

Senate Bill No. 627 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1061 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1154 read first time, and referred to Committee on Judiciary.

Senate Bill No. 633 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1005 read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven *a* thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors or any admixture thereof in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold; and providing the punishment for the violation thereof.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one *a*, relating to filing a copy of printed notice to creditors—and we respectfully request your honorable body to concur in the Senate amendments to said bill.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 290?"

On page 1, Section 1, line 5, after the word "file", insert the following: "or cause to be filed".

Also On page 1, Section 1, line 7, strike out the words "his affidavit", and insert in lieu thereof the following: "a statement".

The roll was called, and Senate amendments to Assembly Bill No. 290 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gavlord, Griffin of Modesto, Hamilton, Hayes, Held, Hinkle, Hinshaw Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mott, Polsley, Preisker, Randall, Rumlenger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Walsh, Willie, Young, and Mr. Speaker—54.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express, or transportation company, compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment; and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 460—An Act to amend Section 2466 of the Civil Code, relating to the use of fictitious names, and duties of those using them.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 23—Approving the charter of the city of Vallejo, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 21st day of February, 1911.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly concurrent resolution ordered to enrollment.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:
By Mr. Smith:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying resolution, the title of which reads as follows, viz.

Relative to the purchase of bas-relief bronzes of President Taft and Governor

Johnson used on Washington's and Lincoln's birthday, and to appropriate money out of the Contingent Fund of the Senate and Assembly to pay for same.

SMITH.
Member Fifty-first District

Referred to Committee on Introduction of Bills.

By Mr. Jones:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 1247 of the Code of Civil Procedure of the State of California, relating to the jurisdiction of courts to regulate the mode of making crossings or of enjoying a common use.

JONES.
Member Twenty-second District.

Referred to Committee on Introduction of Bills.

By Mr. Stevenot:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bills, the titles of which read as follows: "An Act to amend section two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class."

Also: "An Act to amend section four thousand two hundred and sixty-nine of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class."

STEVENOT.
Member Eleventh District.

Referred to Committee on Introduction of Bills.

By Mr. Cunningham:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act providing that one half of the cost and expense of the maintenance and the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California.

CUNNINGHAM.
Member Twenty-eighth District.

Referred to Committee on Introduction of Bills.

UNFINISHED BUSINESS.

Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants or owner's death in certain cases.

On motion of Mr. Maher, Assembly Bill No. 913 was taken up for consideration.

The question being on concurring in pending Senate amendments.

RE-REFERENCE OF BILL.

On motion of Mr. Brown, Assembly Bill No. 913, with amendments, was re-referred to Committee on Judiciary, with instructions to report on the next legislative day.

MOTION.

Mr. Cattell moved that the Chief Clerk be instructed to have prepared, and posted in the lobby of the Assembly at least four copies of Rule No. 82 of the Standing Rules of the Assembly.

Motion carried.

LEAVE OF ABSENCE.

On motion of Mr. Jones, Mr. Crosby was granted leave of absence for the day, on account of sickness in family.

RE-REFERENCE OF BILL.

On motion of Mr. Sutherland, Assembly Bill No. 1313 was re-referred to Committee on Ways and Means.

SPECIAL ORDERS.

The hour of eleven o'clock A. M., having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

During the third reading of the bill Mr. Coghlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert after the word "year", in line 14, page 2, of printed bill, the words "and two additional teachers shall be allowed to each district for every seven hundred units of average daily attendance,".

TIME OF RECESS EXTENDED.

On motion of Mr. Bohnett the time of recess was extended until the matter under consideration be disposed of.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bliss, Brown, Butler, Cattell, Clark, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Hinshaw, Jones, Joel, Kehoe, Kennedy, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Walsh, and Mr. Speaker—37

NOES—Messrs. Beckett, Bohnett, Chandler, Farwell, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Lamb, Mendenhall, Polsley, Preisker, Randall, Rutherford, Slater, Sutherland, Telfer, Williams, and Wyllie—25.

The Speaker appointed Mr. Coghlan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 367, with instructions, do now report that the instructions of the Assembly have been carried out.

COGHLAN, Select Committee

Report of select committee and amendment adopted.

Bill ordered to reprint, with a rush order, to reëngrossment, and on file for passage.

RECESS.

At twelve o'clock and forty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

LEAVE OF ABSENCE.

On motion of Mr. Chandler, leave of absence was granted Mr. Sutherland until Saturday, March 11, 1911.

THIRD READING OF SENATE BILLS.

Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 685 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Butler, Callaghan, Cattell, Clark, Cogswell, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Wilson, and Wyllie—48

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 773—An Act relating to public health and safety, and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof.

During the third reading of the bill, Mr. Jones moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 5, Section 18, strike out all after the word "effect", and insert in lieu thereof the following: "on October 1, 1911".

Also: On page 3, Section 6, line 3, strike out all of Section 6, after the word "than", and insert in lieu thereof the following: "18 inches wider and 18 inches longer than the bed, bunk, cot, or other sleeping place on which they are used."

Motion carried.

The Speaker appointed Mr. Jones as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 773, with instructions, do now report that the instructions of the Assembly have been carried out.

JONES, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint, and on file for passage.

Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved

March 14, 1907, as amended by a certain Act approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act, which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto.

During the third reading of the bill Mr. Cronin moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "follow" in line 50, page 3, Section 1, of Senate Bill No 261, add the following:

"Provided, however, that the State Board of Medical Examiners shall issue a certificate, under such rules as it may prescribe, to any person who has practiced a special branch of medicine and surgery for a period of not less than thirty-five years, fifteen years of which time shall have been within the State of California; an applicant to practice any special branch of medicine and surgery must file an affidavit with the Board of Medical Examiners, sworn to before some person authorized to take an oath and attested by the hand and seal of such person, stating that he has practiced the particular branch of medicine and surgery for the term of years as hereinbefore mentioned; and such applicant to practice a special branch of medicine and surgery, shall not be required to file a diploma, as hereinbefore referred to, but such applicant shall be required to make a practical demonstration, in the special branch of medicine and surgery set forth in the affidavit of such applicant; and if after such practical demonstration such applicant shall qualify, he shall be entitled to a certificate to practice the special branch of medicine and surgery set forth in the application of such applicant."

After the word "forth" on page 3, line 51, Section 1, insert the words "except as otherwise stated".

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Hayes, Held, Hinshaw, Jasper, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mullally, Nolan, Randall, Rimplinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, Telfer, Tibbits, Walsh, and Wyllie—42.

NOES—Messrs. Beatty, Beckett, Bennink, Chandler, Cogswell, Guill, Hinkle, Jones, Joel, Kehoe, Lamb, Mendenhall, Mott, Preisker, Rogers of Alameda, Rosendale, Rutherford, and Mr. Speaker—18.

RECONSIDERATION.

Mr. Butler moved that the vote whereby the motion of Mr. Cronin was carried, be reconsidered.

SPECIAL ORDER SET.

On motion of Mr. Cattell the consideration of the above motion was made a special order for Friday, March 10, 1911, at two o'clock P. M.

Senate Bill No. 90—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 90 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes,

Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Tibbits, Walsh, Wilson, Wyllie, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 91—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 91 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polslev, Randall, Rimlinger, Rutherford, Ryan, Sbragia, Schmitt, Smith, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 93—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 93 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Randall, Rimlinger, Rutherford, Ryan, Sbragia, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 94—An Act to appropriate money for the purchase of farm machinery and implements for the California Polytechnic School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 94 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rutherford, Ryan, Sbragia, Slater, Telfer, Tibbits, Williams, Wyllie, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 408—An Act to make an appropriation for the construction and completion of a state highway connecting the counties

of Trinity, Tehama and Shasta with the road system of Humboldt County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 408 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rutherford, Ryan, Slater, Telfer, Tibbits, Williams, Wyllie, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 929—An Act making an appropriation to pay the deficiency in the contingent appropriation of the Governor's office for the sixty-first and sixty-second fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 929 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Rimlinger, Rosendale, Rutherford, Ryan, Slater, Telfer, Tibbits, Wilson, Wyllie, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relative to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds.

Bill passed on file.

Senate Bill No. 870—An Act to amend an Act entitled "An Act to regulate the sale of commercial fertilizers or materials used for manural purposes and to provide penalties for the infraction thereof, and means for the enforcement of the Act," approved March 20, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 870 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, McGowen, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Tibbits, Wilson, Wyllie, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 716—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners, and defining their duties, fixing their compensation, and providing a special fund, and providing for the licensing of plumbers.

During the third reading of the bill Mr. Farwell moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 8, line 2, of the printed bill, after the word "determined", omit the comma (.), and insert in lieu thereof the words "by the Governor".

Also: On page 2, Section 8, line 4, strike out the word "board", and insert in lieu thereof the word "Governor".

Also: On page 2, Section 9, line 3, of the printed bill, after the comma after the word "plumber", where said word occurs the second time in said line, insert the following, "regardless of any requirement or condition whatsoever concerning his religious faith, his association with or membership in any society, league, club, organization, union or combination of men banded together for any purpose whatsoever,".

Also: On page 4, Section 15, line 1, of the printed bill, after the word "original", insert the words "and annual".

Also: On page 4, Section 15, line 2, of the printed bill, strike out the following: "\$5.00", and insert in lieu thereof the following: "five dollars (\$5.00)".

Also: On page 4, Section 15, line 3, of the printed bill, after the word "be", strike out the remainder of line 3, all of line 4, and line 5, to and including the figures ".50", and insert in lieu thereof the following "one dollar (\$1.00)".

Also: On page 6, Section 23, line 10, of the printed bill, strike out the semicolon (;) following the word "ventilation", and in lieu thereof insert the following: "excepting such workmanship as may be required in the digging of ditches or trenches and the laying of the ordinary house drainage pipes from the building line to sewers or cesspools,".

Also: On page 6, Section 23, line 18, of the printed bill, after the word "plumber", insert the following "except such work or workmanship as may be required in the digging of ditches or trenches or the laying of house drainage pipes from the building line to the sewers or cesspools,".

Also: On page 7, of the printed bill, strike out all of Section 27.

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 716 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Callaghan, Cattell, Clark, Coghlan, Cunningham, Deugri, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Griffiths, Hayes, Hinkle, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—45.

NOES—Messrs. Benedict, Bohnett, Butler, Chandler, Cogswell, Farwell, Guill, Harlan, Held, Hinshaw, Jasper, and Randall—12.

Title read and approved

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911

MR SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following Assembly concurrent resolution, herewith return the same with the recommendation that the author be permitted to introduce it. The title of said Assembly concurrent resolution is as follows

Relative to the purchase of bas-relief bronzes of President Taft and Governor Johnson

CHANDLER, Chairman

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911

MR. SPEAKER. Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows :

An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class

An Act to amend Section 4270 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class

An Act to amend Section 1247 of the Civil Code of Civil Procedure of the State of California, relating to the jurisdiction of courts to regulate the mode of making crossings, or of enjoying a common use

An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California

CHANDLER, Chairman.

Mr. Chandler moved the adoption of the report.

The roll was called, and the report adopted by the following vote :

AYES—Messrs. Beaudet, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—62.

NOES—None.

INTRODUCTION OF BILLS, ETC.

The following bills, etc., were introduced and referred as indicated :

By Mr. Smith : Assembly Concurrent Resolution No. 26—Relative to the purchase of bas-relief bronzes of President Taft and Governor Johnson.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

By Mr. Stevenot : Assembly Bill No. 1568—An Act to amend Section 4269 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class.

Bill read first time, and referred to Committee on County and Town-ship Governments.

Also : Assembly Bill No. 1569—An Act to amend Section 4270 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

Bill read first time, and referred to Committee on County and Town-ship Governments.

By Mr. Jones : Assembly Bill No. 1570—An Act to amend Section 1247 of the Code of Civil Procedure of the State of California, relating to the jurisdiction of courts to regulate the mode of making crossings, or of enjoying a common use.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Cunningham : Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen, and crew of the fire boats "David Scannell" and "Dennis Sullivan" shall be borne and paid by the State of California.

Bill read first time, ordered to print with rush order, and referred to Committee on Ways and Means.

NOTICE OF MOTION TO RECONSIDER.

Mr. Smith gave notice that on the next legislative day he would move a reconsideration of the vote whereby the report of the Committee on Attachés and Employés, providing for the discharge of certain attachés, was this day adopted.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Conference, to whom was referred Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in—have met a like committee appointed by the Senate, and respectfully report that we can not agree, and therefore suggest a Committee on Free Conference to act on said bill.

BISHOP,
SUTHERLAND,
JONES,
Committee from Assembly.
CURTIN,
CUTTEN,
TYRRELL,
Committee from Senate.

Mr. Bishop moved the adoption of the report.
Motion carried.

APPOINTMENT OF COMMITTEE.

The Speaker announced the appointment of Messrs. Bishop, Jones, and Griffin, a Committee on Free Conference, to meet with a like committee from the Senate to consider Senate Bill No. 373.

THIRD READING OF BILLS.

Assembly Bill No. 725—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars and eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Bill passed to foot of file.

Assembly Bill No. 368—An Act to repeal Article VIII of Title III, Part III, of the Political Code.

Bill passed on file.

Assembly Bill No. 1182—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California and adding a new section to the Political Code of the State of California to be numbered Section 462, relating to the public schools and creating a fund for their support.

Bill passed on file.

SPECIAL ORDER RESUMED.

Assembly Bill No. 265—An Act to amend an Act entitled “An Act to establish a Penal Code,” by adding a new section thereto to be numbered three hundred and seventy-four *a*, relating to the loading of vessels with garbage or other refuse with intent to dump the same upon the waters bordering upon the State of California, and dumping garbage thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 265 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cunningham, Denegri, Feeley, Flint, Freeman, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California, an amendment to Section 18, Article 20, relative to the employment of females in the handling and sale of intoxicating liquors.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Polsley moved that the vote whereby Assembly Constitutional Amendment No. 13 was refused adoption, be reconsidered.

Bill read third time.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Polsley moved a call of the House.

Motion lost.

The roll of absentees was called, and the motion to reconsider lost by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Gerdes, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lynch, Mendenhall, Mott, Polsley, Preisker, Randall, Rosendale, Rutherford, Stevenot, Telfer, Tibbits, Wyllie, and Mr. Speaker—32.

NOES—Messrs. Beatty, Callaghan, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Held, Joel, Kennedy, Lyon of San Francisco, Maher, McGowen, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, and Williams—25.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 58—An Act establishing a state normal school at Fresno, county of Fresno, State of California, and making an appropriation for the construction of a building and the maintenance of said school

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 58 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rumlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenor, Telfer, Tibbits, Walsh, Williams, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 167—An Act making an appropriation for the equipment, support and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Bill passed on file.

Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 771 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cunningham, Fitzgerald, Freeman, Gaylor, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rumlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Slater, Smith, Telfer, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 767—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and to build an addition thereto equal in its dimensions to the present structure, providing for its equipment and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 767 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gaylor, Gerdes, Griffin of Modesto, Hamilton, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rumlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenor, Telfer, Walsh, Williams, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 712 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Walsh, Williams, and Mr. Speaker—53

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 768—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and erect thereon a new and modern combination grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 768 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Hamilton, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Telfer, Tibbits, Walsh, Williams, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 769—An Act authorizing and directing the directors of the State Agricultural Society to plow, check, and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 769 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Hayes, Held, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Smith, Telfer, Tibbits, Walsh, Williams, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read :

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO. March 9, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 108—An Act to add a new section to the Political Code to be numbered 1566, providing for the holding of school trustees' meetings.

Assembly Bill No. 495—An Act to amend section eight hundred and sixty-six of the Code of Civil Procedure of the State of California, relating to attachments.

Assembly Bill No. 775—An Act authorizing owners of land or their grantees or assigns to sue the State of California, for damages done to real property by reason of the construction and maintenance of jetties in the Sacramento River, known as "Newtown Jetties," and replacing an Act entitled "An Act to authorize the Lauritzen Company of San Francisco, a corporation, to sue the State of California," approved March 23, 1907.

Assembly Joint Resolution No. 10—Relating to federal aid for the Indian schools of the Northern California Indian Association in Yolo County, California.

Assembly Joint Resolution No. 6—Relating to the establishment and operation of postal savings banks in California by the United States Government.

Assembly Concurrent Resolution No. 14—Relative to a building for the California State Library, the Supreme Court and the District Court of Appeal, third district.

Assembly Bill No. 123—An Act appropriating money for the purchase of farm implements for the Preston School of Industry.

Assembly Bill No. 125—An Act appropriating money for the purchase of bedding and furniture and for repairs for the use of the Preston School of Industry.

Assembly Bill No. 126—An Act appropriating money for the purchase of farm horses at the Preston School of Industry.

Assembly Bill No. 127—An Act appropriating money for the equipment of the trades building at the Preston School of Industry.

Assembly Bill No. 130—An Act appropriating money for the repair and maintenance of the water power plant and system at the Preston School of Industry.

Assembly Bill No. 174—An Act to pay the claim of A. G. Lafferty against the State of California and making an appropriation therefor.

Assembly Bill No. 207—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Assembly Bill No. 272—An Act to provide for the erection of one group of cottages for male patients at the Southern California State Hospital, and making an appropriation therefor.

Assembly Bill No. 1003—An Act authorizing the Governor of the State of California to issue licenses to bodies of men to organize, drill, and bear arms as military companies or organizations, and providing for their control.

Assembly Bill No. 729—An Act to amend Section 500 of the Political Code, relating to clerks in the register's office and their salaries.

Assembly Bill No. 504—An Act to amend Section 650 of the Code of Civil Procedure of the State of California, relating to exceptions.

Assembly Bill No. 501—An Act to amend the Code of Civil Procedure, Title IX, Chapter I, relative to executions, by adding a new section thereto, to be known as Section 681a.

Assembly Bill No. 499—An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal.

Assembly Bill No. 497—An Act to amend Sections 1714 and 1715 of the Code of Civil Procedure, relative to new trials and appeals.

Assembly Bill No. 1096—An Act to amend Section 433 of the Political Code, relating to the duties of the Controller.

Assembly Bill No. 1097—An Act to amend Section 452 of the Political Code, relating to the duties of the State Treasurer.

Assembly Bill No. 505—An Act to amend Section 649 of the Code of Civil Procedure, relative to exceptions.

Assembly Concurrent Resolution No. 24—Approving the charter of the city of Petaluma, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 14th day of February, 1911.

And were presented to the Governor, March 8, at eleven o'clock and thirty minutes A. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1555—An Act to amend section four thousand two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class.

Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers of the eighteenth class.

Assembly Bill No. 1500—An Act to amend an Act entitled "An Act for the support of certain cemeteries in Tehama County," approved April 1, 1872.

Assembly Bill No. 702—An Act amending Section 264 of the Penal Code, fixing the punishment for rape.

Assembly Bill No. 323—An Act providing that in the event of no election having been held for the election of officers of municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Assembly Bill No. 705—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract.

Assembly Bill No. 1462—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be known as section twenty-one *a*, relating to the proof of posting and publishing of notices.

Assembly Bill No. 1463—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be known as section five *a*, relating to the proof of posting and publishing of notices.

Assembly Bill No. 1456—An Act to amend section thirty-three of an Act entitled "An Act to provide for the laying out, opening, extending, widening or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Assembly Bill No. 1508—An Act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes.

Assembly Bill No. 1457—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as section one *a*, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities.

Assembly Bill No. 1458—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2*a*, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending Section 4 of said Act.

Assembly Bill No. 1461—An Act to provide for the sale of an excess of water when owned by a municipality, and repealing an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof.

Assembly Bill No. 1286—An Act to add a new section to the Penal Code of the State of California to be known as Section 1163 providing for indeterminate sentences of persons convicted of criminal offenses for the first time and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

And report that the same have been correctly engrossed

RANDALL, Chairman.

RECESS.

At four o'clock and forty minutes P. M., on motion of Mr. Cattell, the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

RULE SUSPENDED.

Mr. Bohnett moved that Rule 14 of the Standing Rules of the Assembly be suspended, and that the Assembly proceed to the consideration of the second-reading files.

The roll was called and the motion adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Callaghan, Cattell, Coghlan, Cronin, Cunningham, Feeley, Fitzgerald, Freeman, Gaylord, Hayes, Held, Jasper, Jones, Judson, Kehoe, Lyon of Los Angeles, Maher, McDonald, Mendenhall, Mullally, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Walsh, Wyllie, and Mr. Speaker—39
NOES—None.

SECOND READING OF BILLS.

Assembly Bill No. 42—An Act to provide for the continuation of the construction of the highway known as Kings River Highway, and to make an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of Section 2, commencing with the word "ten" in line 3, of said section, and in lieu of the matter stricken out insert the following: "twenty-five thousand dollars, and on July 1, 1912, twenty-five thousand dollars"

Amendment adopted.

AMENDMENT No. 2.

Beginning with the word "Governor" in line 1, of Section 3, strike out down to and including the second word "the" in line 4, of said section.

Amendment adopted.

AMENDMENT No. 3.

In line 6, of Section 3, strike out the words "said commission", and in lieu thereof insert the words "State Department of Engineering".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1167—An Act to add a new section to the Penal Code of the State of California to be numbered 382c, forbidding the transportation within the State of California of any misbranded, mislabeled or adulterated drug, or food.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lubben against the State of California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III, of the Political Code to be designated Article XX providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the Capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations; and repealing all Acts or parts of Acts in conflict herewith.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title by inserting after the third semicolon, the following "repealing Sections 425 and 426 of the Political Code, relating to the appointees of the Board of Capitol Commissioners."

Amendment adopted.

AMENDMENT No. 2.

On page 3, line 20, of printed bill, insert after the word "months" the words "each year."

Amendment adopted.

AMENDMENT No. 3.

Amend Section 2, line 1, of printed bill, by inserting before the word "all", the following: "Sections 425 and 426 of the Political Code, relating to the appointees of the Board of Capitol Commissioners and".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 718, lines 3 and 4, strike out the words "and one assistant gardener at an annual salary of fifteen hundred dollars".

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 718, line 6, of printed bill, strike out the words "fifteen hundred", and insert in lieu thereof, "thirteen hundred and twenty".

Amendment adopted.

AMENDMENT No. 6.

On page 3, of printed bill, strike out all of Section 719, and insert in lieu thereof: "719. The superintendent may employ such competent assistant gardeners at a salary of one hundred dollars per month, and such laborers, porters and other help for the proper conduct of the capitol and grounds at three dollars per diem, as may be deemed necessary by the superintendent and the Board of Examiners, which wages shall be paid only from money appropriated for such purpose. Such appointees shall have the powers of peace officers."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1559—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1560—An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1550—An Act to amend Section 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; and

to the compensation of jurors and grand jurors in counties of the twentieth class.

During second reading of bill, the following amendments were submitted by Mr. Brown:

AMENDMENT No. 1.

Strike out the word "one", in line 13, Section 1, page 2.

Amendment adopted.

AMENDMENT No. 2.

Strike out all of lines 14 and 15, Section 1, page 2

Amendment adopted.

AMENDMENT No. 3.

Strike out the word "ten" in line 31, Section 1, page 2, and insert in lieu thereof the word "seven".

Amendment adopted.

AMENDMENT No. 4.

Strike out all of line 63, after the period (.), after the word "annum", and all of lines 64, 65, 66 and 67, in Section 1, page 3

Amendment adopted.

AMENDMENT No. 5.

Strike out the word "The" at the end of line 68, on page 3, printed bill, and all that follows down to and including line 77a on page 3, of printed bill.

Amendment adopted.

AMENDMENT No. 6.

Strike out of line 68, page 3, the following: "two thousand dollars per annum.", and insert in lieu thereof the following: "three thousand five hundred dollars per annum (in lieu of the tax collector's present compensation of two thousand dollars salary, and commissions as license collector allowed him by law); *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one clerk, which office is hereby created, to be appointed by him, for four months in each year, at a salary of seventy-five dollars per month. Said salary to be paid by the county in monthly installments, at the same time, and in the same manner, and out of the same fund, as the salary of the tax collector is paid."

Amendment adopted.

AMENDMENT No. 7.

Strike out of line 78, page 3, the words "He may" and all the following lines down to and including line 84, and insert in lieu thereof the following: "He shall have for use in his office and under his supervision and control a draftsman, which office of draftsman is hereby, by the terms of this Act, expressly created and whose duty it shall be to, under the supervision and control of the assessor, prepare for use in said office proper books, blanks, maps and plates; the said position of draftsman to be filled by the assessor in the same manner as deputies are appointed by him, and said draftsman is to be at all times as to his duties under the supervision and control of said assessor, the same as deputies of such assessor are under his supervision and control, which said draftsman shall receive a salary of nine hundred dollars per annum. Said salary to be paid by the county in monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the tax collector is paid."

Amendment adopted.

AMENDMENT No. 8.

Strike out all of lines 87, 88, 89, 90, 91 and 92, on page 4 of the printed bill

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 802—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4043a, relating to indexes of county records.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 760—An Act to amend Sections 4093, 4097, 4101, and 4102 of the Political Code, in relation to the duties of county auditors, county treasurers, district attorneys and chairmen of boards of supervisors.

During second reading of bill, the following amendments were submitted by the committee:

On page 1, line 1, of the title, strike out the figures "4093".

Also: On page 1, strike out all of Section 1.

Also: On pages 2 and 3, change Sections 2, 3, and 4 to read 1, 2, and 3 respectively.

Amendments adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 837—An Act appropriating money to pay the claim of R. A. Sarle against the State of California.

Bill read second time, and re-referred to Committee on Ways and Means.

Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein; providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor, approved March 11, 1907.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1400—An Act making an appropriation to pay the claim of J. Harry Russell.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 3, strike out the words and figures, "thirty-two hundred and fifty dollars \$3,250.00, and insert in lieu thereof the following "thirty-two hundred and twelve dollars and ninety-four cents \$3,212.94".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 281—An Act to appropriate the sum of one thousand dollars to pay the claim of Sergeant-Major Eugene De Sparr.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1288—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1505—An Act to provide for the erection of a memorial monument to Abraham Lincoln, appointing a commission therefor, and providing an appropriation to carry the Act into effect.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

In line 8 Section 1, of the printed bill, strike out "\$25,000", and insert the words "five thousand dollars".

Amendment adopted.

AMENDMENT NO. 2.

In line 3 Section 2, of the printed bill, strike out "\$25,000", and insert the words "five thousand dollars".

Amendment adopted.

AMENDMENT No. 3.

Strike out all of section four and insert the following:

"SEC. 4. This Act shall take effect on and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1014—An Act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same, and the owner or agent of any building used for such purpose.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2, Section 2, page 1, of the printed bill, after the word "attorney", insert a comma (,) and the words "city attorney, city prosecutor".

Amendment adopted.

AMENDMENT No. 2.

In line 4, Section 2, page 2, of the printed bill, strike out the words "in equity".

Amendment adopted.

AMENDMENT No. 3.

In line 4, Section 2, page 2, of the printed bill, strike out the comma (,) where it appears after the word "California", and also the following words in line 5: "upon the relation of such district attorney or citizen,".

Amendment adopted.

AMENDMENT No. 4.

In line 11, Section 2, page 2, of the printed bill, strike out the comma (,) where it appears after the word "injunction", and the words "without bond,".

Amendment adopted.

AMENDMENT No. 5.

In line 7, Section 3, page 2, of the printed bill, strike out the words "and his attorney".

Amendment adopted.

AMENDMENT No. 6.

In line 9, Section 3, page 2, of the printed bill, insert a comma (,) after the word "attorney", and the words "city attorney, city prosecutor or".

Amendment adopted.

AMENDMENT No. 7.

In line 11, Section 3, page 2, of the printed bill, after the word "attorney", insert a comma (,) and the words "city attorney, or city prosecutor".

Amendment adopted.

AMENDMENT No. 8.

In line 19, Section 5, page 3, of the printed bill, insert the following: "The aforesaid fees, and the said sum allowed by the court shall be paid into the county treasury".

Amendment adopted.

AMENDMENT No. 9.

Strike out all of Section 9, page 4, of the printed bill.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1469—An Act relating to the liability of common carriers by railroad in this State for injuries or death sustained by their employees.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1367—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 5, of the printed bill, after the word "Angles", insert "of the county of Santa Clara".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 7, of the printed bill, strike out "Santa Clara".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 8, of the printed bill, after "Bernardino", insert "Monterey, Santa Barbara".

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, line 10, of the printed bill, strike out "Monterey," and the last word "Santa".

Amendment adopted.

AMENDMENT No. 5.

On page 1, Section 1, line 11, of the printed bill, strike out "Barbara".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 471—An Act to amend the Political Code by amending Sections 1032 thereof, relating to records open to public inspection; exceptions in attachment.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1103—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1404—An Act to amend section eight hundred and sixty-eight of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachments issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs and constables of counties other than the one in which said justice's court may be situated.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1521—An Act authorizing the Governor to appoint a commission to investigate and report concerning the adoption of a system of old age insurance and pensions and making an appropriation therefor.

Bill read second time, and re-referred to Committee on Ways and Means.

Assembly Bill No. 1405—An Act making an appropriation of two thousand sixteen dollars and sixty-seven (\$2,016.67) cents to pay the

claim of Gustav Wilmunder against the State of California and prescribing the duties of the Controller and the Treasurer of State in relation thereto.

Bill read second time, and re-referred to Committee on Ways and Means.

Assembly Bill No. 1287—An Act to authorize the State of California to convey to the county of Sacramento the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of section 17, said point being the northwest corner of the property deeded to the Board of Supervisors of Sacramento County by James Lansing on April 8, 1869, and recorded in Book 51 of deeds, page 633, on file in the office of the county recorder of Sacramento County, and described as "the west 17 chains of the east 22 chains of the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M., and running thence from said point of beginning south 224.6 feet; thence S. 40° 56' W. 201.6 feet; thence S. 89° 22' W. 327.3 feet to the east line of the Wright & Kimbrough Subdivision No. 14; thence north 380.5 feet along said east line to the northeast corner of said subdivision on the north line of section 17; thence east 464.2 feet along said section line to the place of beginning, containing 3.78 acres. All the above described property lying in section 17, T. 8 N., R. 5 E., M. D. B. & M., and in Sacramento County, California; in consideration of the county of Sacramento conveying to the State of California the following described real property to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the property line between the County Hospital grounds and the Elmhurst Subdivision, said point being in section 17, T. 8 N., R. 5 E., M. D. B. & M., distant S. 0° 27' W. 215.7 feet from the north line of said section 17 at a distance of 330 feet west from the northeast corner thereof and running thence N. 71° 06' W. 621.2 feet; thence S. 89° 22' W. 178.3 feet; thence S. 84° 52' W. 54.7 feet; thence S. 80° 56' W. 65.3 feet; thence S. 73° 08' W. 56.3 feet; thence S. 66° 43' W. 64 feet; thence S. 57° 52' W. 42.6 feet; thence S. 55° 29' W. 69.7 feet; thence S. 49° 37' W. 119.7 feet; thence S. 40° 56' W. 15.6 feet to the property line between the County Hospital property and the property of the State Agricultural Society at a distance of 224.6 feet south along said property line from the northwest corner of the tract of land deeded by James Lansing to the Board of Supervisors of Sacramento County on April 8, 1869, and recorded in Book 51 of deeds, page 633, on file in the office of the county recorder of Sacramento County, and described as "The west 17 chains of the east 22 chains of the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M.," thence south 458 feet along the west line of said tract to the southwest corner thereof; thence east 1183 feet along the south line of said tract to the southeast corner thereof; thence north 467 feet along the east line of said tract to the point of beginning, containing 16.12 acres. All the above described land lying in section 17, T. 8 N., R. 5 E., M. D. B. & M., and in Sacramento County, California; the purpose of this Act being to perfect of record the title of the county of Sacramento to the real property first above described and to

perfect of record the title of the State of California to the real property last above described.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1166—An Act to provide for the licensing and regulation of hospitals and special hospital nurses in the State of California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1482—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals.

Bill read second time, and ordered to engrossment and third reading.

SECOND READING OF SENATE BILLS.

Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 1, line 29, strike out "John W.", and insert in lieu thereof "Juliet W.".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 2, line 1, of the printed bill, strike out "nine hundred and fifty dollars (\$950)", and insert in lieu thereof "four hundred and seventy-five dollars (\$475)".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 960—An Act creating a bureau of building and loan supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an Act approved March 21, 1905, entitled "An Act creating a bureau of building and loan supervision, providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their

duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith." Also repealing an Act approved March 23, 1907, entitled "An Act to amend section sixteen (16) of an Act entitled 'An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith'," approved March 21st, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof. Also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments,

executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith,' approved March 21, 1905," relating to the powers and duties and salaries of the State Building and Loan Commissioners.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 4, Section 3, line 3, of the printed bill, after the word "of" strike out the word "eighteen", and insert in lieu thereof the word "twenty-four".

Amendment adopted.

AMENDMENT No. 2.

On page 4, Section 3, line 3, of the printed bill, after the word "annum", insert the following: "such salaries shall be in full for all services rendered, and neither the commissioner nor the secretary shall receive or accept any fees from any other source for services performed in their official capacity".

Amendment adopted.

AMENDMENT No. 3.

On page 4, Section 3, line 5, of the printed bill, after the word "secretary" insert the following: "incurred while traveling in their line of duties".

Amendment adopted.

AMENDMENT No. 4.

On page 5, of the printed bill, strike out all of Section 4, and insert in lieu thereof the following: "Sec. 4. Before entering upon their duties, the commissioner and the secretary shall each execute an official bond in the penal sum of five thousand dollars, each of which bonds must be guaranteed by a duly authorized surety or bonding company. Any bond executed under this section must be approved by the Governor, and filed and recorded in the office of the Secretary of State, and such commissioner and secretary must take the oath of office as prescribed by the Political Code for state officers in general".

Amendment adopted.

AMENDMENT No. 5.

On page 5, Section 6, line 1, of the printed bill, after the word "person", add the words "or the secretary".

Amendment adopted.

AMENDMENT No. 6.

On page 10, Section 12, line 5, of the printed bill, after the word "requesting", strike out the word "them", and insert in lieu thereof the word "him".

Amendment adopted.

AMENDMENT No. 7.

On page 10, Section 12, line 6, of the printed bill, after the word "do", strike out the word "they", and insert in lieu thereof the word "he".

Amendment adopted.

During second reading of the bill, the following amendments were submitted by Mr. Bohnett:

AMENDMENT No. 1.

On page 14, Section 19, line 10, of the printed bill, strike out the word "commissioner", at the beginning of the line, and insert in lieu thereof the word "commissioners".

Amendment adopted.

AMENDMENT No. 2.

On page 14, Section 19, line 10, of the printed bill, after the word "prescribing", strike out the word "his", and insert in lieu thereof the word "their".

Amendment adopted.

AMENDMENT No. 3.

On page 15, Section 19, line 18, of the printed bill, strike out the word "commissioner", and insert in lieu thereof the word "commissioners".

Amendment adopted.

AMENDMENT No. 4.

On page 15, Section 19, line 26, of the printed bill, strike out the word "commissioner", and insert in lieu thereof the word "commissioners".

Amendment adopted.

AMENDMENT No. 5.

On page 15, Section 19, line 28, of the printed bill, strike out the word "commissioner", at the beginning of the line, and insert in lieu thereof the word "commissioners".

Amendment adopted.

AMENDMENT No. 6.

On page 15, Section 19, line 32, of the printed bill, strike out the word "commissioner", at the end of the line, and insert in lieu thereof the word "commissioners".

Amendment adopted.

AMENDMENT No. 7.

On page 15, Section 19, line 35, of the printed bill, strike out the word "commissioner", and insert in lieu thereof the word "commissioners".

Amendment adopted.

AMENDMENT No. 8.

On page 15, Section 19, line 35, of the printed bill, strike out the word "his" at the end of the line, and insert in lieu thereof the word "their".

Amendment adopted.

AMENDMENT No. 9.

On page 15, Section 19, line 36, of the printed bill, strike out the word "deputies", and insert in lieu thereof the word "secretary".

Amendment adopted.

AMENDMENT No. 10.

On page 15, Section 19, line 37, of the printed bill, after the word "March", strike out the numbers "1, 1909", and insert in lieu thereof the numbers "21, 1905".

Amendment adopted.

AMENDMENT No. 11.

On page 15, of the printed bill, strike out all of Section 20, and insert in lieu thereof the following:
"Sec. 20. This Act shall be known as the Building and Loan Commission Act.
Sec. 21. This Act shall take effect immediately."

Amendment adopted.

AMENDMENT No. 12.

On page 14, Section 19, line 8, of the printed bill, strike out the word "an".

Amendment adopted.

AMENDMENT No. 13.

On page 14, Section 19, line 9, of the printed bill, strike out the word "official", and insert in lieu thereof the word "officials".

Amendment adopted.

AMENDMENT No. 14.

On page 15, Section 19, line 26, of the printed bill, insert after the word "commissioner" the following: "providing for succession in office and repealing all Acts and parts of Acts in conflict herewith".

Amendment adopted.

AMENDMENT No. 15.

On page 1, line 11, of the title in the printed bill, insert after the word "expenses" the following: "of the Bureau of Building and Loan Supervision".

Amendment adopted.

AMENDMENT No. 16.

On page 11, Section 15, line 19, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "fourteen".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 1119—An Act appropriating money to pay the claim of Louis H. Hoin against the State of California

Bill read second time, and ordered on file for third reading

Senate Bill No. 1120—An Act appropriating money to pay the claim of Frank Mattison against the State of California

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1121—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 267—An Act to repeal Section 453i of the Civil Code of the State of California, relating to life, health, accident and annuity or endowment insurance on the assessment plan.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, of the title of the bill, strike out the word "repeal", and insert in lieu thereof the word "amend".

Amendment adopted.

AMENDMENT No. 2.

In Section 1, page 1, line 2, of the printed bill, strike out the word "repealed", and insert in lieu thereof the following: "amended to read as follows".

Amendment adopted.

AMENDMENT No. 3.

On page 1, of the printed bill, strike out all of Section 2, and insert in lieu thereof the following:

SEC. 2. "Sec. 453i. Corporations organized under the laws of any other state or country to transact the business of mutual assessment insurance must, as a condition precedent to transacting business in this State, comply with the provision of Sections 405 and 408 of this Code, and deposit with the Insurance Commissioner of this State a certified copy of its charter or other instrument required by its home authorities: a statement under oath, of its president or secretary, of its business for the preceding year, in such form as may be required by the Insurance Commissioner of this State; an appointment of a general agent, service upon whom binds the corporation; a certificate that for the next preceding twelve months it has paid in full the maximum amount named in its contract of insurance; a certificate from the proper officer of the state or government that like corporations of this State are legally entitled to do business in such state or country, copies of its contracts of insurance and applications, which must show that the liabilities of its members are not limited to fix premiums, and evidence satisfactory to the Insurance Commissioner, that the corporation has accumulated a fund equal to that required of

like corporations in this State, constituting a reserve or surplus fund, held in trust for the benefit of contract-holders, and so invested and held as required by the laws of the state or government under which such corporation was organized. The Insurance Commissioner must thereupon issue a license to such corporation to do business in this State. This license must be renewed annually, and may be revoked whenever it is ascertained that the statements required to be made by this section are not true.

Upon such revocation, notice thereof must be given by the Insurance Commissioner by publication in some newspaper published in the city and county of San Francisco, for two weeks, daily, and no new contract must be made by such company in this State.

When any other state or country imposes any additional license, fees, taxes or penalties upon any corporation organized or doing business under this chapter, like license, fees, taxes or penalties are imposed upon corporations of the same kind and their agents of such state or country doing business in this State.

No life, health, accident and annuity or endowment insurance corporation, company or association organized outside the State of California which issues contracts, the performance of which is contingent upon the payment of assessments or calls made upon its members, shall hereafter be authorized to do business within this State, except such companies or associations as are now authorized to do business within this State, and all assessment life insurance corporations, companies or associations now doing business in this State, or hereafter organized under the laws of this State, shall value their assessment policies or certificates of membership as yearly renewable term policies according to the standard of valuation of life insurance policies prescribed by the laws of this State: *provided, however*, that this Act shall not apply to fraternal beneficiary associations or society."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Senate Bill 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1115—An Act appropriating money to pay the claim of Leo Preisker against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1117—An Act appropriating money to pay the claim of Clio Lloyd against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1118—An Act appropriating money to pay the claim of H. P. Travers against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 44—An Act providing that in the event of no election having been held for the election of officers in the municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 552—An Act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park music and advertising purposes.

Bill read second time, and ordered on file for third reading

Senate Bill No. 454—An Act to amend section twenty-one of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of

taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1127—An Act to add a new section to the Political Code, to be numbered section four thousand one hundred fifty-six *b*, relating to the duties of district attorneys in counties of the first class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure to be known and designated as Section 604, relating to the payment of juror's and reporter's fees in actions other than criminal.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 235—An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 117—An Act to add a new section to Article III, Chapter V, Title II, Part IV, of the Political Code, to be numbered section four thousand one hundred and one *a*, relating to the payment of money into the county treasury.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 631—An Act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 274—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, line 20, of the engrossed bill, strike out everything after the period following the figure "5", and insert in lieu thereof the following:

"If said corporation is to have capital stock, the amount of its capital stock and the number of shares into which it is divided, and the amount actually subscribed and by whom."

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 14, of the engrossed bill, strike out the word "thirty-one", and insert in lieu thereof the following: "thirty".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 13, of the engrossed bill, strike out the first "the", and insert in lieu thereof the following: "subject to the regulations, by-laws or plan prescribed by the organization, society or church, to which it is required by the articles of incorporation that said trustees shall belong, the".

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 15, of the engrossed bill, strike out the period at end of line, and insert in lieu thereof a comma and the following: "also, such other officers as may be provided for by the by-laws of the corporation."

Amendment adopted.

AMENDMENT No. 3.

On page 2, line 18, of the engrossed bill, strike out the semicolon, and insert in lieu thereof a comma, and the following "who shall hold office for the time and under the conditions prescribed in the by-laws of said corporation,"

Amendment adopted.

AMENDMENT No. 4.

On page 2, line 25, of the engrossed bill, strike out the word "thirty-one", and insert in lieu thereof the following: "thirty".

Amendment adopted.

AMENDMENT No. 5.

On page 2, line 50, of the engrossed bill, strike out the word "to", and insert the following: "Subject to the consent and approval of the organization, society or church, to which it is required by the articles of incorporation that said trustees shall belong, to".

Amendment adopted.

AMENDMENT No. 6.

On page 2, line 54, of the engrossed bill, add the following: "Subject to the like conditions, the said trustees may have power to amend all by-laws and ordinances."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Senate Bill No. 15—An Act appropriating money for the erection of buildings on, and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 521—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars, eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 523—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 524—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 525—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1031—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill 1088—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1248—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 407—An Act to provide for the accomplishment of the work of the construction of a breakwater in Monterey Bay as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No. 1084, sixty-first Congress, third session, and making an appropriation for such work.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1125—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 472—An Act to regulate the occupation of barbering, to create a board of examiners for the licensing of persons to carry on such practice, to insure the better education of such practitioners, to provide rules regulating the proper sanitation of barber shops, barber schools and colleges, preventing the spreading of contagious and infect-

ious diseases, thereby insuring to the general public cleaner and better service; and providing penalties for violations thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 774—An Act providing for the time of payment of wages.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1040—An Act adding a new section to the Penal Code, to be known and numbered as Section 367c, prohibiting the charge or taking of any money or gratuity by the superintendent, foreman or other person having charge of two or more men, and providing a penalty.

Bill read second time, and ordered on file for third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 42, 988, 1085, 69, 1400, 281, 1288, 1505, and Senate Bills Nos. 402, 1119, 1120, 1121, 1113, 1114, 1115, 1116, 1117, 1118, 15, 156, 521, 523, 524, 525, 1031, 1086, 1088, 1248, and 407.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 42, 988, 1085, 69, 1400, 281, 1288, 1505, and Senate Bills Nos. 402, 1119, 1120, 1121, 1113, 1114, 1115, 1116, 1117, 1118, 15, 156, 521, 523, 524, 525, 1031, 1086, 1088, 1248, and 407 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 42, 988, 1085, 69, 1400, 281, 1288, 1505, and Senate Bills Nos. 402, 1119, 1120, 1121, 1113, 1114, 1115, 1116, 1117, 1118, 15, 156, 521, 523, 524, 525, 1031, 1086, 1088, 1248, and 407, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 1375—An Act to create a reclamation district to be called "Reclamation District No. 831," and providing for the control and management thereof.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of lines 4 to 36 inclusive, of the printed bill, and insert in lieu thereof the following:

Commencing where the north boundary line of township seventeen (17) north, range three (3) east crosses the west line of drainage district number one of Butte County; thence west to corner of said township seventeen (17); thence south one

(1) mile to the northwest corner of section seven (7), township seventeen (17) north, range three (3) east; thence west four (4) miles to the northwest corner of section nine (9), township seventeen (17) north, range two (2) east; thence south four (4) miles to the northwest corner of section thirty-three (33), township seventeen (17) north, range two (2) east; thence west one half (½) mile to center of north line of section thirty-two (32), township seventeen (17) north, range two (2) east; thence south one (1) mile to the township line; thence east on township line one (1) mile, thence south one and one half (1½) miles to the center of section nine (9), township sixteen (16) north, range two (2) east; thence west to the center of section eight (8) in said township; thence south two and one-half (2½) miles to the quarter (¼) section corner on the north boundary of section twenty-nine (29); thence east on section line two (2) miles; thence south four (4) miles to the quarter (¼) section corner on the north line of section fifteen (15), township fifteen (15) north, range two (2) east, thence west one half (½) mile to the northwest corner of said section; thence south one (1) mile to the northeast corner of section twenty-one (21) in said township and range; thence west on section line one (1) mile; thence south on section line five (5) miles to the southwest corner of section nine (9), township fourteen (14) north, range two (2) east; thence east on section line to west boundary of levee district number one of Sutter County; thence north one (1) mile to the southwest corner of section two (2), township fourteen (14) north, range two (2) east; said point being the southwest corner of levee district number nine of Sutter County. thence north along the west line of said district number nine to the northwest corner of section seven (7); township fifteen (15) north, range three (3) east to a point marking the southwest corner of Reclamation District No. 777; thence northerly along the west line of said District No. 777 to the center of section nineteen (19), township seventeen (17) north, range three (3) east; thence east along north boundary line of said District No. 777 to the west boundary line of drainage district number one of Butte County; thence northerly along said boundary line of said drainage district to the place of beginning

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 24—An Act to provide an appropriation for the crection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1 of the title, of the printed bill, strike out the words "and equipment".

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 1, page 1, of the printed bill, strike out the words and figures, "and seventy thousand (\$70,000)", and insert in lieu thereof the word "thousand".

Amendment adopted.

AMENDMENT No. 3.

In line 1, Section 1, page 1, of the printed bill, strike out the words "and equipping".

Amendment adopted.

AMENDMENT No. 4.

In lines 6 and 7, Section 1, page 1, of the printed bill, strike out the comma and the following words: ", and for grading and improving the grounds of the same."

Amendment adopted.

AMENDMENT No. 5.

In line 7, Section 1, page 1, of the printed bill, strike out the words "and equipment to", and insert in lieu thereof the word "shall".

Amendment adopted.

AMENDMENT No. 6.

In lines 2 and 3, Section 2, page 1, of the printed bill, strike out the words "board of trustees of said State Normal School", and insert in lieu thereof the words: "person or persons authorized by law to receive the same".

Amendment adopted.

AMENDMENT No. 7.

On page 2, of the printed bill, strike out all of Sections 3 and 4, and insert in lieu thereof the following:

"SEC. 3. Of the money hereby appropriated the sum of fifty thousand dollars shall become available on and after the first day of July, 1911, and the sum of fifty thousand dollars shall become available on and after the first day of July, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 65—An Act to provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, of the title, strike out the words "and equipment".

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 1, page 1, of the printed bill, strike out the words and figures "ten thousand (\$10,000.00)", and insert in lieu thereof the words "nine thousand".

Amendment adopted.

AMENDMENT No. 3.

In line 4, Section 1, page 1, of the printed bill, strike out the words "and equipping".

Amendment adopted.

AMENDMENT No. 4.

In lines 2 and 3, Section 2, page 1, of the printed bill, strike out the words "board of trustees of said State Normal School", and insert in lieu thereof "person or persons authorized by law to receive the same".

Amendment adopted.

AMENDMENT No. 5.

Strike out all of Sections 3 and 4, and insert in lieu thereof the following:

"SEC. 3. The money hereby appropriated shall become available after July 1st, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 66—An Act to provide appropriation for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1, of the title, strike out the words "and equipment for", and insert in lieu thereof the word "of".

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 1, page 1, of the printed bill, strike out the words and figures "ten thousand (\$10,000.00)", and insert in lieu thereof the words "nine thousand".

Amendment adopted.

AMENDMENT No. 3.

In line 4, Section 1, page 1, of the printed bill, strike out the words "and equip-
ping".

Amendment adopted.

AMENDMENT No. 4.

In lines 2 and 3, Section 2, page 1. of the printed bill, strike out the words "board
of trustees of said State Normal School", and insert in lieu thereof the words "per-
son or persons authorized by law to receive the same".

Amendment adopted.

AMENDMENT No. 5.

Strike out all of Sections 3 and 4, and insert in lieu thereof the following:

"Sec. 3. This Act shall take effect and be in force from and after the first day
of July, 1911."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third
reading.

Assembly Bill No. 921—An Act to provide an appropriation for the
equipment of an instruction and training building for the use of the
Santa Barbara State Normal School of Manual Arts and Home Eco-
nomics.

During second reading of bill, the following amendments were sub-
mitted by the committee:

AMENDMENT No. 1.

In line 3, Section 1, page 1, of the printed bill, strike out the words and figures
"twenty-five thousand (25,000 00)" and insert in lieu thereof the words "fifteen
thousand".

Amendment adopted.

AMENDMENT No. 2.

Add a new section to said bill, to be numbered Section 3, and to read as follows:

"Sec 3. The money hereby appropriated shall become available on and after
July first, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third
reading.

Assembly Bill No. 922—An Act to provide an appropriation for
grading, terracing, building drives, paths, laying gas, water and sewer
mains, planting and improving the grounds of the Santa Barbara State
Normal School of Manual Arts and Home Economics site.

During second reading of bill, the following amendments were sub-
mitted by the committee:

AMENDMENT No. 1.

In lines 2 and 3, Section 2, page 1, of the printed bill, strike out the words
"board of trustees of said State Normal School", and insert in lieu thereof the
words "officer or officers authorized by law to receive the same".

Amendment adopted.

AMENDMENT No. 2.

Add a new section to said bill, to be numbered Section 3, and to read as follows:
"Sec. 3. This Act shall take effect and be in force from and after its passage."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third
reading.

Assembly Bill No. 923—An Act to provide appropriation for the
equipment of a gymnasium building for the use of the Santa Barbara
State Normal School of Manual Arts and Home Economics.

During second reading of bill, the following amendment was submitted by the committee:

Add a new section to said bill to be numbered Section 3, and to read as follows:
"SEC. 3. This Act shall take effect and be in force from and after July first, 1911."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

During second reading of bill, the following amendment was submitted by the committee:

Add a new section to said bill to be numbered Section 3 and to read as follows:
"SEC. 3. This Act shall take effect and be in force from and after July first, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 24, 64, 65, 66, 921, 922, 923, and 925.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 24, 64, 65, 66, 921, 922, 923, and 925 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 24, 64, 65, 66, 921, 922, 923, and 925, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried.

THIRD READING OF BILLS.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of State of California, relating to water and water rights.

During the consideration of Assembly constitutional amendment, the following amendment was submitted by the committee:

On pages 2 and 3, Section 1, strike out lines 11 to 57, both inclusive, and insert in lieu thereof the following: "other than irrigation districts or lighting districts, and by irrigation districts when such electricity, electrical or other power is for use and

distribution only within their own limits, and as subsidiary to and mainly for the purpose of serving and carrying out irrigation, and by lighting districts when such electricity, electrical or other power is for use and distribution only within their own limits.

Amendment adopted.

Assembly constitutional amendment ordered to reprint, reëngrossment, and on file for adoption.

Assembly Bill No. 1311—An Act to amend an Act entitled “An Act to define and regulate the business of banking,” approved March 1, 1909, by amending Section 121 of said Act in relation to the appointees of the Superintendent of Banks.

During the third reading of the bill, Mr. Benedict moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 5, strike out the word “clerks”, and insert in lieu thereof the word “assistants”.

Also: On page 1, Section 1, line 7, strike out the word “clerks”, and insert in lieu thereof the word “assistants”.

Also: On page 1, Section 1, line 10, strike out the word “clerks”, and insert in lieu thereof the words “chief deputy assistants”.

Also: On page 2, Section 1, lines 16 and 17, strike out the words “and his compensation shall be four thousand dollars per annum”.

Motion carried.

The Speaker appointed Mr. Benedict as such committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1311, with instructions, do now report that the instructions of the Assembly have been carried out.

BENEDICT, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 231—An Act authorizing and directing the construction of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor—with Senate Bill No. 226.

Also: Assembly Bill No. 232—An Act authorizing and directing the construction of one cottage for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor—with Senate Bill No. 227.

And report that the same are not identical.

RANDALL, Chairman.

Senate Bills Nos. 226 and 227 referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills.

Assembly Bill No. 1190—An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission

to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the appointment of such commission, their terms of office, and of elections to be held in such districts.

Assembly Bill No. 1557—An Act to amend Section 4250 of the Political Code of the State of California, relating to fees and salaries and fees of officers in counties of the twenty-first class.

Assembly Bill No. 968—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Assembly Bill No. 1406—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed," approved March 23, 1907.

Assembly Bill No. 1122—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Assembly Bill No. 377—An Act to amend Sections 626, 626a, 626d, 626f, 626j, and 626m of the Penal Code of the State of California, relating to the protection of fish and game and adding a new section thereto to be known and numbered as Section 626p.

Assembly Bill No. 737—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

And report that the same have been correctly engrossed.

RANDALL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Concurrent Resolution No. 15—Approving charter of the city of Santa Cruz, county of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 31st day of January, 1911.

Assembly Bill No. 409—An Act to amend section nine hundred of the Code of Civil Procedure of California, relating to the recording in the recorder's office of abstracts of judgments rendered in the justices' courts.

Assembly Bill No. 972—An Act to amend Section 6321 of the Penal Code of the State of California, relating to the protection and preservation of fish.

Assembly Concurrent Resolution No. 20—Approving the charter of the city of Pomona, county of Los Angeles, State of California, and the alternative proposition submitted therewith, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 16th day of February, 1911.

Assembly Bill No 1067—An Act to amend section one of an Act entitled "An Act to enable municipal corporations of the sixth class to elect officers," approved March 14, 1885.

Assembly Bill No. 991—An Act to amend Sections 1908, 1925, 1932, 1980, 1985, 2008, 2011, 2078, 2079, 2080, 2085 and 2112, of the Political Code of the State of California, and to add two new sections to said code to be known as Section 1932½ and 1934½, all relating to the organization, equipment, maintenance, and government of the National Guard of the State of California.

Assembly Bill No. 663—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

And were presented to the Governor, March 9th, at three o'clock P. M.

RANDALL, Chairman.

MOTION.

Mr. Fitzgerald moved that the notice of motion to reconsider the vote whereby Assembly Bill No. 682 was passed, be continued until Monday, March 13, 1911.

Motion lost.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 1193—An Act to add a new section to the Political Code of the State of California, to be designated and numbered three hundred and thirty-one, relating to the appointment to office of relatives by state officers and judges; and fixing the penalty for making such appointments.

During the third reading of the bill, Mr. Brown moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 1, strike out the word "Political", and insert in lieu thereof the word "Penal".

Also: On page 1, Section 1, line 6, strike out the comma after the word "judge", and insert a comma after the word "to", in line 6, Section 1.

Also: On page 1, Section 1, line 7, strike out the word "in", and insert the word "in" after the word "employed" in line 7, Section 1.

Motion carried.

The Speaker appointed Mr. Brown as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1193, with instructions, do now report that the instructions of the Assembly have been carried out.

BROWN, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade.

During the third reading of the bill Mr. Kehoe moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 6, of the printed bill, strike out "common carrier", and insert in lieu thereof "railroad".

Also In lines 7 and 8, of the printed bill, strike out "employee is obligated to permit his employee".

Also In line 9, of the printed bill, strike out the word "servants", and insert between the words "his" and "wages", in said line 9, "servants".

Motion carried.

The Speaker appointed Mr. Kehoe as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER. Your select committee of one, to whom was referred Assembly Bill No. 51, with instructions, do now report that the instructions of the Assembly have been carried out.

KEHOE, Select Committee

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

MOTION.

Mr. Brown moved that the Assembly adjourn until ten o'clock of Friday, March 10, 1911.

Motion lost.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

During the third reading of the bill Mr. Hamilton moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of Section 1 in the printed bill and insert in lieu thereof the following:

SECTION 1. Small fresh fruits when sold in original containers shall be labeled or marked with the true net weight of the contents, *provided*, that this section shall not apply to fresh berries of any variety, which are by custom sold or offered for sale in veneer berry baskets

Also: Strike out all of Section 4, of the printed bill, and insert in lieu thereof the following:

"SEC. 4. All containers used for the sale of milk or cream, shall be of a net capacity of a standard gallon, or multiple thereof, one half gallon, three pints, one quart, one pint, one half pint or one gill, and shall have marked plainly upon said container the true net capacity; provided however, that evaporated, condensed or malt milk or cream may be sold by standard weight when the container thereof expresses the true net weight of the contents"

Also: On page 3, Section 10, line 2, of the printed bill, after the word "nature", insert the following: "except vegetables sold by the head or bunch, and".

Motion carried.

The Speaker appointed Mr. Hamilton as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1331, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMILTON, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint with a rush order, to reëngrossment, and on file for passage.

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

During the consideration of bill, the following amendment was submitted:

On page 2, Section 3, line 34, of the reengrossed bill, after the semicolon, strike out the balance of the line and all of lines 35, 36, and 37, and insert in lieu thereof the following: "and in any prosecution under this sub-section it shall be *prima facie*

evidence that the defendant has taken proper and reasonable precautions to prevent the escape of such fire, when he shall show that he has received such a permit and has complied with all the rules and regulations therein prescribed."

Amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 466—An Act to regulate the organization of fraternal insurance associations.

During the third reading of the bill Mr. Hamilton moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 3, line 4, strike out the figures (\$4,500), and insert in lieu thereof \$7,500.

Motion carried.

The Speaker appointed Mr. Hamilton as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 466, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMILTON, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint with a rush order, to reëngrossment, and on file for passage.

MOTION.

Mr. Ryan moved that the Assembly adjourn until ten o'clock A. M., Friday, March 10, 1911.

Motion lost.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Bill passed to foot of file.

Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer system of the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 153—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds.

Bill passed on file, in absence of author, retaining its place.

Committee Substitute for Assembly Bill No. 998—An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

Bill passed on file.

Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors relating to roads.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1307 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cunningham, Feeley, Flint, Freeman, Gaylord, Guill, Hamilton, Held, Jasper, Jones, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Telfer, Tibbits, Walsh, and Mr. Speaker—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF BILL—(OUT OF ORDER).

Mr. Slater asked for unanimous consent to have Assembly Bill No. 172 taken up for final passage.

Objection was raised.

A vote was taken and request granted.

Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano of the city of Sonoma, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 172 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cunningham, Feeley, Flint, Freeman, Gaylord, Guill, Hamilton, Hayes, Jones, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mullally, Polsley, Randall, Rimlinger, Rogers of

Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Telfer, Tibbits, Walsh, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RULES SUSPENDED.

Mr. McDonald moved that the rules be suspended, and that Assembly Bill No. 1293 be taken up for final passage.

The question being on the suspension of the rules.

The roll was called and the rules suspended by the following vote:

AYES—Messrs. Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Cronin, Cunningham, Feeley, Flint, Freeman, Gaylord, Guill, Hamilton, Hayes, Jasper, Jones, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mullally, Randall, Rimlinger, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Telfer, Tibbits, Walsh, and Mr. Speaker—35.

NOES—Messrs. Benedict, Bohnett, Clark, Judson, Kehoe, Mendenhall, and Polsley—7.

Assembly Bill No. 1293—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1293 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Cunningham, Feeley, Freeman, Gaylord, Guill, Hayes, Held, Jasper, Jones, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mullally, Polsley, Randall, Rimlinger, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Telfer, Walsh, Wilson, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION.

Mr. Cattell moved that the Assembly adjourn until ten o'clock of Friday, March 10, 1911.

Motion lost.

RULES SUSPENDED.

Mr. Held moved that the rules be suspended, and that Assembly Bill No. 1538 be taken up for final passage.

The question being on the suspension of the rules.

The roll was called and the rules suspended by the following vote:

AYES—Messrs. Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Cronin, Feeley, Flint, Gaylord, Guill, Held, Jasper, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mullally, Polsley, Randall, Rimlinger, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, and Mr. Speaker—30.

NOES—Messrs. Benedict, Bishop, Bohnett, Judson, Rosendale, and Schmitt—6.

Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to prevent the taking of fish by means of weirs, dams, nets, traps or seines in certain tide water on the coast of Mendocino County," approved March 25, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1538 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Clark, Cronin, Cunningham, Feeley, Flint, Freeman, Gaylord, Guill, Held, Jasper, Jones, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Telfer, Tibbits, Walsh, Wilson, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Mr. Schmitt moved that the rules be suspended, and that the Assembly take up second reading of code bills.

The question being on the suspension of the rules.

The roll was called and the motion lost by the following vote:

AYES—Messrs. Benedict, Bliss, Callaghan, Cronin, Feeley, Flint, Freeman, Gaylord, Held, Jones, Lyon of Los Angeles, Lyon of San Francisco, McDonald, Polsley, Preisker, Randall, Rimlinger, Sbragia, Schmitt, and Mr. Speaker—20.

NOES—Messrs Bohnett, Cattell, Clark, Maher, Mullally, Rutherford, Ryan, Smith, Stevenot, Walsh, and Wilson—11.

ADJOURNMENT.

At ten o'clock and ten minutes P. M., on motion of Mr. Butler, the Assembly was declared adjourned until ten o'clock A. M. of Friday, March 10, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Friday, March 10, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—73.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Bohnett, its further reading was dispensed with.

CREDENTIAL OF MEMBER OF THE PRESS.

The following credential of member of the press was received, and ordered printed in the Journal:

OAK PARK, CAL., March 10, 1911.

This is to certify that Mr. E. B. Willis is authorized to represent the Oak Park Ledger during this session of the Legislature.

E. P. WILLIS,
Proprietor Oak Park Ledger.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1003—An Act to amend the Political Code of California, by amending Subdivisions 1, 7, 12, 13, 13a, and 14, of Section 4287, Article XXXVIII thereof, relating to salaries and fees of officers of counties of the thirty-eighth class—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ROGERS, of Alameda, Chairman.

The above reported bill ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Committee Substitute for Senate Bill No. 1010—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor, and fixing a license fee—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

CALLAGHAN, Chairman.

The above reported bill ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Assembly Bill No. 948—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof.

Also: Assembly Bill No. 1001—An Act to amend Section 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof: and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907, and April 21, 1909.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HINSHAW, Chairman.

The above reported bills ordered on file for second reading.

ON AGRICULTURE, FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Assembly Joint Resolution No. 16—Relative to the maintenance of strict governmental supervision of shipments of alfalfa seed into this State, to the end that harmful seeds shall be excluded, and the extermination of the alfalfa

weevil and insect pests, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

JUDSON, Chairman.

The above reported Assembly joint resolution ordered on file for adoption.

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 1148—An Act to provide for the payment of judgments against school districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations beg leave to report the following temporary rule and recommend its adoption.

Resolved. That there shall be prepared each day by the file clerk, a special urgency file on which each member of the Assembly shall be permitted to place one bill.

Before six o'clock P. M. of each day each member desiring to place a bill on the special urgency file for the succeeding day shall give to the file clerk the number of the bill he desires placed on the special urgency file together with the number of the same on the file for that day.

The bills shall then be arranged on the special urgency file in the alphabetical order in which the names of the parties placing them on the file appear.

Such file shall be considered at least once each day, commencing on Saturday, March 11, 1911. Such file shall be considered before the general third-reading file if that order of business is reached in the morning, and if it is not, then immediately following the consideration of the Senate bills. In the event that the entire file is not completed, the consideration of the same shall be commenced on each succeeding day at the place it was discontinued.

During the consideration of such special urgency file no bill shall be considered if objection thereto has been made by at least seven members of the Assembly. But if the bill is thus objected to by seven members, the member who has placed such bill upon the file shall have the right to call up another bill in its place under the same regulation as to objections. Any bill that appears on such special urgency file which shall be passed or objected to shall be returned to its former place on the Assembly file.

During the consideration of such special urgency file no other business shall be in order except by unanimous consent.

Mr. Preisker moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Cunningham, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Tibbits, Wilson, Wyllie, and Mr. Speaker—54.

NOES—None.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 8, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the President of the Senate on this day appointed Senators Tyrrell, Cutten, and Curtin as a Committee of Conference to meet with your Committee of Conference to consider the Assembly amendment, from which you refused to recede, to Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day appointed Senators Tyrrell, Cutten, and Curtin as a Committee on Free Conference to meet a similar committee from your honorable body to consider the Assembly amendments to Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," approved March 31, 1891, said amendment relating to elections in such sanitary districts—and we respectfully request your honorable body to concur in the Senate amendments to said bill.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 989?"

In Section 2, line 45, strike out the word "printed".

Also: In Section 2, line 47, strike out the word "printed", and insert in lieu thereof the following: "great".

The roll was called, and Senate amendments to Assembly Bill No. 989 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Tibbits, Williams, Wyllie, and Mr. Speaker—49.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 829—An Act prohibiting the unnecessary wasting of natural gas into the atmosphere; providing for the capping or otherwise closing of wells from which natural gas flows; and providing penalties for violating the provisions of this Act.

Also: Assembly Bill No. 623—An Act to amend section two hundred and seventy-four (a) of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the Superior Court.

Also: Assembly Bill No. 43—An Act to protect the lives and property of the patrons of all public hotels, lodging and rooming houses in the State of California.

Also: Assembly Bill No. 470—An Act to amend section fourteen hundred sixty-nine of the Code of Civil Procedure relating to the administration and setting apart of estates which do not exceed fifteen hundred dollars in value.

Also: Assembly Bill No. 537—An Act to amend section six hundred forty-seven of the Penal Code of the State of California, relating to vagrants.

Also: Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School.

Also: Assembly Bill No. 166—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the State Normal School building at Los Angeles.

Also: Assembly Bill No. 330—An Act making an appropriation to pay the claim of Marin County against the State of California.

Also: Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California.

Also: Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Also: Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California, relating to copy of decree to be filed.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 49—An Act to amend Section 249 of the Penal Code of the State of California, relating to the punishment of libel and slander.

Also: Senate Bill No. 1175—An Act to amend Sections 637 and 638 of the Civil Code, relating to building and loan associations.

Also: Senate Bill No. 1032—An Act to amend the Penal Code of the State of California, by adding thereto a new section to be numbered 515, relating to punishment for the crime of embezzlement.

Also: Senate Bill No. 987—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities", approved March 6, 1909.

Also: Senate Bill No. 1217—An Act to amend Sections 2, 7, 13, 35 and 53 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said Act certain sections to be numbered Sections 54 and 55, relating to proceedings to effect local improvements, and to repeal Section 20 of said Act.

Also: Senate Bill No. 1176—An Act to amend Section 648a of the Civil Code, relative to building and loan associations.

Also: Senate Bill No. 1173—An Act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith.

Also: Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 1037—An Act appropriating money to pay the claim of Francisco Silva Brun against the State of California.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 996—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 49 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1175 read first time, and referred to Committee on Building and Loan Associations.

Senate Bill No. 1032 read first time, and referred to Committee on Judiciary.

Senate Bill No. 987 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 1217 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 1176 read first time, and referred to Committee on Building and Loan Associations.

Senate Bill No. 1173 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 648 read first time, and referred to Committee on Agriculture, Fruit and Vine Interests.

Senate Bill No. 1037 read first time, and referred to Committee on Claims.

Senate Bill No. 996 read first time, and referred to Committee on Banks and Banking.

UNFINISHED BUSINESS.

Senate Bill No. 785—An Act to amend Section 607e of the Civil Code of the State of California, relating to fines imposed in penal actions affecting children or animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 785 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cunningham, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Schmitt, Smith, Stevenot, Tibbits, Wilson, Young, and Mr. Speaker—48

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 696—An Act to amend section one of an Act entitled "An Act amending an Act making an appropriation for the establishment of a permanent fund for the purchase of jute to be manufactured at the state prison at San Quentin, approved March 9, 1885," approved March 16, 1889, and to provide for the disposition and use of the surplus money received from the sale of jute goods and not needed for the "revolving fund" provided for in said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 696 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Clark, Cogswell, Cunningham, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Smith, Stevenot, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF BILLS.

Assembly Bill No. 167—An Act making an appropriation for the equipment, support and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 167 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—54

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 737—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Bill passed on file.

Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer system of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant at the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 153—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 725—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Bill passed on file.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Bill passed on file.

Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds

Bill passed on file.

Committee Substitute for Assembly Bill No. 998—An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

During the third reading of the bill Mr. Hinkle moved that the Speaker appoint a select committee of one to amend the bill as follows:

SEC. 3. No grant, conveyance or transfer of any character shall ever be made by the city of San Diego of the lands described in paragraph one, or of any part thereof, but the said city shall continue to hold said lands and the whole thereof unless the same revert or be ceded to the State of California. The harbor of San Diego shall remain always a public harbor and the said city shall never charge or permit to be charged on any of the premises by this Act conveyed any unreasonable rate or toll, nor make nor suffer to be made any unreasonable charge, burden or discrimination. In the event of a violation of any of the provisions of this Act the said lands and the whole thereof shall revert to the State of California.

Motion carried.

The Speaker appointed Mr. Hinkle as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Committee Substitute for Assembly Bill No. 998, with instructions, do now report that the instructions of the Assembly have been carried out.

HINKLE, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1190—An Act to amend section number twelve of an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards and defining the term boulevard," approved March 22, 1905, and amended April 15, 1909, the amendment relating to the definition of the term "boulevard."

Bill passed on file.

Assembly Bill No. 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors respecting roads.

Bill passed to foot of file.

Assembly Bill No. 1297—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages.

Bill passed on file.

Assembly Concurrent Resolution No. 21—Relative to adjournment *sine die*.

Assembly concurrent resolution passed on file.

Assembly Bill No. 191—An Act to amend section six hundred and thirty-seven *a* of an Act entitled "An Act to amend section six hundred and thirty-seven *a* of the Penal Code of California and to add thereto three new sections to be numbered six hundred and thirty-seven *f*, six hundred and thirty-seven *d*, and six hundred and thirty-seven *e*, all relating to protection of wild birds other than game birds and their nests and eggs, approved April 16, 1909.

Bill passed on file.

Assembly Bill No. 1349—An Act providing for the conveyance by quitclaim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1349 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Cunningham, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Guil, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Wilson, Wyllie, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1059—An Act to amend the Civil Code of the State of California by adding thereto a new section, to be numbered and known as Section 405*a*, relating to agents of foreign corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1059 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Cattell, Clark, Cogswell, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 884—An Act to amend an Act entitled “An Act to define and regulate the business of banking,” approved March 1, 1909, by amending Section 21, of Article I thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 884 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Clark, Cogswell, Cronin, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 951—An Act to amend an Act entitled “An Act to define and regulate the business of banking,” approved March 1, 1909, by amending sections forty-six, sixty-one and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

Bill passed on file.

Assembly Bill No. 953—An Act to amend an Act entitled “An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town,” approved March 3, 1909, by amending Section 1 thereof.

Bill passed on file.

Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State, power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1150 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumluger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenor, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and eradication of thrip and similar diseases infesting the horticultural industry of Santa Clara and adjoining counties.

Mr. Telfer moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 779 considered.

Mr. Telfer moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bill No. 779, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman

Mr. Telfer moved the adoption of the report.

Motion carried.

Bill considered engrossed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 779 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Clark, Cogswell, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1343 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cunningham, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Hinkle, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 679—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated

butter, and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 1286—An Act to add a new section to the Penal Code of the State of California to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

On motion of Mr. Jones, bill made a special order for eleven o'clock A. M. of Saturday, March 11, 1911.

Assembly Bill No. 1118—An Act giving and granting to the city of San Diego the right to grant to the State of California certain lands in Balboa Park for the use of a state agricultural college and forestry school in San Diego, California.

On motion of Mr. Hinkle, bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 1491—An Act to add to the Political Code a new section to be numbered 1874*b*, relating to the publishing, printing and distributing of school text-books.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1491 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Callaghan, Chandler, Clark, Cogswell, Cronin, Denegri, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—55.

NOES—Mr. Rodgers of San Francisco—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1200—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 2522*a* thereof, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1200 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmutt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1095—An Act to amend an Act entitled “An Act to provide for health and development supervision in the public schools of California,” approved April 15, 1909, by adding thereto a new section relating to the duties of teachers in schools where no examining staff is employed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1095 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Callaghan, Cattell, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Guill, Hamilton, Held, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Maher, Malone, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Shragia, Slater, Smith, Stevenot, Tibbitts, Walsh, Wylie, Young, and Mr. Speaker—46.

NOES—Messrs. Bishop, and Lyon of Los Angeles—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops and bakeries and for the issuance of licenses for such business and for the sanitary conditions of bakeshops and bakeries.

During the third reading of the bill Mr. Freeman moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 2, strike out the words “thirty days”, and insert in lieu thereof the following “six months”.

Also: On page 2, Section 2, line 4, strike out the word “baker”, and insert in lieu thereof the following: “man”.

Also: On page 2, Section 3, line 1, after the word “after”, insert the following “three months from”.

Motion carried.

The Speaker appointed Mr. Freeman as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 8, with instructions, do now report that the instructions of the Assembly have been carried out.

FREEMAN, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 511—An Act adding three new sections to an Act entitled “An Act to provide for the organization, incorporation and government of municipal corporations,” approved March 13, 1883, to be numbered 10, 11, and 12, and relating to the government of municipal corporations and providing for the recall, initiative and referendum.

Bill passed on file.

Assembly Bill No. 1295—An Act to amend Section 4273 of the Political Code of the State of California, relating to the salaries and fees of the county officers of the forty-fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1295 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Cunningham, Denegri, Flint, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Polsley, Randall, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Stevenot, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of such hotel.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 490 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Butler, Callaghan, Clark, Coghlan, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Griffin of Modesto, Hayes, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—41.

NOES—Messrs. Cogswell, Gaylord, Guill, Hinshaw, Lyon of Los Angeles, Schmitt, and Stevenot—7.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 866—An Act to establish a state agricultural college and forestry school at San Diego, California.

Bill passed on file.

Assembly Bill No. 1086—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1086 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Tibbits, Williams, Wyllie, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 186—An Act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one, and sixteen hundred and sixty-five of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 186 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Gaylord, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—55

NOES—Mr. Schmitt—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1541—An Act to repeal an Act entitled “An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies,” approved March 8, 1901.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1541 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cronin, Crosby, Freeman, Gaylord, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—53.

NOES—Messrs. Cunningham and Feeley—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1168—An Act to add a new section to the Penal Code of the State of California, to be numbered 382a, forbidding the advertisement of any misbranded, mislabeled or adulterated food, liquor, drug, medicine or remedy.

Bill passed on file.

Assembly Bill 1169—An Act to add a new section to the Penal Code of the State of California, to be numbered 382b, forbidding the publication, circulation or distribution of advertisements of any food, liquor, drug, medicine, or remedy, which advertisements shall be false or misleading.

Bill passed on file.

Assembly Bill No. 1046—An Act to regulate the loading and unloading of vessels.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1046 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Coghlan, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Gaylord, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 927—An Act to amend Section 1729 of the Political Code of the State of California, relating to the annexation, consolidation and merger of union high school districts of an incorporated city or town.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 927 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Chandler, Clark, Cogswell, Crosby, Denegri, Feeley, Flint, Freeman, Gaylord, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mullally, Nolan, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Smith, Stevenot, Tibbits, Walsh, Williams, and Mr. Speaker—48.

NOES—Mr. Kehoe—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Bill passed on file.

Assembly Bill No. 1471—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1471 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Callaghan, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Griffiths, Guill, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1319—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, and to repeal Section 975 thereof, both relating to appeals from judgment of justices' or police courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1319 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Crosby, Denegri, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Guill, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Shragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1322—An Act to repeal Section 980 of the Code of Civil Procedure of the State of California, relating to powers of Superior Court on appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1322 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Cogswell, Cronin, Crosby, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Griffiths, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Shragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1323—An Act to amend Section 92 of the Code of Civil Procedure of the State of California, relating to certificates, transcripts, and other papers in cases certified to the Superior Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1323 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Shragia, Smith, Stevenot, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned as public streets or highways.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 791 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Feeley, Fitzgerald, Gaylord, Griffin of Modesto, Griffiths, Guill, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Shragia, Slater, Smith, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1098—An Act defining and relating to wage-workers; regulating assignments of wages and salaries as securities for loans; and fixing a maximum rate of interest for loans upon wages and salaries, and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1098 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Telfer, Tibbits, Williams, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 915—An Act to repeal Section 375a of the Penal Code relating to crimes against public health and safety.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 915 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1320—An Act to amend Section 976 of the Code of Civil Procedure of the State of California, relating to appeals to Superior Courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1320 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Crosby, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

On motion of Mr. Hamilton, bill recalled from printer, for purpose of amendment.

Assembly Bill No. 1321—An Act to amend Section 977 of the Code of Civil Procedure of the State of California, relating to the transmission of papers to appellate courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1321 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

During the third reading of the bill, Mr. Hamilton moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, Section 10, line 4, of amended bill, before the word "shall", insert the following: "when sold by weight".

Also: On page 3, Section 11, line 5, of amended bill, between the words "fruits" and "sold", insert the following: "when".

Motion carried.

The Speaker appointed Mr. Hamilton as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1331, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMILTON. Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1327—An Act to amend Section 1498 of the Code of Civil Procedure, relating to the rejection of claims against estates of deceased persons, notice thereof, and actions and proceedings on rejected claims.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1327 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mott, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Walsh, Williams, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

LEAVES OF ABSENCE

On motion, Messrs Stevenot, Gerdes, and Joel were granted leave of absence until Monday, March 13, 1911.

SPECIAL ORDER

The hour of two o'clock P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

The question being the motion of Mr. Butler to reconsider the vote whereby Committee Substitute for Senate Bill No 261 was on yesterday amended.

TIME FOR DEBATE EXTENDED.

During the debate, on motion of Mr. Coghlan, Mr. Jasper was granted an additional two minutes in which to complete his debate.

During the debate, on motion of Mr. Coghlan, Mr. Mott was granted an additional two minutes in which to complete his debate.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Butler moved a call of the House.

Motion carried.

Time, three o'clock P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisler, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragin, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—60.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Young, Beckett, and Farwell were brought before the bar of the House and excused.

Mr. Jasper moved that further proceedings under the call of the House be dispensed with.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and forty-five minutes P. M., Mr. Lyon of Los Angeles moved that further proceedings under the call of the House be dispensed with.

Roll call regularly demanded.

The roll was called and motion carried by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—Messrs. Cunningham, Denegri, Feeley, Kennedy, Ryan, and Williams—6.

The roll of absentees was called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Farwell, Fitzgerald, Freeman, Guill, Hayes, Held, Hinkle, Jones, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Malone, McDonald, Mendenhall, Mott, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Smith, Williams, Wyllie, Young, and Mr. Speaker—36.

NOES—Messrs. Bennink, Bliss, Coghlan, Cronin, Cunningham, Denegri, Feeley, Flint, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Hinshaw, Jasper, Judson, Lynch, Lyon of San Francisco, Maher, McGowen, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walsh, and Wilson—33.

SPECIAL ORDER SET.

On motion of Mr. Lyon of Los Angeles, the consideration of Committee Substitute for Senate Bill No. 261 was made a special order for Monday, March 13, 1911, at two o'clock P. M.

RECONSIDERATION.

In accordance with his notice given on previous day, Mr. Smith moved that the vote whereby the report of the Committee on Attachés and Employés was passed, be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beckett, Bishop, Bliss, Butler, Callaghan, Cattell, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Hamilton, Hinkle, Jones, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Schmitt, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—47.

NOES—Messrs. Bennink, Brown, Guill, Held, Judson, and Polsley—6.

Mr. Bliss moved that the Committee on Attachés and Employés be permitted to withdraw the report.

Motion carried.

Report withdrawn.

THIRD READING OF BILLS.

Assembly Bill No. 1395—An Act to amend the Penal Code by adding a new section thereto to be known as section six hundred fifty-three c, relating to wages of employés.

Mr. Preisker moved that the bill be re-referred to Committee on Judiciary.

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Telfer moved a call of the House.

Motion carried.

Time, four o'clock and five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Nolan, Polesley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—67.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and ten minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Telfer.

The roll of absentees was called, and Assembly Bill No. 1395 passed by the following vote:

AYES—Messrs. Beckett, Bishop, Bohnett, Brown, Callaghan, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Hayes, Held, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mullally, Nolan, Polesley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Smith, Stevenot, Telfer, Walsh, Williams, Wilson, and Mr. Speaker—44.

NOES—Messrs. Bennink, Bliss, Butler, Cattell, Chandler, Cogswell, Farwell, Flint, Freeman, Guill, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lyon of Los Angeles, Mott, Preisker, Randall, Slater, Tibbits, Wyllie, and Young—24.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1058—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1058 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mott, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 168—An Act declaring it to be a felony to make false statements regarding the financial condition or liabilities of any person seeking credit, for the purpose of obtaining the same.

During the consideration of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 2, of the amended bill, after the word "and", insert the word "to".

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 13, of the amended bill, strike out the semicolon and insert in lieu thereof a comma and the following: "and procures upon the faith thereof, either for the benefit of himself, or such person, firm or corporation, either or any of the things of benefit before mentioned:".

Amendment adopted.

AMENDMENT No. 3

Strike out all of lines 30, 31, 32, of the amended bill, and insert in lieu thereof, after the semicolon at end of line 29, the following: "is punishable in the same manner and to the same extent as for larceny of the money or property so obtained."

Amendment adopted.

Bill ordered to reprint with a rush order, to reëngrossment, and on file for passage.

Assembly Bill No. 1309—An Act to repeal an Act entitled "An Act to create the office of attorney for the State Board of Health and the board of health of the city and county of San Francisco," approved March 31, 1891.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1309 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Clark, Cogswell, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Sbragia, Slater, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—Messrs. Maher and Roseudale—2

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1310—An Act to amend Sections 2521, 2522, and 2552 of the Political Code, relating to the officers appointed by the State Harbor Commission of the Port of San Francisco and their duties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1310 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Farwell, Feeley, Fitzgerald, Freeman, Griffin of Modesto, Guill, Hamilton, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendalc, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 544—An Act making an appropriation to pay the claim of George W. Bush against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 544 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Roseendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Williams, Wilson, Young, and Mr. Speaker—57.

NOES—Mr. Wyllie—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to the use of slot machines.

Bill passed temporarily on file.

Assembly Bill No. 1290—An Act to add a new section to the Penal Code, to be known as Section 309a, relating to and prohibiting minors under sixteen years of age from being allowed to play on any billiard or pool table kept for hire or profit, and further relating to prohibiting such minors from visiting a place where a billiard or pool table is kept for such purposes, and prescribing the penalty therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1290 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Roseendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

TITLE AMENDED.

The following amendment to the title was offered by Mr. Guill:

On line 3, of the title, strike out the word "sixteen", and insert in lieu thereof the word "eighteen".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911

MR. SPEAKER. Your Committee on Engrossment and Enrollment have examined the following:

Assembly Bill No. 467—An Act to regulate the use of transfers issued by street railroad companies in cities, cities and counties and towns of this State.

Assembly Bill No. 714—An Act to provide for the work of exterminating and

preventing the multiplication of anopheles and other species of mosquitoes, for the assessment of the cost and expense of such work upon the lands in the district benefited thereby, and for the condemnation of lands and property necessary for the purpose.

Assembly Bill No. 912—An Act to amend Section 499a of the Penal Code of California, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

Assembly Bill No. 1133—An Act to amend Section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class.

Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities, withdrawing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

Assembly Bill No. 1475—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Assembly Bill No. 1284—An Act to amend Section 4216 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Assembly Bill No. 1334—An Act to regulate the employment of females in public places.

Assembly Bill No. 361—An Act fixing the salaries of the judges of the Superior Court of the State of California, in and for the county of Kern, and providing for the payment thereof.

Assembly Bill No. 1476—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Assembly Bill No. 1373—An Act to add two new sections to the Penal Code of the State of California, to be numbered Sections 626p and 626q.

Assembly Bill No. 252—An Act to amend Section 261 of the Penal Code of the State of California, relating to the crime of rape.

Assembly Bill No. 1341—An Act to amend Section 3570 of the Political Code, relating to the abandonment or relinquishment of state lands embraced in certificates of purchase, by conveyance of title, by the owner of the lands, to the State of California.

Assembly Bill No. 828—An Act to amend section 3493m of the Political Code, relating to land uncovered by the recession or drainage of the waters of inland lakes.

Assembly Bill No. 1492—An Act to add a new section to the Penal Code of the State of California to be known and numbered as Section 628f, relating to gathering clams, and prescribing a penalty for gathering clams under a certain size, or having more than a certain number in one's possession.

Assembly Constitutional Amendment No. 39—A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the Constitution of the State of California, to confer upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 1329—An Act to add six new sections to the Political Code of the State of California, relating to weights and measures—and report that the same has been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and eradication of thrip and similar diseases infesting the horticultural industry of Santa Clara and adjoining counties.

Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Assembly Bill No. 1482—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals.

Assembly Bill No. 1166—An Act to provide for the licensing and regulation of hospitals and special hospital nurses in the State of California.

Assembly Bill No. 1521—An Act authorizing the Governor to appoint a commission to investigate and report concerning the adoption of a system of old age insurance and pensions and making an appropriation therefor.

Assembly Bill No. 1404—An Act to amend section eight hundred and sixty-eight of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs and constables of counties other than the one in which said justice's court may be situated.

Assembly Bill No. 471—An Act to amend the Political Code by amending Section 1032 thereof, relating to records open to public inspection; exceptions in attachment.

Assembly Bill No. 1287—An Act to authorize the State of California to convey to the county of Sacramento the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of section 17, said point being the northwest corner of the property deeded to the Board of Supervisors of Sacramento County by James Lausing on April 8, 1869, and recorded in Book 51 of Deeds, page 633 on file in the office of the county recorder of Sacramento County, and described as "the west 17 chains of the east 22 chains of the north $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M., and running thence from said point of beginning south 224.6 feet; thence S. 40° 56' W. 201.6 feet, thence S. 89° 22' W. 327.3 feet to the east line of the Wright & Kimbrough Subdivision No. 14; thence north 380.5 feet along said east line to the northeast corner of said subdivision on the north line of section 17, thence east 464.2 feet along said section line to the place of beginning, containing 3.78 acres. All the above described property lying in section 17, T. 8 N., R. 5 E., M. D. B. & M., and in Sacramento County, California; in consideration of the county of Sacramento conveying to the State of California the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the property line between the County Hospital grounds and the Elmhurst Subdivision, said point being in section 17, T. 8 N., R. 5 E., M. D. B. & M., distant S. 0° 27' W. 215.7 feet from the north line of said section 17 at a distance of 330 feet west from the northeast corner thereof and running thence N. 71° 06' W. 621.2 feet, thence S. 89° 22' W. 178.8 feet; thence S. 84° 52' W. 54.7 feet; thence S. 80° 56' W. 67.3 feet, thence S. 73° 08' W. 56.3 feet, thence S. 66° 43' W. 64 feet; thence S. 57° 52' W. 42.6 feet; thence S. 55° 29' W. 69.7 feet, thence S. 49° 37' W. 119.7 feet; thence S. 40° 56' W. 15.6 feet to the property line between the County Hospital property and the property of the State Agricultural Society at a distance of 224.6 feet south along said property line from the northwest corner of the tract of land deeded by James Lausing to the Board of Supervisors of Sacramento County on April 8, 1869, and recorded in Book 51 of Deeds, page 633 on file in the office of the county recorder of Sacramento County, and described as "the west 17 chains of the east 22 chains of the north $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M.," thence south 458 feet along the west line of said tract to the southwest corner thereof, thence east 1183 feet along the south line of said tract to the southeast corner thereof; thence north 467 feet along the east line of said tract to the point of beginning, containing 16.12 acres. All the above described land lying in section 17, T. 8 N., R. 5 E., M. D. B. & M., and in Sacramento County, California; the purpose of this Act being to perfect or record the title of the county of Sacramento to the real property first above described and to perfect of record the title of the State of California to the real property last above described.

Assembly Bill No. 1288—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Assembly Bill No. 281—An Act to appropriate the sum of one thousand dollars to pay the claim of Sergeant-Major Eugene De Sparr.

Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor, approved March 11, 1907.

Assembly Bill No. 802—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4043a, relating to indexes of county records.

Assembly Bill No. 1560—An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

Assembly Bill No. 1559—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lubben against the State of California.

Assembly Bill No. 1167—An Act to add a new section to the Penal Code of the State of California, to be numbered 382c, forbidding the transportation within the State of California of any misbranded, mislabeled or adulterated drug, or food.

Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-eighth, fifty-ninth, and sixtieth fiscal years.

And report that the same have been correctly engrossed

RANDALL, Chairman.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to the use of slot machines.

Bill read third time.

The question being on the passage of the bill. •

The roll was called, and Assembly Bill No. 870 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Calaghan, Chandler, Clark, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—Messrs. Cunningham, Feeley, Mullally, Nolan, Rimlinger, and Sbragia—6.

TITLE AMENDED.

The following amendments to title were offered by Mr. Cronin:

AMENDMENT No. 1.

In line 3 of the title, after the word "to", where it appears the second time, insert the words "gambling by".

Amendment adopted.

AMENDMENT No. 2.

In line 4 of the title, after the word "other", insert the word "dice".

Amendment adopted.

Title as amended read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At four o'clock and forty-five minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M., the Assembly reconvened.

Speaker Hewitt in the chair.

LEAVES OF ABSENCE.

Messrs. Walsh, Beatty, Coghlan, Cunningham, Fitzgerald, and Rodgers of San Francisco asked for, and were granted, leave of absence until Monday, March 13, 1911.

On motion of Mr. Young, leave of absence was granted Mr. McGowen until Monday, March 13, 1911.

RULE SUSPENDED.

By unanimous consent, Rule 71 of Standing Rules of the Assembly was suspended for the evening.

THIRD READING OF BILLS.

Assembly Bill No. 869—An Act to amend section two hundred eighty *b* of the Code of Civil Procedure of California.

Bill passed on file.

Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments.

On motion of Mr. Cronin, bill made a special order for eleven o'clock and thirty minutes A. M. of Monday, March 13, 1911.

Assembly Bill No. 1552—An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1552 passed by the following vote:

AYES—Messrs. Beckwith, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics," approved March 3, 1883, and the several Acts amendatory thereof; prescribing his duties; providing for his compensation, and making an appropriation therefor.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 1392 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1392, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Bohnett moved the adoption of report.

Motion carried.

Bill passed on file temporarily.

Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No 641 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Brown, Butler, Clark, Coghlan, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Hamilton, Hayes, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 519—An Act to provide a state highway from the town of Folsom, in Sacramento County, California, to Placerville, in El Dorado County, California, thence over Placerville county road to the western terminus of Lake Tahoe wagon road at Smith's Flat, a state highway, and making an appropriation therefor.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 519 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Brown, Butler, Clark, Coghlan, Cronin, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—40.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 858—An Act to amend Section 1521 of the Political Code, relating to the powers and duties of the State Board of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 858 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Brown, Butler, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—43

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1073—An Act to amend Section 1 of an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 21, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1073 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Brown, Butler, Clark, Cogswell, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mott, Polsley, Randall, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—41

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint a deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics," approved March 3, 1883, and the several Acts amendatory thereof; prescribing his duties; providing for his compensation, and making an appropriation therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1392 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Clark, Cogswell, Cronin, Denegri, Farwell, Feeley, Freeman, Griffin of Modesto, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Randall, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

ANNOUNCEMENT.

The Speaker announced the receipt of the following telegram:

LOS ANGELES, CAL., March 10, 1911.

Hon. A. H. Hunt, Speaker Assembly, Sacramento, Cal.

Regret to advise you of sudden death to-day of Otto Rech from heart failure.

WALTER R. LEEDS

MOTION.

Mr. Benedict moved that when the Assembly adjourn this day it do so out of respect to the memory of the late J. N. O. Rech, ex-member of the Assembly, from the Seventy-second District.

Motion unanimously carried.

THIRD READING OF BILLS—(RESUMED.)

Assembly Bill No. 1545—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056*b*, relating to the powers of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at domestic or foreign expositions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1545 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Randall, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1051—An Act to amend Section 4282 of the Political Code, providing for the compensation of officers in counties of the fifty-third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1051 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Randall, Rosendale, Rutherford, Ryan, Sbragia, Slater, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1053—An Act to amend Section 1426*n* of the Civil Code, relating to fees of county recorders.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1053 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mott, Polsley, Randall, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1070—An Act to amend section number 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; the compensation of jurors and grand jurors in counties of the twentieth class.

Bill passed on file.

Assembly Bill No. 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Bill passed on file.

Assembly Bill No. 1180—An Act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers in counties of the sixteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1180 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Randall, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 790—An Act to amend section three hundred and seventy-seven of the Code of Civil Procedure, relating to actions for the death of one not a minor caused by the unlawful act of another.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 790 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mott, Polsley, Randall, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—Messrs. Bliss, Maher, and Rosendale—3.

TITLE AMENDED

The following amendment to title was offered by Mr. Bohnett:

Strike out all of the title, and insert in lieu thereof the following: "An Act to amend Section 3051 of the Civil Code of the State of California"

Amendment adopted.

Title as amended read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509—An Act amending section number 59 of the Civil Code, relating to marriages which are incestuous and void.

On motion of Mr. Farwell, bill made a special order for eleven o'clock and thirty minutes A. M. of Monday, March 13, 1911.

Assembly Bill No. 197—An Act to amend Section 850 of the Code of Civil Procedure of the State of California, relating to notice of trial or hearing thereof in justices' courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 197 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Free-

wan, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mott, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 811—An Act to add a new section to the Penal Code of California, to be numbered 306, relating to the advertisement of medicines and medical treatment and providing for violations thereof.

Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909.

Assembly Bill No. 885—An Act to amend Sections 2, 3, 13, and 21 of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

RULES SUSPENDED.

Mr. Bohnett moved that the rules of order be suspended for the purpose of receiving reports of standing committees, out of order.

The roll was called, and the rules suspended by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rosendale, Ryan, Sbragia, Slater, Stevenot, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 982—An Act to make an appropriation for the location, survey and construction of a state highway from the Calaveras Big Tree Grove, located in Calaveras County, to Dorrington, Calaveras County, thence running easterly following what is known as the Big Tree and Carson Valley turnpike through Calaveras and Alpine counties, to Markleeville, Alpine County, California, which was re-referred to us from the Committee on Roads and Highways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 40—An Act to form agricultural districts, to provide for the

formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, and making an appropriation therefor, and repealing all Acts in conflict herewith.

Also: Assembly Bill No. 256—An Act to establish a state training school for girls, to provide for the maintenance and management of the same, and to make an appropriation therefor—which have been re-referred to us from other committees.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 759—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

Also: Assembly Bill No. 831—An Act making an appropriation for the maintenance of the exposition building in Exposition Park, Los Angeles, California.

Also: Assembly Bill No. 1360—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor, creating a commission to have the charge and control of said exhibition, and making an appropriation therefor—which have been re-referred to us from other committees.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 540—An Act appropriating the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento—which was re-referred to us from the Committee on Public Buildings and Grounds—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1029—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State, to be held in 1912—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 28—An Act to provide for the enlargement and alteration of the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 37—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Also: Senate Bill No. 212—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Also: Senate Bill No. 226—An Act authorizing and directing the construction of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also: Senate Bill No. 227—An Act authorizing and directing the construction of

one cottage for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Also Senate Bill No. 254—An Act making an appropriation to pay the claim of George W. Bush against the State of California.

Also Senate Bill No. 522—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Also Senate Bill No. 640—An Act making an appropriation for furnishing and equipping two buildings at the Agnews State Hospital.

Also Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and 36/100 dollars to pay the claim of F. P. Sawyer against the State of California.

Also Senate Bill No. 914—An Act making an appropriation for compiling, publishing and distributing the revenue laws of the State of California.

Also Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I. Wolfe against the State of California.

Also Senate Bill No. 966—An Act to provide for the purchase of filing cases in the office of the Department of Engineering, and making an appropriation therefor.

Also Senate Bill No. 1047—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the San Joaquin River, and appropriating fifteen thousand dollars for said purpose.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1519—An Act to add a new section to the Penal Code, to be known and numbered as Section 383b, relating to adulteration and sale of white lead, paint or compound intended to be used as such, providing for its enforcement, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation, and be re-referred to Committee on Manufactures and Internal Improvements.

COGSWELL, Chairman.

MOTION.

Mr. Farwell moved that Assembly Bill No. 1519 be re-referred to Committee on Commissions and Public Expenditures.

Mr. Kennedy moved as an amendment, that the bill be re-referred to Committee on Manufactures and Internal Improvements.

Amendment lost.

The question reverting to the original motion, a vote was taken, and motion carried.

Bill so referred.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1497—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Also: Senate Bill No. 1018—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damage to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1903, to be known as section twenty-one *a*, relating the proof of posting and publishing notices.

Also: Senate Bill No. 1019—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1903, to be known as section five *a*.

Also: Senate Bill No. 896—An Act to amend sections one, two, fourteen and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places of municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Also: Senate Bill No. 1124—An Act to amend Section 33 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in

whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Also Senate Bill No. 1237—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Also Senate Committee Substitute for Senate Bill No. 1030.

Also Senate Concurrent Resolution No. 12—Approving ten certain amendments to the charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto, at a special municipal election held therein for that purpose on the first day of February, 1911.

Also Senate Bill No. 986—An Act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass

COGHLAN, Chairman.

The above reported bills, etc., ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Senate Bill No. 720—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof

Also Assembly Bill No. 750—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

HINSHAW, Chairman.

The above reported bills ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 251—An Act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

YOUNG, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 1203—An Act to amend section eleven hundred eighty-eight of the Political Code of the State of California, relating to nomination of candidates other-

wise than by primary elections, which was referred to us from the third-reading file—have had the same under consideration, and respectfully report the same back with amendment, and recommend that it do pass as amended.

YOUNG, Chairman.

ON PUBLIC CHARITIES AND CORRECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Senate Bill No. 953—An Act to amend the Penal Code of California, by adding new sections thereto, to be numbered 270*d*, 270*e*, and 273*h*, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove and the punishment of such offenses—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WILLIAMS, Chairman.

The above reported bill ordered on file for second reading.

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 822—An Act to regulate the sale of intoxicating liquors in the State of California by the prohibition of treating and to provide a penalty for the violation thereof—have had the same under consideration, and respectfully report the same back, without recommendation.

CRONIN, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Assembly Bill No. 1824—An Act to amend the Penal Code of California by adding two new sections thereto, to be numbered 326*a* and 326*p*, relating to lotteries—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

CRONIN, Chairman.

The above reported bill ordered on file for second reading.

SUBPOENA ISSUED.

Mr. Bohnett moved that the Speaker be instructed to issue a subpoena summoning W. E. Gerber to appear before the select committee investigating the Fish and Game Commission.

Motion carried.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Bliss asked for, and was granted unanimous consent to have Assembly Bill No. 1406 taken up out of order.

Assembly Bill No. 1406—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation

violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance or information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed," approved March 23, 1907.

During the third reading of the bill, Mr. Bliss moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend the title of said Act by adding after the figures "1907", at the end thereof the following: "by amending the title of said Act, and making said Act applicable to cities of the second and one-half class".

Also On page 2, Section 1, line 1, of the printed bill, after the section number, insert the following: "The title of an Act entitled".

Also: Insert quotation marks (") before the word "An", in line 1, Section 1, page 2, of the printed bill, and after the word "repealed" in line 31, Section 1, page 3, of the printed bill.

Also After the word "repealed", in line 31, Section 1, page 3, of the printed bill, insert the following: "Approved March 23, 1907".

Also After the word "follows", in line 32, Section 1, page 3, of the printed bill, insert the following: "An Act providing that, in any city of the first or second and one-half class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed."

Also On page 3, line 33, of the printed bill, after the words and figure "Sec. 2." insert the following:

An Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule

or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply *and providing further* that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed "approved March 23, 1907, is hereby amended to read as follows:

Sec. 1."

Also: On page 4, of printed bill, strike out the word and figure "Sec. 3.", and insert in lieu thereof the following: "SEC. 2."

Also: On page 5, of the printed bill, strike out the word and figure "SEC. 4.", and insert in lieu thereof the following: "SEC. 3."; also strike out the word and figure "SEC. 5.", on page 5, of the printed bill, and insert in lieu thereof the following: "SEC. 3."; also strike out the word and figure "SEC. 6.", on page 5, of the printed bill, and insert in lieu thereof the following: "SEC. 4."

Motion carried.

The Speaker appointed Mr. Bliss as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1406, with instructions, do now report that the instructions of the Assembly have been carried out.

BLISS, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, with a rush order, reëngrossment, and on file for passage.

Mr. Butler asked for, and was granted, unanimous consent to have Assembly Bill No. 811 taken up out of order.

Assembly Bill No. 811—An Act to add a new section to the Penal Code of California, to be numbered 306, relating to the advertisement of medicines and medical treatment and providing for violations thereof.

During the third reading of the bill Mr. Butler moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 3, page 1, of the printed bill, after the word "in", strike out the word "the", and insert in lieu thereof the word "any".

Also: In lines 4 and 5, page 1, of the printed bill, after the comma following the word "circulation", insert the word "or".

Also: In line 5, page 1, of the printed bill, strike out the word "or", where it appears after the word "sent".

Also: In line 14, page 2, of the printed bill, after the word "read", strike out the word "an", and insert in lieu thereof the word "any".

Also: In line 38, page 2, of the printed bill, strike out the semicolon after the word "naturopathy", and insert in lieu thereof a comma.

Also: In line 39, page 2, of the printed bill, after the word "art", strike out the word "unaccompanied", and insert in lieu thereof the words "unless accompanied".

Also: In line 40, page 2, of the printed bill, after the word "of", strike out the word "any", and insert in lieu thereof the indefinite article "a".

Motion carried.

The Speaker appointed Mr. Butler as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 811, with instructions, do now report that the instructions of the Assembly have been carried out

BUTLER, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, with a rush order, reëngrossment, and on file for passage.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 864—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," by amending sections one, two, fifteen, fifteen and one-half, seventeen, thirty, and fifty-five thereof.

On motion of Mr. Judson, bill withdrawn and ordered stricken from the file.

Assembly Bill No. 1439—An Act to amend Section 940 of the Code of Civil Procedure, relating to appeals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1439 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Preisker, Randall, Rosendale, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Wyllie, Young, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1440—An Act to repeal Section 941 of the Code of Civil Procedure, relating to undertakings or deposits on appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1440 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rosendale, Ryan, Sbragia, Slater, Stevenot, Telfer, Williams, Wilson, Wyllie, Young and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1441—An Act to amend Section 947 of the Code of Civil Procedure, relating to undertakings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1441 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Cogswell, Cronin, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rosendale, Ryan, Sbragia, Slater, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1442—An Act to amend Section 948 of the Code of Civil Procedure, relating to justification of sureties on undertakings on appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1442 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1443—An Act to amend Section 949 of the Code of Civil Procedure, relating to undertakings to stay proceedings.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1443 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1445—An Act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California, and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1445 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rosendale, Ryan, Slater, Smith, Stevenot, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1478—An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners, and the defrayal of the expense thereof.

Bill passed on file.

Assembly Bill No. 1083—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

Bill passed on file.

Assembly Bill No. 1537—An Act to amend Section 4099a of the Political Code of the State of California, relating to duty of auditor with respect to minor orphans or half orphans.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1537 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinshaw, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Preisker, Randall, Ryan, Slater, Smith, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

Bill passed on file.

Assembly Bill No. 1383—An Act to provide for the sanitation of public plunge baths in the State of California.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1383 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Ryan, Sbragia, Smith, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Committee Substitute for Assembly Bill No. 1199—An Act to add a new section to the Political Code of the State of California, to be numbered 2636, providing for the naming of highways and avenues.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No 1199 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Guill, Hayes, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Randall, Rosendale,

Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1554—An Act to amend Section 1622 of the Political Code of the State of California, relating to county and state school money.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Wyllie moved a call of the House.

Motion carried.

Time, ten o'clock and fifteen minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowan, Mendenhall, Mott, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—53.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and twenty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Lyon of Los Angeles.

The roll of absentees was called, and bill refused passage by the following vote:

NOES—Messrs. Beckett, Butler, Callaghan, Cronin, Cunningham, Denegri, Feeley, Flint, Gaylord, Griffiths, Guill, Hamilton, Held, Jasper, Jones, Maher, Rimlinger, Rosendale, Sbragia, Smith, Stevenot, and Williams—22.

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Cogswell, Farwell, Freeman, Griffin of Modesto, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Mott, Polsley, Preisker, Randall, Rutherford, Ryan, Slater, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—32.

Assembly Bill No. 710—An Act to amend Section 61 of an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909.

Bill passed on file.

Assembly Bill No. 846—An Act to amend Section 1 of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March 23, 1907.

Bill passed on file.

Assembly Bill No. 709—An Act providing for investigations upon the nature and means of control of diseases of vegetables and the relation of various cultural treatments thereto, and making an appropriation therefor.

Bill passed on file.

Assembly Bill No. 1056—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Bill passed on file.

Assembly Bill No. 489—An Act to protect labor unions; to prohibit any person or corporation in this State from causing or compelling any person or persons to enter into an agreement not to join or be a member of any labor organization as a condition of such person securing employment or continuing in the employment of such corporation; declaring what agreements between two or more persons shall not be deemed criminal; to prohibit false or deceptive representations by employers of labor; to prevent the guarding of other persons or property with arms or deadly weapons, except as permitted by this Act; to provide for the right of recovery of all damages workmen may sustain in consequence of false or deceptive representations; and to provide for penalties for violations of the provisions of this Act.

Bill passed on file.

Assembly Bill No. 817—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered and known as section three hundred and fifty-nine *a*, relating to the issuance of preferred stock by corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 817 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Hamilton, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Palsley, Preisker, Randall, Rosendale, Ryan, Slater, Stevenot, Telfer, Williams, Wilson, Young, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 263—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section thirteen hundred and twenty-three of the said Penal Code, relating to compelling a defendant to be witness against himself in criminal actions and proceedings.

Bill passed on file.

Assembly Bill No. 1121—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, and to add a new section to said Code of Civil Procedure to be known as and numbered Section 337*a*, both relating to the time of the commencement of actions other than for the recovery of real property.

Bill passed on file.

Assembly Bill No. 886—An Act to repeal section nineteen hundred and nineteen of the Civil Code of the State of California, relating to the compounding of interest.

Bill passed on file.

Assembly Bill No. 384—An Act to amend Section 217 of the Penal Code of California, relating to punishment for assault with intent to

commit murder, and to provide a penalty for the crime of assault with intent to commit murder.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 384 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rosendale, Ryan, Sbragia, Slater, Stevenot, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1527—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the State.

Bill passed on file.

Assembly Bill No. 1386—An Act to amend section thirteen hundred and seventy-five of the Code of Civil Procedure, relating to the publication of notice to creditors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1386 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bohnett, Butler, Cattell, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rosendale, Ryan, Sbragia, Slater, Stevenot, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1495—An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1495 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rosendale, Ryan, Sbragia, Slater, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 7—Relative to foreign immigration.
Mr. Freeman moved that Assembly joint resolution be re-referred to Committee on Federal Relations
Roll call regularly demanded.
The roll was called.

POINT OF ORDER.

Mr. Kehoe rose to the following point of order: "That the roll call showed no quorum present."

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

CALL OF THE HOUSE.

Mr. Brown moved a call of the House.

Motion carried.

Time, ten o'clock and fifty minutes' P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Hamilton, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rosendale, Ryan, Sbragia, Slater, Stevenot, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—42.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and fifty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Brown.

The roll of absentees was called, and the motion to refer carried by the following vote:

AYES—Messrs. Benedict, Bishop, Bohnett, Butler, Cattell, Cogswell, Farwell, Flint, Freeman, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lyon of Los Angeles, Mott, Preisker, Randall, Rosendale, Stevenot, Wilson, Wyllie, Young, and Mr. Speaker—24

NOES—Messrs. Beckett, Bliss, Brown, Cunningham, Denegri, Feeley, Gaylord, Griffin of Modesto, Hamilton, Hayes, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Polsley, Ryan, Sbragia, Slater, and Telfer—20

Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1345 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Rosendale, Ryan, Sbragia, Slater, Wilson, Wyllie, Young, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill transmitted to the Senate.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Williams, Mr. Francis J. Heney was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Jasper, Mr. George Gelder was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Slater, Mr. Elmer J. Nordyke was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Mr. J. J. Conlin was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Mr. and Mrs. Winslow were granted the privilege of the floor of the Assembly for the evening.

ADJOURNMENT.

At eleven o'clock P. M., on motion of Mr. Rosendale, the Assembly was declared adjourned until ten o'clock A. M., of Saturday, March 11, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL , {
Saturday, March 11, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Sutherland, Telfer, Tibbits, Wyllie, Young, and Mr. Speaker—50.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Lyon of San Francisco, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Gaylord, Messrs. M. R. Pillsbury, William Barklege, and Robert E. L. Leavitt were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Messrs. Joseph Maloney, J. J. Conlin, and George Patton were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Judson, Mr. George L. Melton was granted the privilege of the floor of the Assembly for this day.

LEAVES OF ABSENCE.

On motion, Messrs. Griffin, Schmitt, Guill, and Clark were granted leave of absence until Monday, March 13, 1911.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1564—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the eighteenth class—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1074—An Act to amend Section 4244 of the Political Code of the State of California, providing for the salaries and fees of public officers in counties of the fifteenth class—have had the same under consideration, and respectfully report the same back, with the following committee substitute therefor:

Committee Substitute for Assembly Bill No. 1074—An Act to amend Section 4243 of the Political Code of the State of California, providing for the salaries and fees of public officers in counties of the fourteenth class—and recommend that committee substitute do pass.

ROGERS of Alameda, Chairman.

Committee substitute adopted, and ordered on file for second reading.

Assembly Bill No. 1074 ordered stricken from the file

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Also: Senate Bill No. 770—An Act to enable the board of supervisors of any county or city and county in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county or city and county and of all kindred or allied patriotic organizations.

Have had the same under consideration, and respectfully report the same back, with recommendation that they do pass.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR SPEAKER: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 940—An Act to amend that certain Act of the Legislature of the

State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, 124 and 121 thereof and by adding new Sections 12a, 52, 53 and 84 thereto.

Also Senate Bill No. 996—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

JONES, Chairman.

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 279—An Act to establish the Alpine state highway; to define its course; to provide for its supervision, construction, repair and maintenance and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended, and be re-referred to Committee on Ways and Means.

CHANDLER, Chairman

The above reported bill re-referred to Committee on Ways and Means.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 688—An Act to amend Section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

Also Senate Bill No. 372—An Act to amend sections six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds and providing for notice to be given to the board of examiners and State Treasurer of bonds ready to be sold.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WYLLIE, Chairman

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 212—An Act to provide for equipment and furnishings for the new training school building on the premises of the California State Normal School at Chico, California, and to make an appropriation therefor.

Also Assembly Bill No. 213—An Act to provide for the construction of cement walks on the premises of the California State Normal School at Chico, California, and to make an appropriation therefor.

Also: Assembly Bill No. 214—An Act to provide for the construction of a covered passageway to connect the main building and the training school building on the premises of the California State Normal School at Chico, California and to make an appropriation therefor.

Also: Assembly Bill No. 215—An Act to provide for the construction and installation of a heating plant on the premises of the California State Normal School at Chico, California, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

WYLLIE, Chairman

WITHDRAWAL OF BILLS

Mr. Guill asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 212, 213, 214, and 215.

Bills withdrawn and ordered stricken from the file

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 1489—An Act to amend section one thousand seven hundred fifty-one of

the Political Code, relating to the admission of pupils to high schools—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading

ON FEDERAL RELATIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 6—Relating to the acquisition by the United States of the Calaveras Big Trees—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FREEMAN, Chairman

The above reported Senate joint resolution ordered on file for adoption.

ON ATTACHÉS AND EMPLOYÉS.

SACRAMENTO, CAL, March 11, 1911.

MR. SPEAKER: Your Committee on Attachés and Employés, have had under consideration the matter of a reduction of the daily expenses of the Assembly, for hire of clerks, attachés and employés, and beg leave to report, and recommend that the following resolution be adopted:

Resolved, That the names of the following persons, heretofore appointed to the positions following their respective names, be, and they are hereby, stricken from the rolls from and after the 11th day of March, 1911, to wit:

Names	Positions	Per diem
W. C. Guirey, File Clerk	-----	\$6.00
C. W. Thomas, Assistant File Clerk	-----	5.00
C. E. Bowlen, Assistant File Clerk	-----	5.00
A. A. Leonard, Assistant File Clerk	-----	5.00
J. A. Miller, Assistant History Clerk	-----	5.00
W. B. Coombs, History Clerk	-----	6.00
J. T. McBean, Assistant Clerk	-----	6.00
H. D. Hopkins, Assistant Clerk	-----	6.00
A. H. Harlan, Assistant Clerk	-----	6.00
Arthur H. Drew, Assistant Minute Clerk	-----	6.00
Geo O R. Wickham, Assistant Minute Clerk	-----	6.00
J. E. Price, Stenographer to Judiciary	-----	6.00
Ed E. Reese, Bookkeeper to Sergeant-at-Arms	-----	5.00
Frank Waters, Engrossment and Enrollment Clerk	-----	6.00
Dan Daniels, Assistant Engrossment and Enrollment Clerk	-----	5.00
Grace March, Assistant Engrossment and Enrollment Clerk	-----	5.00
Miss R. Smith, Assistant Engrossment and Enrollment Clerk	-----	5.00
Gerald Giacomini, Assistant Engrossment and Enrollment Clerk	-----	5.00
D. R. McMullen, Assistant Engrossment and Enrollment Clerk	-----	5.00
J. H. Anderson, Bookkeeper to Committee on Ways and Means	-----	6.00
Mrs. Evelyn Hummel, Clerk to Committee on Ways and Means	-----	6.00
Ralph A. Sollars, Stenographer to Committee on Ways and Means	-----	5.00
W. C. Bohnett, Clerk to Committee on Judiciary	-----	6.00
M. Fortuna, Clerk to Speaker	-----	4.00
A. Dunbar, Mailing Clerk	-----	4.00
Mrs Helen Dobbins, Assistant Mailing Clerk	-----	4.00
Frank Barry, Committee Clerk	-----	4.00
C. E. Brooks, Committee Clerk	-----	4.00
F. S. Brush, Committee Clerk	-----	4.00
E. J. Cronin, Committee Clerk	-----	4.00
Geo Elder, Committee Clerk	-----	4.00
J. Forsythe, Committee Clerk	-----	4.00
C. P. Foster, Committee Clerk	-----	4.00
Frank Hepp, Committee Clerk	-----	4.00
Mrs B Hirsch, Committee Clerk	-----	4.00
E J Hoert, Committee Clerk	-----	4.00
Mark Jacobs, Committee Clerk	-----	4.00
J. E. Lamb, Committee Clerk	-----	4.00
Nick Lennon, Committee Clerk	-----	4.00
J. A. Lippe, Committee Clerk	-----	4.00
M. P. Lynch, Committee Clerk	-----	4.00
Miss Grace Loomis, Committee Clerk	-----	4.00
Ed Lynn, Committee Clerk	-----	4.00
J S Melvin, Committee Clerk	-----	4.00
J J O'Brien, Committee Clerk	-----	4.00

Names	Positions	Per diem
Miss V. V. Randall, Committee Clerk		\$4 00
J. H. Steinman, Committee Clerk		4.00
R. P. Strathern, Committee Clerk		4.00
Olive Stuckenbruck, Committee Clerk		4.00
Lydia C. Williams, Committee Clerk		4 00
Mabel Wyllie, Committee Clerk		4.00
Craig Arthur, Bill Clerk		4 00
Samuel Barclay, Bill Clerk		4.00
F. T. Bartlett, Bill Clerk		4.00
S. D. Bromley, Bill Clerk		4.00
Joseph Costello, Bill Clerk		4.00
Morris Doody, Bill Clerk		4 00
M. T. Dyer, Bill Clerk		4 00
H. J. Gerdes, Bill Clerk		4.00
J. N. Judson, Bill Clerk		4.00
Charles V. Lynch, Bill Clerk		4 00
T. McKiernan, Bill Clerk		4.00
W. D. McKnight, Bill Clerk		4.00
William H. Nolan, Bill Clerk		4 00
Ed Perry, Bill Clerk		4 00
James Sullivan, Bill Clerk		4.00
R. J. Walker, Bill Clerk		4 00
Charles Behrus, Bill Clerk		4.00
Miss Marion Brown, Stenographer		5 00
Margaret Eisler, Stenographer		5.00
F. L. Gafnev, Stenographer		5.00
Lyman Harford, Stenographer		5 00
Zieta Kincheloe, Stenographer		5.00
M. Leoffler, Stenographer		5 00
W. I. Mackrille, Stenographer		5.00
Miss Louise Nolan, Stenographer		5 00
Miss M. O. Smalley, Stenographer		5 00
S. A. M. Squier, Stenographer		5 00
Miss Helen Tallott, Stenographer		5.00
Miss E. T. Cattell, Stenographer		5 00
Victor Almon, Assistant Sergeant-at-Arms		5 00
David Catelli, Assistant Sergeant-at-Arms		5.00
C. A. Howell, Assistant Sergeant-at-Arms		5.00
Geo. S. Miller, Assistant Sergeant-at-Arms		5 00
Charles Ross, Assistant Sergeant-at-Arms		5.00
Geo. C. Sandersfeld, Assistant Sergeant-at-Arms		5.00
T. P. Arnold, Assistant Sergeant-at-Arms		5.00
M. C. Holohan, Assistant Engrossment and Enrollment Clerk		5.00
C. C. Smith, Gate Keeper		3.00
Kelly Wells, Gate Keeper		3.00
J. Falkenstein, Gallery Keeper		3 00
Joseph Beard, Door Keeper		3 00
John Koford, Porter		3.00
B. J. Chambers, Porter		3.00
Samuel Brunswick, Porter		3 00
James Greep, Porter		3.00
James Hayes, Porter		3 00
S. C. Holmes, Porter		3 00
F. Y. Madeley, Porter		3.00
Wm. Sittou, Porter		3 00
T. P. Whyte, Porter		3.00
L. J. Chrisler, Porter		3.00
Dave Ellis, Porter		3.00
J. P. Whyte, Cloak Room Attendant		3 00
F. W. Galleher, Cloak Room Attendant		3 00
Wilse Ford, Committee Clerk		4.00
Tom Farwell, Page		2 50
F. W. Smith, Page		2 50
Edwin Fratis, Page		2.50
Walter Greer, Page		2.50
H. W. Zagoren, Page		2.50
A. S. Moore, Journal Clerk		6.00
Lloyd Wright, Assistant Journal Clerk		5.00
Frank Douglas, Assistant Sergeant-at-Arms		5.00

BLISS, Chairman.

Mr. Bliss moved the adoption of the report and resolution.

Mr. Bohnett moved that further consideration of report and resolution be continued until three o'clock and thirty minutes P. M. of this day.

Motion lost.

During the consideration of report and resolution the following amendment was submitted by Mr. Bishop:

Amend by striking out the following named persons:

J. T. McBean, Assistant Chief Clerk; H. D. Hopkins, Assistant Chief Clerk; A. H. Harlin, Assistant Chief Clerk; George R. Wickham, Assistant Minute Clerk; Arthur H. Drew, Assistant Minute Clerk; W. B. Coombs, History Clerk; J. A. Miller, Assistant History Clerk; Arthur S. Moore, Journal Clerk; W. C. Guirey, File Clerk; Loyd Wright, Assistant Journal Clerk; C. W. Thomas, Jr., Assistant File Clerk; C. E. Bowlon, Assistant File Clerk; A. A. Leonard, Assistant File Clerk.

Roll call regularly demanded.

The roll was called and amendment lost by the following vote:

AYES—Messrs. Bishop, Flint, Malone, Rosendale, Rutherford, Telfer, and Wilson—7.

NOES—Messrs. Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Gaylord, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Randall, Ryan, Smith, Sutherland, Wyllie, and Mr. Speaker—38.

The question reverting to the original report and resolution

The roll was called.

POINT OF ORDER.

Mr. Bohnett rose to the following point of order: "That forty-one votes are required to adopt the resolution."

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Cunningham moved a call of the House.

Motion carried.

Time, eleven o'clock and twenty minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Farwell and Cattell were brought before the bar of the House and excused

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and twenty-eight minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Ryan.

The roll of absentees was called, and the report and resolution lost by the following vote:

AYES—Messrs. Benedict, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hayes, Jones, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Smith, Sutherland, Telfer, Williams, Wyllie, Young, and Mr. Speaker—35.

NOES—Messrs. Beckett, Bennink, Bishop, Bobnett, Brown, Guill, Hamilton, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lyon of Los Angeles, Malone, Mendenhall, Mott, Polsley, Rosendale, Slater, Tibbits, and Wilson—22

REPORTS OF STANDING COMMITTEES—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 635—An Act to amend Sections 625, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: Senate Bill No. 276—An Act to amend Section 628b of the Political Code of the State of California, relating to the protection and preservation of fish.

Also: Senate Bill No. 350—An Act to amend Section 626 and 6131a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

Also: Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof," (approved March 21, 1907).

Also: Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 635½, relating to the protection and preservation of fish.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that same do pass as amended.

GRIFFITHS, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1333—An Act to amend Section 6260 of the Penal Code relating to shooting from moving boats—have had the same under consideration, and respectfully report the same back, without recommendation.

GRIFFITHS, Chairman.

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 1012—An Act to prohibit the use of nets, seines, traps, or weirs in Sacramento Slough in the county of Sutter.

Also: Senate Bill No. 743—An Act to add three new sections to the Penal Code of the State of California, to be numbered Sections 630, 630a and 630b, regulating the business of wholesale dealers in fish and in wild game and animals and providing for a record of transactions therein.

Also: Senate Bill No. 742—An Act to regulate the vocation of dealing in fish and in wild game and animals by wholesale for profit and to provide therefrom revenue for the propagation and restoration of fish and game in the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GRIFFITHS, Chairman

The above reported bills ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches and other places, and providing for the punishment for violation of this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MALONE, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1337—An Act to provide for the regulation of smelters and the maintenance and operation thereof in the State of California, and for the licensing and supervision thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

MALONE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1483—An Act to establish a standard for evaporated milk and condensed milk—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Live Stock, Dairies and Dairy Products.

MALONE, Chairman

The above reported bill re-referred to Committee on Live Stock, Dairies and Dairy Products.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 10, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 935—An Act to amend section one hundred and seventy-two of the Penal Code, relating to selling, giving away, or exposing for sale, intoxicating, vinous or alcoholic liquors within or contiguous to certain state buildings and grounds

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in the Assembly amendments to Senate Bill No. 685—An Act authorizing suits against the State concerning certain real property purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to concur in the Assembly amendments to Senate Bill No. 301—An Act entitled an "Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges—and we respectfully request your honorable body to recede from the same.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly recede from its amendments to Senate Bill No. 301?"

SPECIAL ORDER SET.

On motion of Mr. Bishop, the consideration of the above question was made a special order for Monday, March 13, 1911, at three o'clock P. M.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1376—An Act to provide for the construction of a barn on the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Also: Assembly Bill No. 1379—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above reported bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 912—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3285a, relating to license of auctioneers.

Also: Senate Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants on owner's death in certain cases.

Also: Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

Also: Senate Bill No. 1123—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Also: Senate Bill No. 1150—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto relating to the property and indebtedness of territory annexed to incorporated towns and cities.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on March 8, 1911, passed Senate Bill No. 964—An Act to add a new section to the Penal Code, to be known as section three hundred and eleven a, relating to theaters, concert halls, moving pictures, moving picture shows, nickelodeons, and penny arcades or other place of amusement, and fixing the penalty for the violation thereof.

Also: Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

Also: On March 4, 1911, passed Senate Bill No. 1058—An Act to amend section four thousand one hundred eighty-seven of the Political Code of the State of California, relating to the duties of constables.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 295—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano at the city of Sonoma, California.

Also: Senate Bill No. 61—An Act making an appropriation for the purchase of

additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also Senate Bill No. 562—An Act authorizing and naming the permanent employees of the State Agricultural Society, fixing their compensation, and providing how extra help may be employed and paid.

Also: Senate Bill No. 1250—An Act to regulate the public service of stallions and jacks in the State of California.

Also: Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1903, and all amendments thereto and all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor.

Also: Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 912 read first time, and referred to Committee on Judiciary.

Senate Bill No. 913 read first time, and referred to Committee on Judiciary.

Senate Bill No. 747 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1123 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1150 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 964 read first time, and referred to Committee on Public Morals.

Senate Bill No. 1061 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1058 read first time, and referred to Committee on Judiciary.

Senate Bill No. 295 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 61 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 562 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1250 read first time, and referred to Committee on Live Stock, Dairies and Dairy Products

Senate Bill No. 1006 read first time, and referred to Committee on Judiciary.

Senate Bill No. 656 read first time, and referred to Committee on Judiciary.

Senate Bill No. 925 read first time, and referred to Committee on County and Township Government

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:
By Mr. Benedict:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911

MR. SPEAKER I ask permission to introduce the accompanying resolution, the title of which reads as follows, viz. Approving fourteen certain amendments to the charter of the city of Los Angeles

BENEDICT,

Member Seventy-second District.

Referred to Committee on Introduction of Bills.

By Mr. Gaylord:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. "An Act appropriating money to pay the claims of Mrs. J. G. Garrison, Remler Brothers, D. K. McAulay, Major A. W. Chase, Ed C. Ellsworth, Phoenix Hotel, Colfax and Forest Hill Stage Company, Kenna's Livery Stable, Ma Wing Chong, George Campbell, Harold T. Power, W. J. McCleary & Son, and Russell's Livery Stable, against the State of California."

GAYLORD.

Member Tenth District.

Referred to Committee on Introduction of Bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1911.

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. "An Act to amend Section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class."

GAYLORD.

Member Tenth District.

Referred to Committee on Introduction of Bills.

By Mr. Hinshaw:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. "An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city."

HINSHAW.

Member Sixty-ninth District.

Referred to Committee on Introduction of Bills.

SPECIAL ORDER

The hour of eleven o'clock and thirty minutes A. M., having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No 1286—An Act to add a new section to the Penal Code of the State of California to be known as Section 1168, providing for indeterminate sentences of persons convicted of criminal offenses for the first time and to provide for the release of such persons within the time for which they are sentenced to imprisonment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1286 passed by the following vote:

AYES—Messrs Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cunningham, Feeley, Fitzgerald, Flint, Griffiths, Guill, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Preisker, Randall, Rosendale, Rutherford,

Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—43.

NOES—Messrs Beckett, Chandler, Hamilton, Malone, Mendenhall, Polsley, and Rogers of Alameda—7.

Title read and approved.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Benedict:

WHEREAS, In the infinite wisdom of Divine Providence, there has been stricken from the rolls of the living, a former member of this House, who ably represented the Seventy-second Assembly District in the thirty-eighth session of the Legislature; and

WHEREAS, By his many sterling qualities, untiring energy and staunch loyalty to his friends he endeared himself to all of us; and

WHEREAS, As a mark of respect to his memory and an expression of deep sorrow at his untimely death in the very prime of young manhood; now, therefore, be it

Resolved, That in the death of Hon. J. N. O. Rech, the State of California lost a valuable public servant and a citizen of unusual ability and integrity. In thus expressing the sentiment of our hearts we extend to the bereaved family of the deceased our deepest heartfelt sympathies in their loss; and be it further

Resolved, That the Chief Clerk be, and he is hereby authorized to have the foregoing resolutions suitably engrossed and delivered to the family of the deceased.

The question being on the adoption of the resolution.

A vote was taken, and resolution unanimously adopted.

MOTION.

Mr. Griffiths moved that when the hour of recess arrive, the Assembly adjourn until ten o'clock A. M. of Monday, March 13, 1911.

Motion lost.

THIRD READING OF BILLS.

Assembly Bill No. 1203—An Act to amend Section 1188 of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Bill passed on file.

Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1385 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bobuett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 39—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article, a new section, to be numbered twenty-two *a* (22*a*), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

Assembly constitutional amendment passed on file.

Assembly Bill No. 737—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 737 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, and Mr. Speaker—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 725—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school

Bill passed to foot of file.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Bill passed to foot of file.

Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed on file.

Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons, and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer system of the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 153—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors respecting roads.

Bill passed on file.

SECOND READING OF BILLS.

Assembly Bill No. 540—An Act appropriating the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 831—An Act making an appropriation for the maintenance of the exposition building in Exposition Park, Los Angeles, California

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title of the printed bill by striking out all after the word "appropriation", in line 2 thereof, and insert in lieu thereof the following: "for the collection, establishment, installation and maintenance of a permanent exhibit of the resources and industries of the State of California in the Exposition Building at Los Angeles, California"

Amendment adopted.

AMENDMENT No. 2

Strike out of lines 5 and 6, Section 1, page 1, of the printed bill, the words "maintenance of the exposition building in Exposition Park in Los Angeles", and insert in lieu thereof the following: "for the collection, establishment, installation and maintenance of a permanent exhibit of the resources and industries of each of the counties in the State of California, in the exposition building at Los Angeles, California".

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 3, page 1, of the printed bill, and insert in lieu thereof a new section to read as follows.

"SEC. 3 This Act is hereby exempted from the provisions of section six hundred seventy-two of the Political Code."

Amendment adopted.

AMENDMENT No. 4.

SEC. 4 This Act shall take effect and be in force May 1st, 1911.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 540 and 831.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 540 and 831 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 540 and 831, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of report.

Motion carried.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

ANNOUNCEMENT.

The Speaker announced the receipt of the following communication:

SACRAMENTO, CAL., March 10, 1911

Hon. A. H. Hewitt, Speaker of the Assembly:

DEAR SIR: I desire to inform you that by the authority given me in Rule 51 of the Standing Rules of the Assembly, I have on this day suspended J. H. Stineman, Committee Clerk, for the reason that he has returned to his home and does not expect to report further for duty.

Very truly yours,

L. B. MALLORY, Chief Clerk.

THIRD READING OF SENATE BILLS.

Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

During the third reading of the bill Mr. Chandler moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of the enacting clause

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 349 refused passage by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Griffiths, Hayes, Hinkle, Jasper, Judson, Lamb, Preisker, Rogers of Alameda, Ryan, Slater, Williams, Wilson, Wyllie, Young, and Mr. Speaker—27.

NOES—Messrs. Brown, Callaghan, Cattell, Chandler, Crosby, Hamilton, Hinshaw, Jones, Kehoe, Kennedy, Lynch, Lyon of San Francisco, Maher, Mendenhall, Mott, Polesley, Sbragia, Smith, Sutherland, and Telfer—20.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Hamilton gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 349 was this day refused passage.

Senate Bill No. 497—An Act to amend an Act “to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes,” by amending section thirty-nine of said Act, relating to the collection of taxes, and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 497 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Cunningham, Denegri, Flint, Freeman, Gaylord, Griffiths, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Polesley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 494—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators, and their attorneys.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 494 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Callaghan, Cattell, Chandler, Crosby, Cunningham, Denegri, Flint, Freeman, Gaylord, Hamil-

ton, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 674 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Cunningham, Denegri, Feeley, Flint, Gaylord, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 773—An Act relating to public health and safety, and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof.

Bill passed on file.

Senate Bill No. 616—An Act to amend Sections 3417, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts

Bill passed to foot of file.

Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relative to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds.

Bill passed to foot of file.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Bill passed on file.

Senate Bill No. 337—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3224, relating to the standard of weights and measures for flour and bran in sacks.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 337 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of

Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Preisker, Roger, of Alameda, Ryan, Sbragia, Smith, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—43

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 338—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 556, relating to selling or offering for sale flour or bran in sacks containing less than the standard weight, and providing a punishment therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 338 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Chandler, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Preisker, Rogers of Alameda, Ryan, Sbragia, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 501—An Act to amend section five hundred forty-two *a* of the Code of Civil Procedure, relating to attachment liens, and the time when such liens begin and expire.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 501 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Denegri, Feeley, Flint, Freeman, Gaylord, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Mott, Polsley, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 190—An Act to repeal an Act of the Legislature of the State of California entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 190 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Chandler, Crosby, Denegri, Feeley, Flint, Gaylord, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 191—An Act to amend an Act entitled "An Act providing for the removal of human remains from cemeteries in cities

having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 191 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Denegri, Feeley, Flint, Freeman, Gaylord, Griffiths, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Polslev, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Williams, Wyllie, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Griffiths gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 191 was this day passed.

Senate Bill No. 984—An Act relating to the opening of streets through cemeteries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 984 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Denegri, Feeley, Flint, Freeman, Gaylord, Hamilton, Hayes, Held, Hinkle, Hinsbaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Polslev, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 773—An Act relating to public health and safety, and providing for the regulation and inspection of hotels and public lodging houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 773 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Flint, Freeman, Griffiths, Hayes, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Polslev, Preisker, Rogers of Alameda, Ryan, Slater, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—Messrs. Gaylord, Hamilton, Held, Hinsbaw, and Sbragia—5.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Bohnett gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 773 was this day passed.

Senate Bill No. 878—An Act to amend Section 1667 of the Code of Civil Procedure, relating to distribution when decedent was not a resident of the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 878 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Farwell, Flint, Freeman, Gaylord, Griffiths, Hamilton, Held, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polsley, Preisker, Ryan, Sbragia, Slater, Smith, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—41
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for State lands.

Bill passed on file.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill passed on file.

Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Bill passed to foot of file.

Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill passed to foot of file.

Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Bill passed on file.

Senate Bill No. 478—An Act to amend Section 128 of the Civil Code, by providing that a cross-complainant in an action for divorce need not be or have been a resident of the State, or of the county in which the action is brought or pending, but must personally verify the cross-complaint, and all but certain amendments thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 478 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Crosby, Farwell, Flint, Freeman, Gaylord, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, Mott, Polsley, Preysker, Rogers of Alameda, Ryan, Sbragia, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—Mr. Brown—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 498—An Act entitled an Act to amend an Act "to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property." by adding a new section thereto, to be numbered section two and one half.

Bill passed on file.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior unrecorded instruments as against the owners of prior unrecorded deeds and incumbrancers.

Bill passed on file.

Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the third place of trial of civil actions

Bill passed on file.

Senate Concurrent Resolution No. 13—Approving two certain amendments to the charter of the city of Eureka, in Humboldt County, State of California, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 21st day of June, 1909.

The question being on the adoption of Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 13, adopted by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Flint, Freeman, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mott, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—None

Senate concurrent resolution ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 13.

Approving two certain amendments to the charter of the city of Eureka, in Humboldt county, State of California, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 21st day of June, 1909.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

WHEREAS, The city of Eureka, of the county of Humboldt, State of California, has at all times mentioned herein been and now is a municipal corporation of said State of California, containing a population of more than thirty-five hundred (3,500) inhabitants, and is now, and has been ever since the second Monday in July, A. D. 1895, organized, existing and acting under a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 26th day of January, 1895, and approved by the Legislature of the State of California on the 12th day of February, 1895, (Statutes of

1895, pages 355 to 405, inclusive), and which said charter has never been amended since the year 1907; and

WHEREAS, The legislative authority of said city of Eureka, to wit the council of said city, did by an ordinance numbered 520, by it passed on the 21st day of April, 1909, and approved by H. L. Ricks, the then mayor and chief executive of said city on the 21st day of April, 1909, and pursuant to Section 8 of Article XI, of the Constitution of the State of California, duly proposed to the qualified electors of said city, a certain amendment to said charter of said city of Eureka; and

WHEREAS, The legislative authority of said city of Eureka, to wit the council of said city, did by an ordinance numbered 521, by it passed on the 21st day of April, 1909, and approved by H. L. Ricks, the then mayor and chief executive of said city on the 21st day of April, 1909, and pursuant to Section 8 of Article XI, of the Constitution of the State of California, duly proposed to the qualified electors of said city, a certain other amendment to said charter of said city of Eureka; and

WHEREAS, Said ordinances containing said proposed amendments, respectively, to said charter, were duly published for twenty days after their passage and approval, in The Humboldt Times, a daily newspaper printed, published and generally circulated in the city of Eureka aforesaid; and

WHEREAS, The general municipal election was held in said city of Eureka on the 21st day of June, A D 1909, which was more than forty days after said proposed amendments had been published for twenty days, as aforesaid; and

WHEREAS, In and by said ordinances, so passed, approved and published, as aforesaid, said proposed charter amendments, respectively, were submitted to the qualified electors of said city, at said general municipal election, and

WHEREAS, On the 22nd day of June, 1909, at a meeting of said council of said city of Eureka, duly convened in accordance with law and with the provisions of said charter of said city, said mayor and council of said city of Eureka did duly and regularly canvass the returns of said general municipal election, so held on the 21st day of June, 1909, and did find therefrom that said proposed amendments to said charter, and each and both of them, were duly ratified by the majority of the electors voting thereon; and

WHEREAS, Said mayor and said council, after canvassing said returns and at said meeting so held as aforesaid, after said canvass, did duly find and declare that said proposed amendments and each and both of them, had been ratified by the majority of the electors voting thereon and

WHEREAS, Said amendments so ratified by the electors of said city of Eureka, at said general municipal election of June 21st, 1909, are now submitted to the Legislature of the State of California, for approval or rejection, as a whole, without power of alteration or amendment, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, are in words and figures, respectively, as follows

That a new section be added to Article II of said charter of the city of Eureka, the same to be known as Section 21½ of Article II thereof, and said section to be and read as follows

Section 21½. The holder of any elective office may be removed at any time by the electors entitled to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twenty-five per cent of the entire vote for all candidates for office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the council and filed with the city clerk; and said petition shall contain a general statement of the grounds for which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review. The signatures of the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. Each such paper shall have attached thereto the affidavit of a registered voter of the city, stating that all the signatures to the paper were made in his presence, and that to the best of his knowledge and belief, each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Every signature appended to any of the papers forming such petition shall be deemed and treated by the city clerk for the purpose of his examination of such petition herein provided, as the genuine signature of the person whose name it purports to be, unless such person, during the period of such examination files with the city clerk an affidavit to the contrary. Within ten days from the date of filing such petition the city clerk shall examine and ascertain from the great register or from the affidavits or duplicate affidavits of registration, or from either, whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary, the council shall allow him extra help for that purpose and he shall attach to said petition his certificate stating that he finds the petition to be sufficient or insufficient, as the case may be. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the

amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

The sufficiency or insufficiency of said petition shall, except as to the grounds for removal therein stated, be subject to judicial review, but not to review by the council. In the event action by the council shall be delayed by judicial decree or act of God, then such election shall be called by the council to be held not less than thirty nor more than forty days from the date of which the cause of delay is removed.

That Section 60 of Article IV of said charter of the city of Eureka be amended to read as follows.

"Section 60. In addition to other duties imposed upon him by this charter or by ordinance of the council, the city engineer shall.

1. Make all surveys, inspections and estimates required by the council.

2. He shall examine all public work done under contract, and report thereon in writing to the council.

4. He shall be the custodian of and responsible for all maps, plats, profiles, field notes, and other records and memoranda belonging to the city pertaining to his office, and the work thereof; all of which he shall keep in proper order and condition, with a full index thereof, and all of which he shall turn over to his successor.

5. All maps, plats, profiles, field notes, estimates, and other memoranda or surveys, and other professional work, made or done by him, or under his direction or control, during his term of office for the city, shall be the property of the city."

STATE OF CALIFORNIA, }
COUNTY OF HUMBOLDT, } ss.
CITY OF EUREKA, }

And the said W. L. Lambert, as mayor and chief executive of said city, and J. P. Wunderlich, as clerk of said city and ex officio clerk of the council of said city, do hereby certify that they have this day carefully compared the foregoing proposed and ratified amendments to the charter of said city of Eureka with the original ordinances, numbered 520 and 521, respectively, proposing said amendments, respectively, and submitting them to the qualified electors of said city at a general municipal election held in said city on the 21st day of June, 1909, and with the proceedings of the council of said city on file in the office of said clerk, subject to the passage of said ordinances and relating to the adoption of said amendments, and from said comparison and examination they find, and hereby certify that the foregoing contains a full, exact, true and correct copy of said charter amendments to the charter of said city.

And, we further hereby certify that the facts set forth in the preamble, in this certificate preceding said amendments to said charter, are, and each of them is, true.

And, for and on behalf of said city, we being hereinbefore duly authorized, we do hereby request the Legislature of the State of California to adopt and approve each of said amendments to said charter, as a whole, and to take such other and further steps and proceedings, as may be necessary to perfect such approval.

IN WITNESS WHEREOF, We have hereunto set our hands and caused our signatures, authenticated by the official seal of said city, to be hereunto attached, this 15th day of December, A. D. 1910.

W. L. LAMBERT,
Mayor and Chief Executive of the City of Eureka.

[SEAL OF THE CITY
OF EUREKA.]

Attest: J. P. WUNDERLICH,

City Clerk of the City of Eureka, ex officio Clerk of the
Council of the City of Eureka

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, (a majority of all members elected to each House, voting for the adoption of this resolution, and concurring therein) that the said amendments to the said charter of said city of Eureka, hereinbefore set forth as presented and submitted to and adopted and ratified by the qualified electors of said city of Eureka, be, and the same are hereby approved as a whole, for and as amendments to and as part of the said charter of said city of Eureka

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. SPEAKER Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

Also: An Act appropriating money to pay the claims of Mrs. J. G. Garrison, Remler Brothers, D. K. McAulay, Major A. W. Chase, Ed C. Ellsworth, Phoenix Hotel, Colfax Livery and Feed Stable, C. D. McKinley, Geo. F. McCall, James Crook's Auburn-Colfax & Forest Hill Stage Company, Keena's Livery Stable, Ma Wing Chong, Geo. Campbell, Harold T. Power, W. J. McCleary & Son, and Russell's Livery Stable against the State of California.

Also: An Act to amend Section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class.

Also: Assembly Concurrent Resolution No. 27.—Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911.

CHANDLER, Chairman.

Mr. Chandler moved the adoption of the report.

SPECIAL ORDER SET.

On motion of Mr. Bohnett, the consideration of above report was made a special order for Monday, March 13, 1911, at three o'clock and thirty minutes P. M.

SPECIAL URGENCY FILE.

Senate Bill No. 1492—An Act to add a new section to the Penal Code of the State of California to be known and numbered as Section 628f, relating to gathering clams, and prescribing a penalty for gathering clams under a certain size, or having more than a certain number in one's possession.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1492 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Flint, Freeman, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mott, Polesley, Preisker, Rogers of Alameda, Sprague, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1365 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Crosby, Flint, Freeman, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—44

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 846—An Act to amend Section 1 of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March 23, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 846 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Flint, Freeman, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 407—An Act to provide for the accomplishment of the work of the construction of a break-water in Monterey Bay as recommended in the report of the Chief of Engineers, United States Army, and printed in a document of the United States House of Representatives, No 1084, sixty-first Congress, third session, and making an appropriation for such work.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 407 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Crosby, Flint, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bills Nos. 377, 590, 601, 624, 632, 739, 1017, 1039, 1066, 326, 538, 613, 104, and 378—An Act to amend Sections 626, 626a, 626d, 626f, 626j, and 626m of the Penal Code of the State of California, relating to the protection of fish and game and adding a new section thereto to be known and numbered as Section 626p.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bills Nos. 377, 590, 601, 624, 632, 739, 1017, 1039, 1066, 326, 538, 613, 104 and 378 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Crosby, Flint, Gaylord, Griffiths, Hamilton, Hayes, Held,

Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Polesley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—43

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 714—An Act to provide for the work of exterminating and preventing the multiplication of anopheles mosquitoes, for the assessment of the cost and expense of such work upon the lands in the district benefited thereby, and for the condemnation of lands and property necessary for the purpose.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 714 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohuett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Flint, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Polesley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—41

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1475—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1475 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Flint, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Polesley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—42

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 988 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Flint, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Polesley, Preisker, Rogers of Alameda, Ryan,

Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—42

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1559—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1559 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Flint, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1284—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1284 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1540 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Flint, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mott, Polsley, Rogers of Alameda, Ryan, Sbragia, Slater, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1500—An Act to amend an Act entitled "An Act for the support of certain cemeteries in Tehama County," approved April 1, 1872.

During the third reading of the bill Mr. Polsley moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the enacting clause, insert the following:

SECTION 1. An Act entitled "An Act for the support of certain cemeteries in Tehama County", approved April 18, 1872, is hereby amended to read as follows:

Motion carried.

The Speaker appointed Mr. Polsley as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1500, with instructions, do now report that the instructions of the Assembly have been carried out.

POLSLEY, Select Committee.

Report of select committee and amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1476—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1476 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Flint, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RULES SUSPENDED.

Mr. Young moved that the rules of order be suspended for the purpose of taking up the second-reading file, and third-reading file, for amendment only.

The roll was called and rules suspended by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Crosby, Flint, Hamilton, Held, Hinkle, Hinshaw, Jasper, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Ryan, Sbragia, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—39.

NOES—None.

SECOND READING OF BILLS.

Assembly Bill No. 256—An Act to establish a state training school for girls, to provide for the maintenance and management of the same, and to make an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all after the word "the", on line 4 of Section 1, of printed bill, and in lieu thereof insert the following: "California training school."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out of Section 2, all after the comma in line 2, down to and including the comma in line 3.

Amendment adopted.

AMENDMENT No. 3

Amend by striking out in line 5, of Section 3, of the printed bill, the word "out", and in lieu thereof insert the word "not".

Amendment adopted.

AMENDMENT No 4.

Amend the bill by inserting after the period in line 2, page 4, Section 10, of printed bill, a new section, to read as follows:

"SEC. 11. For each and every girl committed to said school, the county from which the commitment is made shall pay into the state treasury the sum of one hundred and eighty dollars per annum, and at that rate for each fraction of a year."

Amendment adopted.

AMENDMENT No. 5.

Amend Section 11, of the printed bill, by renumbering so as to read, "Section 12"

Amendment adopted.

AMENDMENT No. 6.

Amend Section 12, of the printed bill, by renumbering so as to read, "Section 13."

Amendment adopted.

AMENDMENT No. 7.

Amend Section 13, of the printed bill, by renumbering so as to read, "Section 14."

Amendment adopted.

AMENDMENT No. 8.

Strike out all of Section 14, of the printed bill, and in lieu thereof insert the following:

SEC. 15. No money shall be paid for the ground upon which the said school shall be located. The board of trustees shall have power, with the approval of the Governor, to accept a deed to such land as may be offered to the State as a donation, and with the consent of the Governor shall establish the location for said school. Said board of trustees shall also have power to erect, construct and equip the necessary buildings for said school, and for such purpose there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of sixty thousand dollars (\$60,000), one half of which shall be available July 1, 1911, and one half of which shall be available July 1, 1912. It shall not be necessary to obtain the approval of any board or officer not especially named in this Act, and this Act shall be exempt from the provisions of all other Acts not specifically referred to herein. If no suitable ground shall be donated for the location of said school, within six months from the passage of this Act, all sums of money herein appropriated shall lapse into the state treasury."

Amendment adopted.

AMENDMENT No. 9.

Amend Section 15, of the printed bill, by renumbering so as to read, "Section 16."

Amendment adopted.

AMENDMENT No. 10.

Amend Section 15, of the printed bill, by striking out all after the word "law", in line 5, and in lieu thereof insert a period.

Amendment adopted.

AMENDMENT No. 11.

Amend Section 16, of the printed bill, by renumbering so as to read, "Section 17."

Amendment adopted.

AMENDMENT No. 12.

Amend Section 17, of the printed bill, by renumbering so as to read, "Section 18."

Amendment adopted.

AMENDMENT No. 13.

Amend Section 18, of the printed bill, by renumbering so as to read, "Section 19."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 982—An Act to make an appropriation for the location, survey, and construction of a state highway from the Calaveras Big Tree Grove, located in Calaveras County, to Dorrington, Calaveras County, thence running easterly following what is known as the Big Tree and Carson Valley Turnpike, through Calaveras and Alpine counties to Markleeville, Alpine County, California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1360—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 5, of the printed bill, after the words "exposition commissioners", strike out all the remainder of the sentence up to and including the words "State of California" in line 7.

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 13, strike out the word "exhibit" in the printed bill, and insert the following word "exposition".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 18, of the printed bill, after the word "thousand", strike out the figures "(\$10,000)".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 2, line 3, of the printed bill, after the word "thousand", strike out the figures "(\$1000)".

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 3, line 1, of the printed bill, after the word "of", strike out the following words and figures: "five hundred thousand (\$500,000)", and insert the following words: "fifty thousand".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 3, line 4, of the printed bill, after the words "expense of", strike out all of the remainder of the paragraph, and insert in lieu thereof the fol-

lowing: "preparing the plans and specifications and constructing the foundation for an exposition building, to be erected at the Panama-California Exposition, to be held in San Diego in the year 1915, which plans and specifications shall provide for a building to cost not less than \$250,000. The amount herein appropriated shall be available on and after July 1, 1912."

Amendment adopted.

AMENDMENT No. 7.

On page 2, Section 4, line 3, of the printed bill, strike out the words "five hundred", and insert in lieu thereof the word "fifty".

Amendment adopted.

AMENDMENT No. 8

On page 2, Section 4, line 4, strike out the following figures "\$500,000".

Amendment adopted.

AMENDMENT No. 9.

On page 2, Section 6, line 2, after the words "State of California", in the printed bill, strike out the period and insert the following: "and from the provisions of an Act entitled 'An Act to regulate contracts on behalf of the State in relation to the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind and to repeal an Act entitled 'An Act to regulate contracts on behalf of the State in relation to erections and buildings, approved March 28, 1878 (approved March 22, 1909)'."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Committee Substitute for Assembly Bill No. 649—An Act to amend an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907, by adding a new section thereto.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1553—An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1563—An Act to amend section four thousand two hundred and seventy-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1157—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 99, of page 4, of the printed bill, strike out the word "fifteen", and insert in lieu thereof the word "eighteen".

Amendment adopted.

AMENDMENT No. 2.

In line 144, of page 5, of the printed bill, after the word "copyists", insert the words "and one stenographer".

Amendment adopted.

AMENDMENT No. 3.

In line 145, of page 5, strike out the word "fifty", and in lieu thereof insert the word "seventy-five".

Amendment adopted.

AMENDMENT No. 4.

In line 199, on page 6, of the printed bill, strike out the word "seven", and in lieu thereof insert the word "eleven".

Amendment adopted.

AMENDMENT No. 5.

Strike out all of lines 204 to 215, both inclusive, and in lieu thereof insert the following.

Judicial Township No. 1	375
Judicial Township No. 2	1044
Judicial Township No. 3	6807
Judicial Township No. 4	1883
Judicial Township No. 5	3360
Judicial Township No. 6	3360
Judicial Township No. 7	850
Judicial Township No. 8	660
Judicial Township No. 9	474
Judicial Township No. 10	407
Judicial Township No. 11	476
Judicial Township No. 12	215
Judicial Township No. 13	533
Judicial Township No. 14	315

Amendment adopted.

AMENDMENT No. 6.

In line 232, of page 7, of the printed bill, strike out the word "five", and insert in lieu thereof the word "four".

Amendment adopted.

AMENDMENT No. 7.

In line 236, of page 7, strike out the word "five", and insert in lieu thereof the word "four".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

MOTION.

Mr. Ryan moved that the Assembly adjourn until eleven o'clock of Monday, March 13, 1911.

Motion lost.

SECOND READING OF BILLS—(RESUMED).

Assembly Bill No. 111—An Act to amend Section 4249 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 1, of the title, after the figures 424, strike out the figure "9", and insert in lieu thereof the figure "2".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 1, strike out the figure "9" after the figure "4", and insert in lieu thereof the following: "2".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 3, strike out the figure "9" after the figure "4", and insert in lieu thereof the following: "2".

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, line 3, strike out the word "twentieth", and insert in lieu thereof the following: "thirteenth".

Amendment adopted.

AMENDMENT No. 4a.

On page 2, line 34, after the word "claims", insert the following: "*Provided, that on and after the 1st day of January, 1915, the recorder shall receive five cents for each instrument of any character transcribed by him or his deputies; and two and one half cents for each name indexed, payable in the same manner as heretofore provided.*"

Amendment adopted.

AMENDMENT No. 5.

On page 2, line 38, strike out the word "seven", after the word "of", and insert in lieu thereof the following: "nine".

Amendment adopted.

AMENDMENT No. 6.

On page 2, line 38, strike out the word "eighty".

Amendment adopted.

AMENDMENT No. 7.

On page 3, line 71, after the word "deputy", strike out the period, and insert in lieu thereof the following: a semicolon and the following words: "*provided, however, he shall be allowed a stenographer to be paid \$60 per month for six months each year to be paid monthly out of the county treasury in the same manner as other county officers are paid.*"

Amendment adopted.

AMENDMENT No. 8.

On page 3, line 95, after the word "necessary", insert the following: "field".

Amendment adopted.

AMENDMENT No. 9.

On page 3, line 95, strike out the word "and", at the end of the line.

Amendment adopted.

AMENDMENT No. 10.

On page 3, line 96, strike out the words "transportation for work performed in the field";.

Amendment adopted.

AMENDMENT No. 11.

On page 4, line 98, strike out the word "three", and insert in lieu thereof the following: "two".

Amendment adopted.

AMENDMENT No. 12.

On page 4, line 101, after the word "month", strike out the words "on deputy at a salary of one hundred dollars per month";.

Amendment adopted.

AMENDMENT No. 13.

On page 4, line 107, after the word "paid", insert "all necessary expenses for field assistance shall be paid, by county and the actual cost of preparing assessor's maps whenever a complete set of such maps is ordered prepared by the board of supervisors. Said cost of preparing said assessor's maps not to exceed the sum of \$1800."

Amendment adopted.

AMENDMENT No. 14.

On page 4, line 117, strike out the word "fifteen", and insert in lieu thereof the following: "twenty-five".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 653—An Act to add a new section to the Penal Code of the State of California, under title sixteen thereof to be numbered 681, prohibiting the use of cruel and unusual punishments in state prisons and reformatory institutions.

Bill read second time, and ordered to engrossment and third reading.

Committee Substitute for Assembly Bill No. 474—An Act to regulate the public service of stallions in California.

Bill read second time and ordered to engrossment and third reading.

Assembly Bill No. 703—An Act to amend Sections 1, 3, 5 and 6 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, in the title, line 5, strike out the period, and insert in lieu thereof a semicolon and the following: "relating to the definition of terms used in this Act, precautions to be used by the drivers of motor vehicles, the use of highways for races, punishments for violations of this Act and the licensing of chauffeurs and motor vehicle drivers."

Amendment adopted.

AMENDMENT No. 2.

On page 3, Section 2, line 18, strike out the period, and insert in lieu thereof a semicolon (;) and the following: "provided, that any city and county, city or town, or the legislative body thereof may in its discretion provide by ordinance the speed regulations and limits to be observed by motor vehicle drivers within the corporate limits of such city and county, city or town, and the provisions of such ordinance or ordinances shall supersede the provisions of this Act respecting rates of speed within such city and county, city or town."

Amendment adopted.

AMENDMENT No. 3.

On page 3, Section 2, line 20, strike out the word "ascent", and insert in lieu thereof the following: "descent".

Amendment adopted.

AMENDMENT No. 4.

On page 3, Section 2, line 32, strike out the word "six", and insert in lieu thereof the following: "three".

Amendment adopted.

AMENDMENT No. 5.

On page 4, Section 3, line 20, strike out the word "seven", and insert in lieu thereof the following: "two".

Amendment adopted.

AMENDMENT No. 6.

On page 5, Section 3, line 25, strike out the comma after the word "applicants" and the balance of line 25, and all of lines 26 and 27 and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 7.

On page 6, Section 4, line 16*a*, strike out the period, and insert in lieu thereof the following "for a period of not less than six months; *provided*, that in all cases where no damage or injury has resulted to the person or property of another as the consequence of act for which the defendant was convicted, the defendant shall have the right before sentence is pronounced, to introduce evidence of extenuating circumstances under which the offense was committed, and in all cases where such extenuating circumstances are proved, the court may in its discretion, impose a fine of not more than five hundred dollars, or imprisonment in the county jail not exceeding six months or both."

Amendment adopted.

AMENDMENT No. 8

On page 6, Section 4, line 17, strike out the entire line, and all of lines 18 to 30, both inclusive, also all of page 7; also all of page 8.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill 1551—An Act to amend Section 2182 of the Civil Code of the State of California, relating to liability of a carrier for luggage and prescribing the method of handling same.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of lines 3 to 12 inclusive, of the printed bill, and insert in lieu thereof the following

"2182. Liability of a common carrier for luggage received by him with a passenger is the same as that of a common carrier of property.

All carriers, or their employees, shall use extreme care in handling trunks, valises and other luggage of passengers. Any such carrier, or employee of a carrier, who shall permit any trunk or other luggage to fall, or who shall throw any trunk or other luggage from cars or trucks, shall be liable in damages to the amount of twenty-five (25) dollars in addition to the actual damage done to such trunk or other luggage by reason of handling the same in that manner. All carriers of luggage shall employ or require two men to handle each trunk or parcel of luggage weighing over one hundred (100) pounds."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1472—An Act authorizing and empowering Reclamation District No. 818 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1473—An Act authorizing and empowering Reclamation District No. 818 to contract for, and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees or other joint works of reclamation.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1474—An Act authorizing the payment of assessments levied in Reclamation District No. 818 to be made to the county treasurer of the county of Sutter.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1034—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section one thousand, five hundred and forty-three *a*, providing for the payment of interest on unpaid orders or demands against any school district.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No 1198—An Act to amend section four of an Act entitled "An Act providing for the purchase of a university farm for the use of the college of agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm and appropriating money therefor," approved March 18, 1905, relating to providing for the appointment of a board of trustees for the administration of the affairs of the University farm.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 1, line 30, strike out the words "Governor of California shall", and insert in lieu thereof the following "Regents of the University shall also".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 1558—An Act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary thereto.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1179—An Act to amend section twenty-nine hundred and sixty-nine of the Civil Code of the State of California, relating to limitation of rights of officers to levy on mortgaged personal property.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In line 3, of the title, strike out the letters "personal" before the word "property", and insert in lieu thereof the word "personal".

Amendment adopted.

AMENDMENT No 2

Strike out all of line 4, on page 1, of the printed bill, and then down to and including line 20, on page 2, and insert in lieu thereof the following

"2969. Before the property is so taken, the officer must pay or tender to the mortgagee the amount of the mortgage debt and interest, or must deposit the amount thereof with the county clerk or treasurer, payable to the order of the mortgagee, *provided, however*, that, if the mortgagee can be found within this State by the officer making such levy, a levy of an attachment or execution may be made thereon, and forthwith after such levy of an attachment or execution upon such mortgaged personal property and at least seven days before the date fixed for the sale thereof, the officer making such levy must give to, and serve on, the mortgagee actual written notice of the levy on said mortgaged property, and thereupon the mortgagee must, within five days after such actual notice deliver to the officer making such levy a verified claim setting forth the amount that is actually due him at the time of such levy upon the indebtedness secured by the mortgage, and, before selling the property under such levy, the officer must pay or tender to the mortgagee the amount of the mortgage debt or must deposit the amount thereof with the clerk of the court issuing the writ or the county treasurer payable to the order of the said mortgagee. The officer making such levy is not liable for damages for the taking, keeping, levying upon, or selling such property unless the mortgagee makes a verified claim as herein provided

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 1093—An Act to amend the Political Code of California, by amending subdivisions 1, 7, 12, 13, 13a, and 14 of Section 4267, Article XXXVIII thereof, relating to salaries and fees of officers of counties of the thirty-eighth class.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of printed bill after the words "An Act", on page 1, and insert in lieu thereof the following. To amend Section 4254 of the Political Code of California, relating to salaries of officers of counties of the twenty-fifth class.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4254 of the Political Code of California is hereby amended so as to read as follows:

Section 4254. In counties of the twenty-fifth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand two hundred dollars per annum, *provided*, that in counties of this class there shall be one deputy clerk, who shall be appointed by the county clerk and paid a salary of one thousand two hundred dollars per annum, in equal monthly installments, at the same time, in the same manner and out of the same fund as the salary of the county clerk is paid; and during each year in which a primary election is held throughout the State the county clerk shall be allowed to employ additional help at a total cost not to exceed three hundred dollars to be paid out of the same fund as the salary of the county clerk.

2. The sheriff, five thousand dollars per annum, and fees, commissions and mileage for the service of papers or process coming from courts other than those of his own county.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be collected; and *provided*, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred and fifty dollars in any month so collected.

4. The auditor, one thousand six hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

6. The tax collector, one thousand two hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

7. The assessor, two thousand six hundred dollars per annum, and the fees and commissions now or hereafter allowed by law; *provided*, that in counties of this class there shall be allowed two deputies who shall be appointed by the assessor, one to receive a salary of \$1350.00 per annum and one to receive a salary of \$1320.00 per annum in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It shall be the duty of said deputies, among other things, to make and correct all necessary plats, maps, and block books for the assessor's office; *provided, also*, that for each name upon the assessment roll, representing one or more statements in excess of four thousand five hundred, the assessor shall receive fifty cents.

8. The district attorney, two thousand two hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expenses shall not exceed the sum of five hundred dollars in any one year. He shall receive nothing for his services as a member of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, which said deputy shall be allowed a salary of nine hundred dollars per annum, to be paid at the same time, in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

12. The surveyor shall receive one thousand eight hundred dollars per annum, and in addition thereto actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy at a salary of one thousand five hundred dollars per annum, said deputy to be appointed by the principal and paid at the same time and in the same manner as other county officers. It shall be the duty of the surveyor among other things, to make all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; *provided, however*, that when in the judgment of the board of supervisors of the county it is necessary to employ additional assistance for the performance of said work other than with regard to roads, the board of supervisors may allow the necessary and actual expense thereof, *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping up the necessary and proper records of his office. He shall at all times be subject to the orders of the board of supervisors. The office of the surveyor shall be kept open for the accommodation of the public with the surveyor, his deputy or a competent clerk in charge, from nine o'clock A. M. until five o'clock P. M. the same as other county officers, and the said county surveyor shall be allowed

the sum of \$50.00 per month, or \$600.00 per annum for the service of a competent clerk, which office is hereby created, said clerk to be appointed by the said surveyor and to be paid out of the same fund, at the same time and in the same manner as other county officers are paid.

13 For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to the population as shown by the census of 1910 (1) Townships having a population of five thousand or more shall belong to and be known as townships of the first class; (2) townships having a population of three thousand and less than five thousand shall belong to and be known as townships of the second class; (3) townships having a population of two thousand seven hundred and fifty and less than three thousand shall belong to and be known as townships of the third class; (4) townships having a population of two thousand five hundred and less than two thousand seven hundred and fifty shall belong to and be known as townships of the fourth class; (5) townships having a population of one thousand five hundred and less than two thousand five hundred shall belong to and be known as townships of the fifth class; (6) townships having a population of seven hundred and fifty and less than one thousand five hundred shall belong to and be known as townships of the sixth class; (7) townships having a population of less than seven hundred and fifty shall belong to and be known as townships of the seventh class, providing, that the board of supervisors of the county may, prior to any general election, consolidate one or more townships into one.

13a. Justices of the peace shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, forty dollars; in townships of the third class, fifty dollars; in townships of the fourth class, forty dollars; in townships of the fifth class, forty dollars; in townships of the sixth and seventh classes, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil cases; and justices of the first, second, and third class shall be allowed their office rent, not to exceed the sum of five dollars each, for any one month. Each justice must pay into the county treasury, once a month, all fines collected by him; *provided*, also, that in townships of the first class the justice may appoint a clerk who may issue and sign all attachments, summons, or other process and receive and file all pleadings and either the justice or his clerk shall be in the office for the time other county offices are required to be open.

14 Constables shall receive the following monthly salaries to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, fifty dollars; in townships of the third class, eighty dollars; in townships of the fourth class, fifty dollars; in townships of the fifth class, eighty dollars; in townships of the sixth and seventh class, thirty dollars; *provided*, that in townships of the first class the constable shall be allowed, when in the judgment of the board of supervisors it is deemed necessary, one deputy at a salary of twenty dollars per month. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now allowed or may hereafter be allowed by law for all services rendered by him in civil actions, and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; *provided further*, that when any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case, he shall be allowed mileage, outside of his own county, at the rate of twenty cents per mile necessarily traveled, for one way only.

15 Supervisors, each, the sum of six hundred dollars per annum, and mileage at the rate of ten cents per mile for each mile traveled in going to and from the meetings of the board *provided* that only one mileage at any one session of the board shall be allowed. They shall act as road commissioner in their respective districts, and shall thereafter receive for their services as such road commissioners mileage at the rate of twenty cents per mile each one way, for all distances actually traveled by them in the discharge of their duties as such road commissioners; *provided*, that such mileage as road commissioner shall not, in any one year, exceed the sum of three hundred dollars for any one of the commissioners.

16, Witnesses in criminal cases shall receive one dollar and fifty cents per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasurer for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

SEC. 2 This Act shall take effect immediately after its passage.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 948—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1001—An Act to amend Section 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy"; approved March 20, 1905, and amended March 21, 1907, and April 21, 1909.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1148—An Act to provide for the payment of judgments against school districts.

Bill read second time, ordered to engrossment and third reading.

Assembly Bill No. 1029—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State, to be held in 1912.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1497—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 750—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1 of the printed bill, in the first line of the title, strike out the number "3", and add after the number "4", the numbers "5" and "6"; and also insert between the numbers "7" and "13", the numbers "8" and "9", and also strike out the number "15".

Amendment adopted.

AMENDMENT No. 2.

On pages 1 and 2, of the printed bill, strike out all of Section 1, from line 1 to line 33, inclusive, and insert in lieu thereof the following:

SECTION 1. Section 5 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof, and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907, is hereby amended to read as follows.

"5. The Governor shall appoint seven competent registered pharmacists, residing in different parts of the State, to serve as a Board of Pharmacy. The members of the board shall, within thirty (30) days after their appointment, individually take and subscribe before the county clerk, in the county in which they individually reside, an oath faithfully and impartially to discharge the duties prescribed by this Act. They shall hold office at the pleasure of the Governor and until their successors are appointed and qualified. The office of the board shall be located in Sacramento. The board shall organize by electing a president and secretary. The secre-

tary shall not be a member of the board. The secretary shall give a satisfactory bond, running to the State of California, in the sum of five thousand dollars, for the faithful discharge of his duties."

Amendment adopted.

AMENDMENT No. 3.

On pages 4, 5 and 6, Section 3, of the printed bill, strike out lines 15 to 86, inclusive, and in lieu thereof insert the following.

"(d) To employ inspectors of pharmacy and to inspect during business hours all pharmacies, dispensaries, stores or places in which drugs, medicines and poisons are compounded, dispensed or retailed and to cause the prosecution of all persons whenever there appears to the board to be reasonable ground for such action.

"(c) To examine and register as pharmacists and assistant pharmacists all applicants whom it shall deem qualified to be such. All persons applying for registration, other than that of an apprentice, shall pay a fee of five dollars on filing his or her application, and if the board finds that any applicant for registration on experience and credentials is entitled to be registered, then he or she shall pay an additional fee of fifteen dollars upon the issuance of certificate of such registration; and any licensee found by the board upon examination to be entitled to a certificate shall pay the additional sum of fifteen dollars upon the issuance of certificate; all applicants for examination as assistants, if found satisfactory by the board, shall be entitled to their certificate without further fee; and *provided further*, that an applicant for registration on experience and credentials may at his or her option be examined as a licensee without further fee for application.

"(f) In the event that any person having registered shall have lost his former certificate, or the same has been destroyed, or if he or she desires the renewal of the same, a new certificate may be issued by said board upon the applicant paying therefor the sum of three dollars; *provided further*, that where the original certificate is not lost or destroyed, then the certificate shall be surrendered before a renewal of same shall be issued; and *provided further*, that the board shall have power to require satisfactory evidence from the applicant of the loss or destruction of the certificate; and *provided further*, that where the applicant is delinquent for the annual dues required by this Act, then he or she shall be required to pay to said board sufficient fees to cover the delinquency in that behalf before he or she shall be entitled to a re-issue of the certificate in this subdivision provided for.

"(g) To provide proper rules and regulations for the revocation of and restoration by said board of certificates issued under the provisions of this Act when the holder of such certificate shall in the judgment of the board be guilty of unprofessional conduct, or of habitual intemperance or addicted to the use of narcotic drugs or shall have been convicted of a felony; restoration of such certificates may be made by the board in its discretion in cases where in the judgment of the board the circumstances justify, and the causes leading to the revocation of the certificate have been removed or in the case of a conviction of a felony, where the sentence of conviction has been served, or the penalty paid; and *provided further*, that the paying or offering to pay by any pharmacist to physicians of any consideration, monetary or otherwise (commonly known as the payment of commissions) upon prescriptions shall be deemed as unprofessional conduct."

Amendment adopted.

AMENDMENT No. 4.

On page 7, Section 5, lines 29 and 30, of the printed bill, strike out the words "for the use and benefit of the Board of Pharmacy"; and substitute in lieu thereof the words "and accounted for as other moneys coming into the hands of the secretary."

Amendment adopted.

AMENDMENT No. 5

On pages 7 and 8, Section 6, of the printed bill, strike out all of lines 1 to 35, inclusive, and in lieu thereof insert the following:

"SEC. 6 Section 6 of said Act is hereby amended to read as follows:

"6. It shall be the duty of the secretary to keep a book of registration open at the city of Sacramento, in which shall be entered under the supervision of the board, the names, titles, qualifications and places of business of all persons coming under the provisions of this Act. The secretary shall give receipts for all moneys received by him, and at the close of each month he shall report to the State Controller and at the same time shall pay all collections made during the preceding month to the State Treasurer. Such moneys shall be placed to the credit of the Contingent Fund of the State Board of Pharmacy, which fund is hereby created. Claims against this fund shall be approved by the State Board of Pharmacy, and the same shall be paid only on warrant of the State Controller. It shall be the duty of the secretary of the board to erase from the register the name of any registered pharmacist or assistant pharmacist who has died, or who has forfeited his right

under the law to do business in this State. Besides the duties required by this Act, it shall be the duty of the secretary to perform such other reasonable duties appertaining to his office as may be required of him by the Board of Pharmacy. The secretary shall receive such compensation as may be fixed by the board of pharmacy, and not exceeding twenty-four hundred dollars per annum, to be paid out of the fund created by this Act, and at the same time and in the same manner as other salaries are paid."

Amendment adopted.

AMENDMENT No. 6.

On page 10, line 58, Section 7, of the printed bill, after the word "sulphur", insert the following: "quinine, epsom salts, extract of witch hazel, moth balls, salt-petre and all proprietary medicines manufactured under the supervision of a registered pharmacist in the State of California for which trade marks have been filed in the office of the Secretary of State."

Amendment adopted.

AMENDMENT No 7

On page 10, line 62, of the printed bill, after the word "label" insert the following:

"SECTION 8. Section 8 of said Act is hereby amended to read as follows:

"8 No member of the board shall teach pharmacy in any of its branches. The members of the board shall each be paid the sum of eight dollars for each day they are in attendance at a meeting of the board, together with their necessary expenses. All salaries and other expenses of the board shall be paid from the moneys received under this Act.

"SECTION 9. Section 9 of said Act is hereby amended to read as follows:

"9 Every person holding a certificate from said board shall renew annually their registration with said board, and every registered pharmacist, and every assistant registered pharmacist who desires to retain his registration on the books of the Board of Pharmacy in this State shall annually, after the expiration of the first year's registration and on or before the first day of July of each succeeding year, pay to the secretary of the Board of Pharmacy a renewal fee to be fixed by the board, which shall not exceed two dollars for registered pharmacists and one dollar for assistant registered pharmacist, in return for which fee a renewal certificate of registration shall be issued. In case any person defaults in payment of said fee his or her registration may be revoked by the Board of Pharmacy on sixty days' notice, in writing from the secretary, unless within said time the fee is paid. Upon payment of said fee the board must reinstate the delinquent's registration. No person having received, or who may hereafter receive a certificate of registration as a pharmacist or assistant pharmacist, shall engage in business as a pharmacist or assistant pharmacist, in any county of this State in which he or she shall locate, or into which he or she shall afterwards remove, until he or she shall have had such certificate recorded in the office of the county clerk of such county, and it is hereby made the duty of the county clerk to record such certificate in a book to be provided and kept for that purpose, and the county clerk is authorized to charge a fee of fifty cents for the recording of such certificate—to be paid by the person offering such certificate for record. Each pharmacist or assistant pharmacist holding a certificate of registration as a pharmacist, or assistant pharmacist, and being engaged in business as a pharmacist or assistant pharmacist shall, unless the same has been previously made a matter of record as herein provided, have such certificate recorded as is in this section provided, within thirty days after the taking effect of this Act. The record of the certificate required by this section, or a certified copy thereof, shall be evidence in all courts that the person holding it was registered as evidenced by said certificate on the date of the same. Any registered pharmacist or assistant registered pharmacist failing to comply with any of the foregoing provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars. Upon the certificate being recorded as herein provided, it shall be the duty of the county clerk to notify the secretary of the Board of Pharmacy of the name of the party and the date of such record."

Amendment adopted.

Bill read second time, ordered to reprint, engrossment and third reading.

Assembly Bill No. 1324—An Act to amend the Penal Code of California by adding two new sections thereto to be numbered 326*n* and 326*p*, and relating to lotteries.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 5, of the printed bill, strike out “, in any house, office, shop or building”.

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 6, of the printed bill, strike out “or” where it first appears, and insert a comma in lieu thereof.

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 6, of the printed bill, after the word “publish”, insert “circulate, post or distribute”.

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, line 10, of the printed bill, strike out “scheme or device”.

Amendment adopted.

AMENDMENT No. 5.

On page 1, Section 1, line 13, of the printed bill, strike out “such house, shop or building”, and insert in lieu thereof “premises”.

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 1, line 15, of the printed bill, after the word “therein”, insert “or thereon”.

Amendment adopted.

AMENDMENT No. 7.

On page 2, Section 1, line 18*a*, of the printed bill, strike out “scheme or device”, and insert after the word “therein” the words “or thereon”.

Amendment adopted.

AMENDMENT No. 8.

On page 2, Section 1, strike out all of line 18, as it appears between lines 18*a* and 19.

Amendment adopted.

AMENDMENT No. 9.

On page 2, Section 2, line 6, of the printed bill, after the word “less”, insert “than two hundred fifty dollars nor more”.

Amendment adopted.

AMENDMENT No. 10.

On page 2, Section 2, line 6, of the printed bill, strike out “or”, and insert the word “and” in lieu thereof.

Amendment adopted.

AMENDMENT No. 11.

On page 2, Section 2, of the printed bill, strike out of lines 7 and 8 “, or by both such fine and imprisonment”, and insert in lieu thereof “nor more than six months in the county jail”.

Amendment adopted.

Bill read second time, ordered to reprint, engrossment and third reading.

Assembly Bill No. 822—An Act to regulate the sale of intoxicating liquors in the State of California by the prohibition of treating and to provide a penalty for the violation thereof.

During second reading of bill, the following amendments were submitted by Mr. Polsley:

AMENDMENT No. 1.

In line 4 of the title, of the printed bill, strike out the period after the word "thereof", and substitute a comma, and add the following words: "and to add a new section to the Penal Code to be known as Section 397c."

Amendment adopted.

AMENDMENT No. 2.

Strike out lines 1, 2 and 3, of Section 1. of the printed bill, and insert in lieu thereof the following:

"SECTION 1. A new section is hereby added to the Penal Code to be numbered Section 397c to read as follows: 397c. The owner, lessee or keeper of every saloon or place where intoxicating liquors are sold to be drank on the premises shall post and keep posted in".

Amendment adopted.

AMENDMENT No. 3.

Section 1, line 6. of the printed bill, strike out the word "saloon".

Amendment adopted.

AMENDMENT No. 4.

In Section 2, line 1, of the printed bill, strike out the word "licensed".

Amendment adopted.

AMENDMENT No. 5.

In Section 2, line 2, of the printed bill, strike out the words "in the State of California", and substitute in lieu thereof the following: "or place where intoxicating liquors are sold to be drank on the premises".

Amendment adopted.

AMENDMENT No. 6.

In Section 3, line 2. of the printed bill, strike out the word "licensed".

Amendment adopted.

AMENDMENT No. 7.

In Section 3, line 2, of the printed bill, strike out the words "in the State of California", and insert in lieu thereof the following: "or place where intoxicating liquors are sold to be drank on the premises".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 256, 982, 1360, and 1029.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 256, 982, 1360, and 1029 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 256, 982, 1360 and 1029, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of report.

Motion carried.

Assembly Bill No. 1484—An Act to amend sections eleven and eighteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, relating to the duties of supervisors, the fixing of rates to be paid, and the disposition of property on dissolution of district.

During second reading of bill, the following amendment was submitted by Mr. Brown:

Strike out the period () after the word "district" in line 25, Section 1, of printed bill, and insert in lieu thereof a semicolon (;), and add the following: "but nothing herein shall prevent the board of supervisors from installing and maintaining electric lights on highways in such districts, and to pay for the same out of the general road fund of the county or district road fund."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

THIRD READING OF BILLS.

Committee Substitute for Assembly Joint Resolution No. 14 and Assembly Joint Resolution No. 15—Relative to Panama-Pacific International Exposition.

On motion of Mr. Held, Committee Substitute for Assembly Joint Resolution No. 14 and Assembly Joint Resolution No. 15 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1373—An Act to add two new sections to the Penal Code of the State of California, to be numbered Sections 626*p*, 626*q*, and 626*r*.

During the third reading of the bill Mr. Bishop moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 2, of title, after the figures "626", strike out the letter "P", and insert in lieu thereof the letter "R".

Also: On page 1, Section 7, line 4, after figures "626", strike out the letter "P", and insert in lieu thereof the letter "R".

Motion carried.

The Speaker appointed Mr. Bishop as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1373, with instructions, do now report that the instructions of the Assembly have been carried out.

BISHOP, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Committee Substitute for Assembly Bill No. 1457—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto, to be designated as section one *a*, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities.

During the third reading of the bill, Mr. Lyon of Los Angeles, moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 5, Section 2, lines 18 to 24, strike out, beginning with the word "bonded", in line 18, and down to and including the word "petition", in line 24, and insert in lieu thereof the following: "such bonded indebtedness of such corporation, outstanding at the date of such annexation, or theretofore authorized."

Also On pages 5 and 6, lines 34 to 47 inclusive, strike out, beginning with the word "the", in line 34, and down to and including the word "interest", in line 47, and insert in lieu thereof the following: "such bonded indebtedness of such municipal corporation, outstanding at the date of the said annexation, or theretofore authorized, and to be represented by bonds thereafter to be issued. The said notice shall, in addition, distinctly specify the improvement or improvements for which such indebtedness was so incurred or authorized, and state the amount or amounts of such indebtedness already incurred, outstanding at the date of the first publication of such notice, and the amount or amounts of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued, and the maximum rate of interest payable, or to be".

Motion carried.

The Speaker appointed Mr. Lyon of Los Angeles as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Committee Substitute for Assembly Bill No. 1457, with instructions, do now report that the instructions of the Assembly have been carried out.

LYON of Los Angeles, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Committee Substitute for Assembly Bill No. 1458—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2*a*, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending Section 4 of said Act.

During the third reading of the bill, Mr. Lyon of Los Angeles moved

that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 1, line 19, after the word "any", insert the word "such".

Also: On page 2, Section 1, lines 21 to 26, strike out, beginning with the words "the election", in line 21, and down to the period in line 26, and insert in lieu thereof the following: "such consolidation, or theretofore authorized".

Also On pages 2 and 3, Section 1, lines 31 to 59, strike out, beginning with the word "the", in line 31, and down to and including the words "portion of any" in line 59, and insert in lieu thereof the following: "such property as it may be proposed in said petition shall be taxed to pay such bonded indebtedness of any one or more of such municipal corporations proposed to be consolidated, as specified in said petition, other than that in which such property is situated, shall, after the date of such consolidation, be taxed equally with the property within the municipal corporation or corporations originally incurring, or authorizing the incurring of such indebtedness, to pay the same. The said notice shall, in addition, distinctly specify the improvement or improvements for which such indebtedness was so incurred or authorized, and state the amount or amounts of such indebtedness already incurred, outstanding at the date of the first publication or posting of such notice, and the amount or amounts of such indebtedness theretofore authorized, and to be represented by bonds thereafter to be issued, and the maximum rate of interest payable or to be payable on such indebtedness; and upon the canvass of the returns of the election held in pursuance of such notice, if it shall appear that two thirds of all the ballots cast in each municipal corporation the property in which it is proposed, as aforesaid, shall, after consolidation, be subject to taxation to pay any".

Also On page 3, Section 1, line 71, strike out the word "territory", and insert in lieu thereof the word "property".

Motion carried.

The Speaker appointed Mr. Lyon of Los Angeles as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER Your select committee of one, to whom was referred Committee Substitute for Assembly Bill No 145S, with instructions, do now report that the instructions of the Assembly have been carried out.

LYON of Los Angeles, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1133—An Act to amend Section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class.

During the third reading of the bill, Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, line 54, in Section 1, of the printed bill, strike out the word "July", and insert in lieu thereof the word "August".

Also On page 3, line 54, in Section 1, of the printed bill, after the word "the", where it second appears in said line, insert the following word and character. "thirty-".

Also On page 3, line 55, in Section 1, of the printed bill, before the word "who", where it first appears in said line, insert the following: "and also the period of time embraced between the first day of April and the first day of June in each fiscal year".

Also On page 3, line 72, in Section 1, of the printed bill, strike out the word "July", and insert in lieu thereof the word "September".

Motion carried.

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER Your select committee of one, to whom was referred Assembly Bill

No. 1133, with instructions, do now report that the instructions of the Assembly have been carried out.

BOHNETT, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

During the third reading of the bill, Mr. Williams moved that the Speaker appoint a select committee of one to amend the bill as follows:

Insert quotation marks at the beginning and at the end of line 2, Section 1, of the printed bill

Also: On page 1, Section 1, line 5, of the printed bill, after the word "fund," insert the words, "and for other educational purposes."

Also: In Section 1, line 7, of the printed bill, after the word "four", strike out the comma and insert the words "of this Act."

Also: On page 1, Section 2, line 2, strike out the words "county and city", and insert in lieu thereof the following: "city, county, and city and county".

Also: On page 2, Section 3, line 2, strike out the word "legal"

Also: On page 2, Section 3, line 2, after the word "teacher's", insert the word "legal".

Also: On page 2, Section 3, line 4, after the word "thirty", insert the word "school".

Also: On page 2, Section 3, line 5, after the word "of", strike out the word "the", and insert in lieu thereof the word "this".

Also: On page 2, Section 3, line 5, after the word "state.", insert the words "including the last ten years preceding retirement"

Also: On page 2, Section 3, strike out lines 7, 8, 9 and 10, and insert in lieu thereof the following: "salary payable quarterly, which salary shall be equal to one and one half per cent of the average salary of the last ten years of service multiplied by the total number of years of service: *provided*, that the term "ten years," as used in this Act, shall not be construed as meaning ten consecutive years, and that, on the other hand, the interruptions of service during this period, however caused, shall not exceed a total of three years, and *provided, further*, that the term "public schools" shall be construed, for the purposes of this Act, as meaning all schools supported by public funds and subject to city, county, or city and county, or state control, and *provided further* that the above requirement of a teacher's legal certificate for the full thirty years shall not apply to those who entered the public school service of this State, prior to the passage of this Act, except that no person shall be entitled to receive said retirement salary who is not the holder of such a teacher's legal certificate at the time of retirement."

Also: On page 2, Section 4, line 2, strike out the word "legal".

Also: On page 2, Section 4, line 2, after the word "teacher's", insert the word "legal."

Also: On page 2, Section 4, line 5, after the word "become", insert the word "totally".

Also: On page 2, Section 4, line 5, after the word "further", insert the word "school".

Also: On page 2, Section 4, line 7, strike out everything after the word "to", and all of line 8, and insert in lieu thereof the words "one and one half per cent of the average annual salary of the last ten years immediately preceding retirement, multiplied by the total number of years of service, *provided*, application for such retirement salary is made within two years after the last month of service; *provided, however*, that the above requirement of a teacher's legal certificate for the full twenty years shall not apply to those who entered the public school service of California before the passage of this Act, except that no person shall be entitled to receive a retirement salary who is not the holder of such a teacher's legal certificate at the time of becoming so incapacitated"

Also: On page 2, strike out all of Section 5 and insert in lieu thereof, the following:

"Sec. 5 If any teacher retired under the provisions of section four of this Act shall be reemployed in any public or private school of this, or any other state, his or her retirement salary shall cease, and in case such teacher qualifies for a retirement salary under section three of this Act, the retirement salary already received by such teacher under section four shall be deducted year by year in the amounts originally received.

If any teacher, retired under section three of this Act, shall be reemployed in any public or private school of this or any other state, his or her retirement salary shall cease."

Also: On page 2, Section 6, line 4, between the word "munities" and the word "from", insert the following: ", or bodies of teachers."

Also. On page 2, Section 7, line 1, after the word "education", insert the words "shall determine and prescribe what shall constitute a "school year", under section three and the other provisions of this Act, and".

Also: On page 2, Section 7, line 4, of the printed bill, before the word "method", insert the word "the".

Also Insert a comma after the word "applicant" at the end of line 5, Section 7, of the printed bill.

Also Strike out lines 6 and 7, of Section 7, of the printed bill, and insert in lieu thereof the following, "and the amount of the retirement salary, under the provisions of this Act."

Also: On page 3, after the end of Section 7, insert a new section to be known and numbered as Section 8, reading as follows

"Sec. 8. The minimum retirement salary for teachers retiring under section three of this Act shall not be less than three hundred and sixty dollars per annum; nor shall the maximum for teachers retiring under section three or section four of this Act be more than nine hundred dollars per annum."

Also: On page 3, of the printed bill, strike out the word and figure "Sec. 8.", and insert in lieu thereof the following: "Sec. 9."

Also: Renumber Section 9, of the printed bill, to read "Sec. 10".

Motion carried.

The Speaker appointed Mr. Williams as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1188, with instructions, do now report that the instructions of the Assembly have been carried out.

WILLIAMS, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

MOTION.

Mr. Bohnett moved that the Assembly adjourn until ten o'clock A. M. of Monday, March 13, 1911.

Motion lost.

RULES SUSPENDED.

Mr. Chandler moved that the rules be suspended for the purpose of taking up Senate second-reading file.

The roll was called and rules suspended by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Callaghan, Chandler, Cogswell, Flint, Griffiths, Hamilton, Held, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Mott, Polsley, Preisker, Randall, Slater, Smith, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—32

NOES—None

POINT OF ORDER.

Mr. Kehoe rose to the following point of order: "That there was no quorum present."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled quorum present, but not voting.

CONSIDERATION OF SENATE BILL.

Senate Bill No. 11—An Act establishing a state normal school at Fresno, county of Fresno, California, and making an appropriation therefor.

On motion of Mr. Chandler, bill re-referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1103—An Act to amend section one hundred and three of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Assembly Bill No. 1469—An Act relating to the liability of common carriers by railroad in this State for injuries or death sustained by their employees.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

ADJOURNMENT.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Brown, the Assembly was declared adjourned until ten o'clock A. M. of Monday, March 13, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Monday, March 13, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsey, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—72.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Gerdes, its further reading was dispensed with.

CREDENTIAL OF MEMBER OF THE PRESS.

The following credential of member of the press was received and ordered printed in the Journal:

SACRAMENTO, CAL., March 13, 1911.

To the Clerk of the Assembly.

Mr. H. M. Standwick will represent the Sacramento Union in the Assembly for the remainder of the session.

EDWARD INSLEY.
Managing Editor.

LEAVE OF ABSENCE.

On motion of Mr. Bohnett, leave of absence was granted Mr. Stevenot for the day.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Judson, Mr. Geo. F. Melton was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Denegri, Messrs Jas. Fugazi and R. Zappattini were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Slater, Mr. J. C. Arthur was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Mr. J. J. Conlin was granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1568—An Act to amend section four thousand two hundred and sixty-nine of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class.

Also: Assembly Bill No. 1569—An Act to amend section four thousand two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

ON BUILDING AND LOAN ASSOCIATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: Your Committee on Building and Loan Associations, to whom was referred Senate Bill No. 1175—An Act to amend Sections 637 and 638 of the Civil Code, relating to building and loan associations.

Also: Senate Bill No. 1176—An Act to amend Section 648a of the Civil Code, relative to building and loan associations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MOTT, Chairman

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1052—An Act to make appropriations for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant Ranch, on the road between Quincy and Marysville, thence in a south-

easterly direction by Eureka to Downieville, Sierra County, California—have had the same under consideration, and respectfully report the same back, with the recommendation that it be re-referred to the Committee on Ways and Means.

CHANDLER, Chairman.

The above reported bills re-referred to Committee on Ways and Means

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

Also Assembly Bill No. 1368—An Act to provide for the locating, surveying and maintaining a state highway from Pescadero, in the county of San Mateo, to the Santa Cruz County line, to connect with a road to the California Redwood Park, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

CHANDLER, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School.

Also Senate Bill No. 443—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Also Senate Bill No. 444—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Also Senate Bill No. 401—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Also Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 359—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752a and 752b, 852a and 852b thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so called commission form of government—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

COGHLAN, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1536—An Act to amend Section 862 of an Act providing for the

regulation, incorporation and government of municipal corporations—have had the same under consideration, and respectfully report the same back, with amendments and recommend that it do pass as amended.

COGHLAN, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1316—An Act to amend section eight hundred sixty-three of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," adopted 1883.

Also, Assembly Bill No. 1465—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGHLAN, Chairman.

The above reported bills ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred Assembly Concurrent Resolution No. 26—Relative to the purchase of bas-relief bronzes of President Taft and Governor Johnson—have had the same under consideration, and respectfully report the same back with amendments, and recommend that same do pass as amended.

STEVENOT, Chairman.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 11, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 60—An Act to provide an appropriation for the erection of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also Senate Bill No. 63—An Act to provide an appropriation for the erection of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also Senate Bill No. 64—An Act to provide appropriation for the erection of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary

The above bills referred to Committee on Engrossment and Enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor

Also Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor, and to repeal Section 17 of an Act approved March 4, 1897, entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor", and to repeal all Acts and parts of Acts inconsistent with this Act.

Also. Senate Bill No. 881—An Act to amend section one thousand five hundred and seventy-eight of the Code of Civil Procedure, relating to mortgages by executors, administrators and guardians in certain cases.

Also: Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Also. Senate Bill No. 466—An Act relating to the acquisition, construction and operation of public utilities by municipal corporations.

Also. Senate Bill No. 528—An Act to amend the Penal Code of the State of California by adding a new section to be numbered six hundred and twenty-six *n*, relating to the shooting of ducks and other waterfowl from tanks or sink boxes.

Also. Senate Bill No. 1035—An Act to make appropriations for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant ranch on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California.

Also. Senate Bill No. 1152—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release.

Also. Senate Bill No. 1235—An Act making an appropriation for furnishing and equipping the Exposition building at Los Angeles.

Also. Senate Bill No. 737—An Act to amend section six of an Act entitled "An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto," approved March 14, 1889.

Also. Senate Bill No. 738—An Act to amend section four thousand and twenty-two of the Political Code of the State of California, relating to official bonds of county officers.

Also. Senate Bill No. 952—An Act to amend Section 5 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all Acts amendatory thereof, by amending section five of said Act, relating to contracts for work to be done.

Also. Senate Bill No. 1081—An Act to amend Section 1375 of the Code of Civil Procedure, relating to hearing of application for letters of administration.

Also. Senate Bill No. 1185—An Act to amend section one hundred ninety-five of the Penal Code of California, relating to homicide and the cases in which homicide is excusable.

Also. Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522*a*, relating to the accounts and accounting of the Board of State Harbor Commissioners.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATISON, Assistant Secretary.

Senate Bill No. 339 read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

Senate Bill No. 453 read first time, and referred to Committee on Live Stock, Dairies and Dairy Products.

Senate Bill No. 881 read first time, and referred to Committee on Judiciary.

Senate Bill No. 611 read first time, and referred to Committee on Medical and Dental Laws.

Senate Bill No. 466 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 528 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 1035 read first time, and referred to Committee on Roads and Highways.

Senate Bill No. 1152 read first time, and referred to Committee on Irrigation and Drainage.

Senate Bill No. 1235 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 737 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 738 read first time, and referred to Committee on Judiciary.

Senate Bill No. 952 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 1081 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1185 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1008 read first time, and referred to Committee on Ways and Means.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Hamilton moved that the vote whereby Senate Bill No. 349 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cunningham, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Men-denhall, Mott, Nolan, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Shragin, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—49

NOES—Mr. Polsley—1

Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

During the reconsideration of the bill, Mr. Hamilton moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of Section 2, of the printed bill, as amended in the Assembly, March 8, 1911.

Also On page 2, line 1, of Section 3, strike out the figure "3", and insert in lieu thereof the following: "2"

Also On page 2, line 1, in Section 4, strike out the figure "4", and insert in lieu thereof the following: "3".

Also, On page 2, line 1, of Section 5, strike out the figure "5", and insert in lieu thereof the following: "4".

Motion carried.

The Speaker appointed Mr. Hamilton as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER Your select committee of one, to whom was referred Senate Bill No. 349, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMILTON, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

RESOLUTION.

The following resolution was offered:

By Mr. Bohnett:

Resolved, That the State Controller be and is hereby directed to draw his warrant on the Contingent Fund of the Assembly in favor of Chief Clerk L. B. Mallory, for the sum of one hundred (100) dollars, and the Treasurer is hereby directed to pay the same, said sum being for continuing the mailing department.

The question being on the adoption of resolution.

The roll was called and resolution adopted by the following vote:

AYES—Messrs Bennick, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McIowen, Mendenhall, Mott, Nolan, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Sutherland, Tibbits, Williams, Wilson, Willie, Young, and Mr. Speaker—55.

NOES—None.

THIRD READING OF BILLS.

Assembly Bill No. 1203—An Act to amend Section 1188 of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

During consideration of bill, the following amendment was submitted by the committee:

On page 2, Section 1, line 20, of the printed bill, as amended, strike out the words "for any candidate", and insert in lieu thereof the following: "at which a candidate was nominated".

Amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Constitutional Amendment No. 21—A resolution to propose to the people of the State of California an amendment to section nineteen, of article eleven of the Constitution, relating to grants of corporate franchises by municipal corporations.

During consideration of Assembly constitutional amendment, the following amendments were submitted by Mr. Sutherland:

AMENDMENT No. 1.

Commencing with the first word "the", in line 6, of the printed resolution, strike out down to and including the colon after the word "California", in line 7, and in lieu of the matter stricken out insert the following: "that section twenty-three of article twelve of the Constitution of the State of California be amended so as to read as follows:".

Amendment adopted.

AMENDMENT No. 2.

In line 45, of the printed resolution, strike out the word "any", and in lieu thereof insert the word "an".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, reëngrossment, and on file for adoption.

Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed to foot of file.

Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer systems of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 153—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

Bill passed to foot of file.

Assembly Bill No. 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors respecting roads.

Bill passed to foot of file.

Assembly Bill No. 725—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars, eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Bill passed on file.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Bill passed on file.

Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed on file.

SPECIAL URGENCY FILE.

Assembly Bill No. 1469—An Act relating to the liability of common carriers by railroad in this State for injuries or death sustained by their employees

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1469 passed by the following vote:

AYES—Messrs. Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coglan, Cogswell, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Gaylord, Gerdes,

Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Nolan, Polsley, Preisker, Rimplinger, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1288—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1288 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Clark, Coghlan, Cogswell, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowan, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimplinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 702—An Act amending Section 264 of the Penal Code fixing the punishment for rape.

During the third reading of the bill, Mr. Butler moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, line 1, of the printed bill, insert before the word Section, the words "Section 1".

Also, On page 1, line 3, of the printed bill, insert before the word "rape" the figures "264"

Motion carried.

The Speaker appointed Mr. Butler as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 702, with instructions, do now report that the instructions of the Assembly have been carried out.

BUTLER, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint with a rush order, reengrossment, and on file for passage.

Assembly Bill No. 828—An Act to amend Section 3493m of the Political Code, relating to land uncovered by the recession or drainage of the waters of inland lakes.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 828 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hayes, Hinkle, Hinshaw,

Jasper, Joel, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mullally, Nolan, Polsley, Rimlinger, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Tibbits, Wilson, Young, and Mr. Speaker—50

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lubben, against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1085 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Crosby, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Nolan, Polsley, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Schmitt, Smith, Sutherland, Tibbits, Wilson, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1404—An Act to amend section eight hundred and sixty-eight of the Code of Civil Procedure of the State of California, relating to the issuance of writs of attachment issued from justices' courts, and providing that several writs may be issued at the same time to the sheriffs and constables of counties other than the one in which said justice's court may be situated.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1404 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Chandler, Cogswell, Cunningham, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Rimlinger, Rogers of Alameda, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Wylie, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1287—An Act to authorize the State of California to convey to the county of Sacramento the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of section 17, said point being the northwest corner of the property deeded to the board of supervisors of Sacramento County by James Lansing on April 8, 1869, and recorded in Book 51 of Deeds, page 633, on file in the office of the county recorder of Sacramento County, and described as "the west 17 chains of the east 22 chains of the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M., and running thence from said point of beginning south 224.6 feet; thence S. 40° 56' W. 201.6 feet; thence S. 89° 22' W. 327.3 feet to the east line of the Wright & Kimbrough Subdivision No. 14; thence north 380.5 feet along said east line to the northeast corner of said subdivision

on the north line of section 17; thence east 464.2 feet along said section line to the place of beginning, containing 3.78 acres. All the above described property lying in section 17, T. 8 N., R. 5 E., M. D. B. & M., and in Sacramento County, California; in consideration of the county of Sacramento conveying to the State of California the following described property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the property line between the County Hospital grounds and the Elmhurst Subdivision, said point being in section 17, T. 8 N., R. 5 E., M. D. B. & M., distant S 0° 27' W. 215.7 feet from the north line of said section 17, at a distance of 330 feet west from the northeast corner thereof and running thence N. 71° 06' W. 621.2 feet; thence S. 89° 22' W. 178.3 feet; thence S. 84° 52' W. 54.7 feet; thence S. 80° 56' W. 65.3 feet; thence S. 73° 08' W. 56.3 feet; thence S. 66° 43' W. 64 feet; thence S. 57° 52' W. 42.6 feet; thence S. 55° 29' W. 69.7 feet; thence S. 49° 37' W. 119.7 feet; thence S. 40° 56' W. 15.6 feet to the property line between the County Hospital property and the property of the State Agricultural Society at a distance of 224.6 feet south along said property line from the northwest corner of the tract of land deeded by James Lansing to the board of supervisors of Sacramento County on April 8, 1869, and recorded in Book 51 of Deeds, page 633, on file in the office of the county recorder of Sacramento County, and described as "the west 17 chains of the east 22 chains of the north $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M.," thence south 458 feet along the west line of said tract to the southwest corner thereof; thence east 1183 feet along the south line of said tract to the southeast corner thereof; thence north 467 feet along the east line of said tract to the point of beginning, containing 16.12 acres. All the above described land lying in section 17, T. 8 N., R. 5 E., M. D. B. & M., and in Sacramento County, California: the purpose of this Act being to perfect of record the title of the county of Sacramento to the real property first above described and to perfect of record the title of the State of California to the real property last above described.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1287 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bolnett, Brown, Cattell, Chandler, Cogswell, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gwill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lanch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowan, Mendenhall, Moff, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Sutherland, Telfer, Tibbits, Wilson, and Mr. Speaker—54

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 986—An Act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1557—An Act to amend Section 4250 of the Political Code of the State of California, relating to fees and salaries, and fees of officers in counties of the twenty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1557 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Smith, Sutherland, Telfer, Tibbits, Wilson, Willie, and Mr. Speaker—57

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 626—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, who shall have arrived at the age of sixty years.

During the third reading of the bill, Mr. Held moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 5, after "insane", insert "or in the state prisons or in the public school system or in any public office in this State, or who has worked on any farm or in any manufacturing establishment".

Motion lost

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. McGowen moved a call of the House.

Roll call regularly demanded

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Callaghan, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Sutherland, Tibbits, Williams, Wilson, Willie, Young, and Mr. Speaker—55

NOES—Messrs. Bohnett, Brown, Butler, Cattell, Chandler, Hamilton, Held, and Mullally—8

Time, eleven o'clock and forty-three minutes A. M

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger,

Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—69.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. McDonald and Griffin were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and fifteen minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Lyon of Los Angeles.

The roll of absentees was called, and Assembly Bill No. 626 passed by the following vote:

AYES—Messrs. Bennink, Bishop, Callaghan, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gerdes, Griffin of Modesto, Griffiths, Hall, Hayes, Hinkle, Jones, Joel, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mullally, Nolan, Preisker, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Sutherland, Tibbits, Williams, and Mr. Speaker—41.

NOES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Flint, Gaylord, Guill, Hamilton, Held, Hushaw, Jasper, Judson, Kehoe, Lamb, Lynch, Maher, Malone, Mendenhall, Mott, Polsley, Randall, Slater, Telfer, Wilson, Wyllie, and Young—32.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER CONTINUED.

On motion of Mr. Tibbits, the consideration of Assembly Bill No. 713, heretofore made a special order for eleven o'clock and thirty minutes A. M., of this day, was continued until eleven o'clock and thirty minutes A. M., of Tuesday, March 14, 1911.

SPECIAL ORDER.

The hour of twelve o'clock M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 509—An Act amending section 59 of the Civil Code, relating to marriages which are incestuous and void.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 509 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Held, Hinkle, Hushaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Sbragia, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—53.

NOES—Messrs. Clark, Cogswell, Crosby, and Rogers of Alameda—4.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1083—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1083 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bishop, Bliss, Butler, Callaghan, Clark, Coghlan, Cronin, Crosby, Cunningham, Fairwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polslev, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Smith, Sutherland, Telfer, Wilson, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No. 957—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 635½, relating to the protection and preservation of fish.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights.

Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables at the state prison at San Quentin, the installation and equipment of an electric light and power plant at said prison, and providing for additional accommodation for the prisoners at said prison, and to provide for other expenditures incidental or relating thereto.

Assembly Bill No. 923—An Act to provide appropriation for the equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics

Assembly Bill No. 66—An Act to provide appropriation for the erection of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics

Assembly Bill No. 24—An Act to provide an appropriation for the erection of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Assembly Bill No. 760—An Act to amend Sections 4097, 4101 and 4102 of the Political Code, in relation to the duties of county auditors, county treasurers, district attorneys and chairmen of boards of supervisors.

Assembly Bill No. 1505—An Act to provide for the erection of a memorial monument to Abraham Lincoln, appointing a commission therefor and providing an appropriation to carry the Act into effect.

Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled

Assembly Bill No. 730—An Act to amend Section 485 of the Political Code, relating to appointments of Surveyor General.

Assembly Bill No. 726—An Act to amend sections two hundred and sixty-nine *a* and two hundred and sixty-nine *b* of the Penal Code, relating to cohabitation and adultery

Assembly Bill No. 639—An Act to amend section fifteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways: to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, said amendment referring to the levy of taxes.

Assembly Bill No. 553—An Act to divide the State of California into six fish and game districts.

Assembly Bill No. 227—An Act making an appropriation for the further development of the water supply at the Sonoma State Home at Eldridge, California.

Assembly Bill No. 224—An Act authorizing the Regents of the University of California to hold farmers' institutes, and making an appropriation therefor.

Assembly Bill No. 208—An Act to authorize the personal representative of James Touhev, deceased, to bring suit against the State of California

Assembly Bill No. 175—An Act to amend Section 2712 of the Political Code of California, relating to the cost of construction of roads and bridges.

Assembly Bill No. 129—An Act appropriating money for the purchase of supplies for the school of letters and musical instruments for the band at the Preston School of Industry.

Assembly Bill No. 103—An Act to amend the Code of Civil Procedure by adding a new section thereto to be known as Section 1928, relating to deeds purporting to have been executed in pursuance of legal process of the courts of this State, making such deeds, their record and certified copies of such record prima facie evidence of title.

Assembly Bill No. 89—An Act to provide for fire escapes for the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 83—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, and to make an appropriation therefor.

Assembly Bill No. 992—An Act concerning tunnels, tubes and subways under navigable streams and bodies of water in the State of California.

Assembly Bill No. 971—An Act to add a new section to the Penal Code of the State of California, to be numbered 590b, relating to riding and driving over public bridges, and to repeal Section 2741 of the Political Code of the State of California.

Assembly Bill No. 920—An Act to allow union high school districts to establish, equip and maintain public libraries; to provide for the formation, government and operation of such library districts; the acquisition of property thereby; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein.

Assembly Bill No. 1160—An Act to amend Section 1181 of the Civil Code, relating to proof and acknowledgment of instruments

Assembly Bill No. 718—An Act to protect fraternal, benevolent and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof.

Assembly Bill No. 382—An Act to amend Section 1490 of the Code of Civil Procedure of California, relating to notice to creditors of deceased persons

Assembly Bill No. 941—An Act to amend sections three thousand one hundred and ninety-seven and three thousand one hundred and ninety-nine of the Political Code of the State of California, relating to trade-marks

Assembly Bill No. 931—An Act to amend the Political Code of California by adding thereto a new section to be numbered 4150b, and prohibiting district attorneys of counties or cities and counties to defend, assist in the defense of, or act as counsel for, any person or persons, association or corporation accused of a crime in any county or city and county in the State, during their incumbency

Assembly Concurrent Resolution No. 23—Approving the charter of the city of Vallejo, State of California, voted for and ratified by the qualified voters of said city at a special municipal election held therein for that purpose on the 21st day of February, 1911.

And were presented to the Governor, March 11, 1911, at four o'clock P. M

RANDALL, Chairman

ANNOUNCEMENT.

The Speaker announced the receipt of the following communication:

Hon. A. H. Hewitt, Speaker of the Assembly.

DEAR SIR: I desire to inform you that by the authority given me in Rule 81 of the Standing Rules of the Assembly, I have on this day suspended Frank Barry, Committee Clerk, for the reason that he has returned home and does not expect to report further for duty. Said suspension to date from this (Monday) morning, March 13, 1911.

Very truly yours,

L. B. MALLORY, Chief Clerk.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

SPECIAL ORDER.

The hour of two o'clock P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act, which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto.

The question being on the adoption of pending amendments to Committee Substitute for Senate Bill No. 261.

On motion of Mr. Cronin, amendments withdrawn.

During the consideration of the bill, Mr. Cronin moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "follow" in line 50, page three (3), Section 1. of Senate Bill No. 261, add the following:

Provided, however, that the State Board of Medical Examiners may issue a certificate, to any person who has practiced a special branch of medicine and surgery, at the time this Act goes into effect, for a period of not less than thirty-five years, fifteen years of which time shall have been within the State of California, an applicant to practice a special branch of medicine and surgery must file an affidavit with the Board of Medical Examiners, sworn to before some person authorized to take and administer an oath and attested by the hand and seal of such person, stating that he has successfully and effectively practiced the special branch of medicine and surgery for the term of years as hereinbefore mentioned; and such applicant to practice a special branch of medicine and surgery, shall not be required to file a diploma, as hereinbefore referred to, but such applicant may be required to take

an examination, which shall be practical in character and shall consist of a practical demonstration in the special branch of medicine and surgery set forth in the affidavit of such applicant; and such practical demonstration shall be for the purpose of ascertaining an applicant's fitness to practice the special branch of medicine and surgery set forth in the affidavit of the applicant, and in addition thereto, such applicant may be required to produce testimony to the effect that he has successfully and effectively practiced the special branch of medicine and surgery as set forth in the affidavit heretofore referred to; and if after such practical demonstration an applicant shall qualify, by effecting a cure, the State Board of Medical Examiners shall issue a certificate to such applicant to practice the special branch of medicine and surgery set forth in the affidavit of such applicant."

Also: After the word "forth" in line 50, on page 3, Section 1, insert the words: "Except as otherwise stated."

SPECIAL ORDER SET.

On motion of Mr. Cronin, the consideration of the above motion was made a special order for Wednesday, March 14, 1911, at two o'clock P. M.

THIRD READING OF SENATE BILLS.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Bill passed to foot of file.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Bill passed to foot of file.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill passed to foot of file.

SPEAKER PRO TEM. IN CHAIR.

At two o'clock and ten minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly in the chair.

Senate Bill No. 775—An Act to amend Section 595 of the Code of Civil Procedure of this State, relating to trials in civil causes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 775 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Brown, Callaghan, Cattell, Crosby, Cunningham, Denegri, Feeley, Gaylord, Gerdes, Guill, Hall, Hayes, Held, Hinshaw, Joel, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowan, Mendenhall, Mott, Nolan, Polsler, Preisker, Rimlinger, Rutherford, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Tibbits, Williams, Wilson, and Wyllie—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 498—An Act to amend an Act "to provide for the dissolution of irrigation districts, and the ascertainment and discharge of

their indebtedness, and the distribution of their property," by adding a new section thereto, to be numbered section two and one half.

Bill passed to foot of file.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Bill passed to foot of file.

Senate Bill No. 557—An Act to amend Section 395 of the Code of Civil Procedure, relating to the place of trial of civil actions.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 557 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Brown, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Denegri, Feeley, Gaylord, Gerdes, Guill, Hall, Hayes, Held, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowan, Mendenhall, Mott, Polsley, Preisker, Rimbinger, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Williams, Wilson, and Wyllie—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 960—An Act creating a bureau of building and loan supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an Act approved March 21, 1905, entitled "An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing build-

ing and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith." Also repealing an Act approved March 23, 1907, entitled "An Act to amend section sixteen (16) of an Act entitled 'An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith'." approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof. Also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for

violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith,' approved March 21, 1905." relating to the powers and duties and salaries of the State Building and Loan Commissioners.

During the third reading of the bill, Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 3, Section 3, page 4, of the printed bill, strike out the word "twenty-four", and insert in lieu thereof the following "twenty-one".

Also In line 8b, Section 3, page 5, of the printed bill, strike out the word "twelve", and insert in lieu thereof the word "fifteen".

Also In line 59, Section 18, page 14, of the printed bill, strike out the word "commissioner", and insert in lieu thereof the word "commissioners".

Also In line 8, Section 19, page 15, of the printed bill, strike out the word "an".

Also In line 26, Section 19, page 15, of the printed bill, strike out the quotation mark following the semicolon in said line.

Also In line 28, Section 19, page 15, of the printed bill, after the bracket, insert a "quotation mark (")".

Motion carried.

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Senate Bill No 960, with instructions, do now report that the instructions of the Assembly have been carried out.

BOHNETT, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 1119—An Act appropriating money to pay the claim of Louis H. Horn against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1119 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bliss, Brown, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Denegri, Feeley, Gaylord, Gull, Hall, Hayes, Held, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Rutherford, Ryan, Sbragia, Schmitt, Sutherland, Telfer, Tibbits, Williams, Wilson, and Wyllie—42

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1120—An Act appropriating money to pay the claim of Frank Mattison against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1120 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Feeley, Gaylord, Gerdes, Hall, Hayes, Held, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Sutherland, Telfer, Tibbits, Williams, Wilson, and Wyllie—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1121—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1121 passed by the following vote:

AYES—Messrs. Benedict, Bishop, Bliss, Brown, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Feeley, Gaylord, Gerdes, Hall, Hayes, Held, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Sutherland, Telfer, Tibbits, Williams, Wilson, and Wyllie—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1113—An Act appropriating money to pay the claim of L. B. Mallory against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1113 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Feeley, Gaylord, Gerdes, Hall, Hayes, Held, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Nolan, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Sutherland, Telfer, Tibbits, Williams, and Wyllie—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 267—An Act to repeal Section 453½ of the Civil Code of the State of California, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 267 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Clark, Coghlan, Cogswell, Crosby, Cunningham, Feeley, Freeman, Gerdes, Griffin of Modesto, Hayes, Held, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Sutherland, Telfer, Tibbits, Williams, Wilson, and Wyllie—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1114—An Act appropriating money to pay the claim of Nelson French against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1114 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Crosby, Cunningham, Feeley, Freeman, Gerdes, Griffin of Modesto, Hayes, Held, Hinkle, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of

Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer Tibbits, and Wyllie—48

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1115—An Act appropriating money to pay the claim of Leo Preisker against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1115 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohuett, Brown, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Hall, Hayes, Held, Hinkle, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Smith, Sutherland, Telfer, Tibbits, Wyllie, and Young—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1116—An Act appropriating money to pay the claim of T. G. Walker against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1116 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cunningham, Denegri, Feeley, Freeman, Gerdes, Griffin of Modesto, Hall, Hayes, Hinkle, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Smith, Sutherland, Telfer, Williams, Wyllie, and Young—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1117—An Act appropriating money to pay the claim of Clio Lloyd against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1117 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Freeman, Griffin of Modesto, Hall, Hayes, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, and Young—46.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1118—An Act appropriating money to pay the claim of H. P. Travers against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1118 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Griffin of Modesto, Hall, Hayes, Held, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Sutherland, Telfer, Williams, Wilson, and Wyllie—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 44—An Act providing that in the event of no election having been held for the election of officers in the municipalities of the sixth class at the time fixed for first election after incorporation thereof, that the officers elected at the time of the incorporation shall continue in office until after the municipal election to be held in 1912.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 44 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bliss, Bohnett, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Freeman, Griffin of Modesto, Hall, Held, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Sutherland, Telfer, Tibbitts, Williams, Wilson, Wyllie, and Young—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 552—An Act authorizing municipal corporations, other than freeholder charter cities, to levy and collect a tax for park music and advertising purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 552 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Freeman, Griffin of Modesto, Hall, Held, Hinshaw, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Sbragia, Slater, Smith, Sutherland, Williams, Wilson, and Wyllie—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 454—An Act to amend section twenty-one of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891.

On motion of Mr. Maher, bill made a special order for two o'clock and thirty minutes P. M. of Tuesday, March 14, 1911.

Senate Bill No 1127—An Act to add a new section to the Political Code, to be numbered section four thousand one hundred fifty-six *b*, relating to the duties of district attorneys in counties of the first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1127 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Denegri, Feeley, Freeman, Gerdes, Griffin of Modesto, Hall, Hayes, Held, Hinshaw, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Wilson, and Wyllie—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDERS.

The hour of three o'clock P. M. having arrived, the special orders heretofore set for this hour were taken up for consideration.

Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926*a*, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

On motion of Mr. Rogers of Alameda, further consideration of Senate Bills Nos. 1192 and 1193 continued until three o'clock P. M. of Wednesday, March 15, 1911.

Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

On motion of Mr. Preisker, further consideration of Senate Bill No. 301 continued until three o'clock P. M. of Wednesday, March 15, 1911.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure to be known and designated as Section 604, relating to the payment of juror's and reporter's fees in actions other than criminal.

On motion of Mr. Rogers of Alameda, bill made a special order for three o'clock P. M. of Tuesday, March 14, 1911.

Senate Bill No. 235—An Act authorizing the investment and reinvestment, and disposition, of any moneys in any sinking fund of any county, city and county, or incorporated city or town, and repealing an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 235 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Freeman, Gerdes, Griffin of
119—AAJ

Modesto, Guill, Hall, Held, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Sutherland, Tibbits, Williams, Wilson, and Wylie—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 117—An Act to add a new section to Article III, Chapter V, Title II, Part IV, of the Political Code, to be numbered section four thousand one hundred and one *a*, relating to the payment of money into the county treasury.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 117 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Freeman, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, McDonald, McGowen, Mott, Mullaly, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Sutherland, Telfer, Tibbits, Williams, Wilson, Wylie, and Young—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 274—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 274 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Feeley, Gerdes, Guill, Hall, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mott, Nolan, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Telfer, Tibbits, Wilson, and Wylie—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to Senate.

Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 275 passed by the following vote:

AYES—Messrs. Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Crosby, Flint, Freeman, Gerdes, Griffin of Modesto, Hall, Hamilton, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mott, Nolan, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Sutherland, Telfer, Tibbits, Wilson, Wylie, and Young—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 15—An Act appropriating money for the erection of buildings on, and acquiring title to the land of the State Branch Agricultural Experiment Station, located at Riverside, California, and for general improvements thereon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 15 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Denegri, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Mott, Nolan, Preisker, Randall, Rimmer, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Sutherland, Telfer, Tibbits, Wilson, Wyllie, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room at the Preston School of Industry.

Bill passed on file.

Senate Bill No. 521—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars, eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 521 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hayes, Hinkle, Hinshaw, Jasper, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Mott, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Sutherland, Telfer, Wilson, Wyllie, and Young—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 631—An Act to establish a state board of embalmers, defining the duties thereof, providing for the better protection of life and health, preventing the spread of contagious diseases, regulating the practice of embalming in connection with the care and disposition of the dead, and providing penalties for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 631 refused passage by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Denegri, Freeman, Gerdes, Griffin of Modesto, Hamilton, Hinkle, Judson, Lamb, Mott, Preisker, Randall, Rutherford, Sbragia, Smith, and Wyllie—24.

NOES—Messrs. Bliss, Bohnett, Brown, Chandler, Cogswell, Flint, Gaylord, Guill,

Hayes, Held, Hinshaw, Jasper, Jones, Joel, Kehoe, Mendenhall, Polsley, Rosendale, Ryan, Slater, Sutherland, Telfer, Tibbits, and Wilson—24.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of three o'clock and thirty minutes P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

The question being on the adoption of report of Committee on Introduction of Bills, heretofore submitted.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Bohnett moved a call of the House.

Motion carried.

Time, three o'clock and thirty-eight minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names.

Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gavlord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Sutherland, Tibbits, Williams, and Wilson—57.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Clark, Young, and Callaghan were brought before the bar of the House, and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and forty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Bohnett.

The roll of absentees was called, and the report adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gavlord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Williams, Wilson, and Young—64.

NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Hinshaw: Assembly Bill No. 1572—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Gaylord: Assembly Bill No. 1573—An Act appropriating money to pay the claims of Mrs. J. G. Garrison, Remler Brothers, D. K. McAnlay, Major A. W. Chase, Ed C. Ellsworth, Phoenix Hotel, Colfax Livery and Feed Stable, C. D. McKinley, Geo. F. McCall, James Crooks, Auburn-Colfax and Forest Hill Stage Company, Keena's Livery Stable, Ma Wing Chong, Geo. Campbell, Harold T. Power, W. J. McCleary & Son, and Russell's Livery Stable against the State of California.

Bill read first time, and referred to Committee on Claims.

Also: Assembly Bill No. 1574—An Act to amend Section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Mr. Benedict: Assembly Concurrent Resolution No. 27—Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911.

Read and referred to Committee on Municipal Corporations.

THIRD READING OF BILLS.

Assembly Bill No. 142—An Act to amend Section 681 of the Political Code of the State of California, relating to the issuance and sale of bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 142 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Cattell, Clark, Cogswell, Cronin, Crosby, Denegri, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Nolan, Preisker, Rimplinger, Rodgers of San Francisco, Rosendale, Sbragia, Schmitt, Smith, Sutherland, Telfer, Williams, Wilson, and Young—45.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Bohnett moved that the vote whereby Senate Bill No. 775 was passed be reconsidered

MOTION TO RECONSIDER CONTINUED.

Mr. Bohnett moved that his motion to reconsider the vote whereby Senate Bill No. 773 was passed, be continued until two o'clock and thirty minutes P. M. of Tuesday, March 14, 1911.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 40—An Act to amend Section 8 of an Act entitled "An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein and for the

management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act."

Bill passed on file.

Assembly Bill No. 1193—An Act to add a new section to the Political Code of the State of California, to be designated and numbered three hundred and thirty-one, relating to the appointment to office of relatives by state officers and judges; and fixing the penalty for making such appointments.

Bill passed temporarily on file.

Assembly Bill No. 1297—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable, and providing for the collection of reasonable attorney's fees in action to recover wages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1297 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Denegri, Feeley, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Williams, Wyllie, and Young—53

NOES—None.

TITLE AMENDED.

The following amendment to title was offered by Mr. Rutherford:

Insert period after "payable", and strike out the following: "and providing for the collection of reasonable attorney's fees in action to recover wages".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At four o'clock and five minutes, Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1560—An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1560 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gerdes, Guill, Hayes, Held, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF BILLS—(RESUMED).

Assembly Concurrent Resolution No. 21, relative to adjournment *sine die*.

Assembly Concurrent Resolution No. 21 passed to foot of file.

Assembly Bill No. 951—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six, sixty-one and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

Bill passed to foot of file.

Assembly Bill No. 953—An Act to amend an Act entitled "An Act authorizing the investment and reinvestment and disposition of any moneys in any sinking fund of any county, city and county, or incorporated city or town," approved March 3, 1909, by amending Section 1 thereof.

Bill passed to foot of file.

Assembly Bill No. 679—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter, and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 759—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act

Mr. Chandler moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 759 considered.

Mr. Chandler moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 759, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Chandler moved the adoption of the report.

Motion carried.

During consideration of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out lines 19, 20, and 21, Section 1, page 2, of the printed bill, and insert in lieu thereof the following:

6 The county of Los Angeles shall constitute agricultural district number six

7. The counties of San Bernardino, Riverside, Imperial, San Diego, Mono, Inyo, and Orange shall constitute agricultural district number seven.

Amendment adopted.

AMENDMENT No. 2.

In line 2, Section 3, page 2, of the printed bill, strike out the word "seven", and insert in lieu thereof "eight".

Amendment adopted.

AMENDMENT No. 3.

In line 6, Section 3, page 2, of the printed bill, strike out the word "seven", and insert in lieu thereof "eight".

Amendment adopted.

AMENDMENT No. 4.

In line 4, Section 4, page 2, of the printed bill, strike out the word "seven", and insert in lieu thereof "eight".

Amendment adopted.

AMENDMENT No. 5.

In line 13, Section 4, page 3, of the printed bill, strike out the words "so that three"; also strike out lines 14 and 15 and all of line 16 to and including the word "years", and insert in lieu thereof the following: "into four classes of two members each. The term of office of the first class shall expire at the end of the first year, the second class at the end of the second year, the third class at the end of the third year and the fourth class at the end of the fourth year".

Amendment adopted.

AMENDMENT No. 6

In line 20, Section 4, page 3, of the printed bill, strike out the period and insert the following: "... *provided*, that in cases where the boundaries of any agricultural district heretofore formed and now existing under the provision of law, are not changed by this Act, the agricultural association heretofore established therein shall be continued in force and be an agricultural association under this Act, and all officers of any such association now in office under such law shall continue to hold office for the term for which they were appointed"

Amendment adopted.

AMENDMENT No. 7.

In line 21, Section 4, page 3, of the printed bill, after the word "said", insert the words "newly appointed".

Amendment adopted.

AMENDMENT No. 8.

In line 22, Section 4, page 3, of the printed bill, strike out the word "state", and insert the word "result".

Amendment adopted.

AMENDMENT No. 9.

Strike out of lines 23, 24, and 25, Section 4, page 3, of the printed bill, the following: "and of the names of such members of the board as shall hold for two years and such members of the board as shall hold for four years, as hereinabove provided".

Amendment adopted.

AMENDMENT No. 10.

In line 1, Section 5, page 3, of the printed bill, strike out the word "and".

Amendment adopted.

AMENDMENT No. 11.

In line 1, Section 5, page 3, of the printed bill, after the word "organized", insert the words "or continued".

Amendment adopted.

AMENDMENT No. 12.

In line 4, Section 5, page 3, of the printed bill, strike out the word "numbers", and insert the word "number".

Amendment adopted.

AMENDMENT No. 13.

In line 8, Section 5, page 3, of the printed bill, strike out the words "to make", and insert the word "may".

Amendment adopted.

AMENDMENT No. 14.

In line 9, Section 5, page 3, of the printed bill, after the comma insert the following: "except as otherwise provided by law".

Amendment adopted.

AMENDMENT No. 15.

In line 20, Section 5, page 3, of the printed bill, strike out the word "must", and insert the word "may".

Amendment adopted.

During the further consideration of the bill Mr. Kehoe moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, of the printed bill, strike out the enacting clause.

Motion lost.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 511—An Act adding three new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 10, 11 and 12, and relating to the government of municipal corporations and providing for the recall, initiative and referendum.

Bill passed on file.

Assembly Bill No. 1329—An Act to add six new sections to the Political Code of the State of California, relating to weights and measures.

On motion of Mr. Hamilton, bill made a special order for eleven o'clock A. M. of Tuesday, March 14, 1911.

Assembly Bill No. 866—An Act to establish a state agricultural college and forestry school at San Diego, California.

Bill passed to foot of file.

Assembly Bill No. 1168—An Act to add a new section to the Penal Code of the State of California, to be numbered 382a, forbidding the advertisement of any misbranded, mislabeled or adulterated food, liquor, drug, medicine or remedy.

During the third reading of the bill, Mr. Rosendale moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out in lines 6 and 7, on page 1, of printed bill, the words "or publish, circulate, display, or distribute", and insert in lieu thereof the following: "or cause to be published, circulated, displayed, or distributed".

Motion carried.

The Speaker appointed Mr. Rosendale as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1168, with instructions, do now report that the instructions of the Assembly have been carried out.

ROSENDALE, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1169—An Act to add a new section to the Penal Code of the State of California, to be numbered 382*b*, forbidding the publication, circulation or distribution of advertisements of any food, liquor, drug, medicine, or remedy, which advertisements shall be false or misleading.

During the third reading of the bill, Mr. Rosendale moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, lines 4 and 5, strike out the words "publish, circulate, display, or distribute", and insert in lieu thereof the following: "cause to be published, circulated, displayed, or distributed".

Motion carried.

The Speaker appointed Mr. Rosendale as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1169, with instructions, do now report that the instructions of the Assembly have been carried out.

ROSENDALE, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 294—An Act amending Section 1068 and Section 1074 of the Code of Civil Procedure, relating to writs of review.

Bill passed to foot of file.

Assembly Bill No. 869—An Act to amend section two hundred eighty *b* of the Code of Civil Procedure of California.

Bill passed to foot of file.

Assembly Bill No. 1070—An Act to amend section number 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; the compensation of jurors and grand jurors in counties of the twentieth class.

Bill passed to foot of file.

Assembly Bill No. 375—An Act entitled "An Act to amend section two thousand and thirty-one of the Code of Civil Procedure of the State of California, relating to depositions of witnesses in civil actions and proceedings."

Bill passed on file.

Assembly Bill No. 1479—An Act to add a new section to the Code of Civil Procedure of the State of California to be known as section one thousand seven hundred and twenty-six *a*, relating to the payment of the burial expenses of deceased persons.

Bill passed to foot of file.

Assembly Bill No. 373—An Act entitled "An Act to amend section one thousand nine hundred and eighty-six of the Code of Civil Procedure of the State of California, relating to the issuance of subpoenas."

Bill passed on file.

Assembly Bill No. 1478—An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners, and the defrayal of the expense thereof.

Bill passed to foot of file.

Assembly Bill No. 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 744 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Cattell, Chandler, Clark, Coghlan, Cogswell, Denegri, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Jones, Joel, Kehoe, Kennedy, Lynch, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ruth-erford, Ryan, Smith, Telfer, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—47.

NOES—Messrs. Bishop, Butler, Callaghan, Crosby, Cunningham, Gaylord, Held, Hinkle, Jasper, Judson, Lamb, Sbragia, Schmitt, and Slater—14.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Polsley gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 744 was this day passed.

Assembly Bill No. 710—An Act to amend Section 61 of an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909.

Bill passed to foot of file.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 811—An Act to add a new section to the Penal Code of California, to be numbered 306, relating to the advertisement of medicines and medical treatment and providing for violations thereof.

Assembly Bill No. 1290—An Act to add a new section to the Penal Code, to be known as Section 309a, relating to and prohibiting minors under eighteen years of age from being allowed to play on any billiard or pool table kept for hire or profit, and further relating to prohibiting such minors from visiting a place where a billiard or pool table is kept for such purposes, and prescribing the penalty therefor.

Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to gambling by the use of slot machines or card dice, or other dice having more than six faces or bases each.

Assembly Bill No. 790—An Act to amend Section 3051 of the Civil Code of the State of California.

Assembly Bill No. 1311—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 121 of said Act, in relation to the appointees of the Superintendent of Banks.

Committee Substitute for Assembly Bill No. 998—An Act conveying certain tide

lands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops, bakeries, and restaurants, cafés, hotels and confectioneries, and for the issuance of licenses for such business and for the sanitary conditions of bakeshops and bakeries, restaurants, cafés, hotels and confectioneries.

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires

Assembly Bill No. 466—An Act to regulate the organization of fraternal insurance associations.

Assembly Bill No. 168—An Act to add a new section to the Penal Code of the State of California, to be known as Section 532a, relating to false statements regarding financial condition or liabilities of any person seeking credit for the purpose of obtaining the same, and providing the penalty therefor.

And report that the same have been correctly reengrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1911.

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No. 922—An Act to provide an appropriation for grading, terracing, building drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

Assembly Bill No. 1014—An Act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same, and the owner or agent of any building used for such purpose

Assembly Bill No. 1193—An Act to add a new section to the Penal Code of the State of California, to be designated and numbered three hundred and eighty-one prohibiting the appointment to office of relatives by state officers and judges; and fixing the penalty for making such appointments

Assembly Bill No. 1375—An Act to create a reclamation district to be called "Reclamation District Number 831", and providing for the control and management thereof.

Assembly Bill No. 1367—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Assembly Bill No. 540—An Act appropriating the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento

Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III, of the Political Code, to be designated Article XX, providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the Capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations; and repealing all Acts or parts of Acts in conflict herewith.

Assembly Bill No. 1400—An Act making an appropriation to pay the claim of J. Harry Russell.

Assembly Bill No. 42—An Act to provide for the continuation of the construction of the highway known as Kings River Highway, and to make an appropriation therefor

Assembly Bill No. 921—An Act to provide an appropriation for the equipment of and instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Assembly Bill No. 649—An Act to amend an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907, by adding a new section thereto, to be known as Section 10

Assembly Bill No. 1553—An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

Assembly Bill No. 1020—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State, to be held in 1912.

Assembly Bill No. 1001—An Act to amend Section 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known

as the California State Board of Pharmacy", approved March 20, 1905, and amended March 21, 1907 and April 21, 1909.

Assembly Bill No. 1558—An Act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary thereto.

Assembly Bill No. 1034—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section one thousand, five hundred and forty-three *a*, providing for the payment of interest on unpaid orders or demands against any school district.

Assembly Bill No. 1497—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Assembly Bill No. 1474—An Act authorizing the payment of assessments levied in Reclamation District No. 818 to be made to the county treasurer of the county of Sutter.

Assembly Bill No. 653—An Act to add a new section to the Penal Code of the State of California, under title sixteen thereof to be numbered 681, prohibiting the use of cruel and unusual punishments in state prisons and reformatory institutions.

Assembly Bill No. 1563—An Act to amend section four thousand two hundred and seventy-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class.

Assembly Bill No. 1472—An Act authorizing and empowering Reclamation District No. 818 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

And report that the same have been correctly engrossed

RANDALL, Chairman

MOTION.

Mr. McDonald moved that the Assembly, at five o'clock P. M., take a recess until eight o'clock P. M. of this day.

Motion lost.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 1056—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Bill passed to foot of file.

Assembly Bill No. 489—An Act to protect labor unions; to prohibit any person or corporation in this State from causing or compelling any person or persons to enter into an agreement not to join or be a member of any labor organization as a condition of such person securing employment or continuing in the employment of such corporation; declaring what agreements between two or more persons shall not be deemed criminal; to prohibit false or deceptive representations by employers of labor; to prevent the guarding of other persons or property with arms or deadly weapons, except as permitted by this Act; to provide for the right of recovery of all damages workmen may sustain in consequence of false or deceptive representations; and to provide for penalties for violations of the provisions of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 489 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Brown, Callaghan, Coghlan, Cronin, Cunningham, Denegri, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lyon of San Francisco, Malone, McDonald, McGowan, Mott, Mullally, Nolan, Polslev, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Tibbits, Williams, and Mr. Speaker—43.

NOES—Messrs. Benedict, Bishop, Bohnett, Butler, Cattell, Clark, Held, Lynch, Maher, Mendenhall, and Young—11.

Title read and approved.

Bill ordered transmitted to Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Brown gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 489 was this day passed.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, March 14, 1911

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Tuesday, March 14, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McTiowen, Mendenhall, Mott, Polsley, Preisler, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—64.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Cunningham, its further reading was dispensed with

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Feeley, Mrs. L. Green, Mrs. J. E. Waters and Mr. Wm. Flagler were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Gaylord, Messrs. F. C. Crosby and Frank L. Saunders were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Denegri, Messrs. Louis Parente and Jos. Sullivan were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Slater, Rev. Father James P. Towey of St. Mary's Church of San Francisco, was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Stuckenbruck, Mr. and Mrs. Hopkins were granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON CONSTITUTIONAL AMENDMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that five sixths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court—have had the same under consideration, and respectfully report the same back, and majority recommend that it be adopted, minority report, be not adopted.

SUTHERLAND, Chairman

The above reported Senate constitutional amendment ordered on file for adoption

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

Also: Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto

Also: Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, amending Section 16 of Article XIX, relating to term of office.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted

SUTHERLAND, Chairman.

The above reported Senate constitutional amendments ordered on file for adoption.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911

MR. SPEAKER. Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending subdivision (f) of Section 14 of Article XIII thereof, relating to the reimbursement of counties for loss of revenue sustained by the withdrawal of property from county taxes—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Revenue and Taxation.

SUTHERLAND, Chairman

The above reported Assembly constitutional amendment re-referred to Committee on Revenue and Taxation.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

SUTHERLAND, Chairman

The above reported Assembly constitutional amendment ordered on file for adoption.

ON LIVE STOCK, DAIRIES AND DAIRY PRODUCTS

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Senate Bill No 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary

conditions, to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine, to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese, to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal Section 17 of an Act approved March 4, 1897, entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all Acts and parts of Acts inconsistent with this Act.

Also: Senate Bill No. 1250—An Act to regulate the public service of stallions and jacks in the State of California

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HAMILTON, Chairman

The above reported bills ordered on file for second reading.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 1326—An Act to amend Sections 593, 598, 603, and 604 of the Civil Code, and to repeal Section 594, all relating to religious, social and benevolent corporations—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

JOEL, Chairman.

The above reported bill ordered on file for second reading

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1194—An Act to amend Section 4259 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class.

Also: Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j, and 4225k, and all relating to county boards of health and sanitary inspectors

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents and to provide for the compensation and expenses thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1567—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifteenth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROGERS of Alameda, Chairman

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors—have had the same under consideration, and

respectfully report the same back with amendments, and recommend that it do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 439—An Act to amend Section 4237 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the eighth class, and to the number, appointment and salaries of their assistants and deputies—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

ON AGRICULTURE, FRUIT AND VINE INTERESTS

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911

MR. SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act—have had the same under consideration, and respectfully report the same back without recommendation, and ask that it be re-referred to the Committee on Ways and Means.

JUDSON, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 579—An Act to prohibit the business of barbering on Sunday, and providing a penalty for the violation thereof—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 416—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Also Senate Bill No. 502—An Act to add a new section to the Penal Code of the State of California to be numbered Section 367c.

Also Senate Bill No. 589—An Act to amend Section 292 of the Code of Civil Procedure of the State of California so as to provide for service by publication of a citation requiring the accused to answer in proceedings for the removal or suspension of attorneys and counselors at law.

Also Senate Bill No. 590—An Act to amend Section 287 of the Code of Civil Procedure of the State of California, relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

Also Senate Bill No. 1194—An Act to amend Section 199 of the Penal Code of the State of California, relating to the competency of jurors.

Also Assembly Bill No. 1509—An Act to amend Section 3106 of the Political Code of the State of California, relating to cemeteries, and defining what constitutes a public cemetery.

Also Assembly Bill No. 1570—An Act to amend Section 1247 of the Code of Civil Procedure of the State of California, relating to the jurisdiction of courts to regulate the mode of making crossings, or of enjoying a common use.

Also Assembly Bill No. 74—An Act to add a new section to the Code of Civil Procedure, to be known as Section 730, relating to the publication of notices of sales by trustees under deeds of trust.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein—have had the same under consideration, and respectfully report the same back with amendments, and majority recommend that it do pass as amended; minority report, do not pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 1160—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park in Santa Cruz County, California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Ways and Means.

KEHOE, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1500—An Act to amend the Penal Code of the State of California by adding thereto a new section to be numbered 402f, relating to the keeping and owning of dogs and other animals that kill or injure sheep—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Live Stock, Dairies and Dairy Products.

KEHOE, Chairman.

The above reported bill re-referred to Committee on Live Stock, Dairies and Dairy Products.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1009—An Act to amend the Penal Code of the State of California by adding thereto a new section to be numbered 643½, relating to the boarding of vessels in the waters of the State of California—have had the same under consideration, and respectfully report the same back, and majority recommend that it do pass; minority report, do not pass

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 1011—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1191 thereof, concerning appointing time for judgment.

Also Assembly Bill No. 1517—An Act to amend Section 1238 of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Also Assembly Bill No. 1518—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 371—An Act to confirm, validate, and legalize the tax levies made by county boards of supervisors for county, school, and other purposes, which was re-referred

to us from the Committee on Revenue and Taxation—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended

KEHOE, Chairman.

The above reported bill ordered on file for second reading

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 36—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor.

Also Assembly Bill No. 600—An Act to provide for the survey, location and construction of a state highway from Sanatoga Gap, on the line between the counties of Santa Clara and Santa Cruz into the California Redwood Park in Santa Cruz County, and making an appropriation therefor

Also Assembly Bill No 1289—An Act amending section two of an Act entitled "An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort and providing for the compensation of such gardener," approved March 21, 1907—which have been referred to us from other committees.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

COGSWELL, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 627—An Act to provide for the construction of a hospital building or buildings at the Los Angeles department of the college of medicine of the University of California, and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles department of the college of medicine of the University of California, and to make appropriation therefor.

Also Assembly Bill No. 1162—An Act to provide for the construction of an exposition building in agricultural district number two on state property to be known as State Agricultural Park at Stockton, which building is to be used by all of the counties of this State, for the purpose of maintaining therein exhibits of their industries, industrial enterprises, resources and products, and to make an appropriation for the construction of such building.

Also Assembly Bill No 1176—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Also Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor—which have been re-referred to us from other committees.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 47—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County

Also. Senate Bill No 11—An Act establishing a state normal school at Fresno, county of Fresno, State of California, and making an appropriation for the maintenance of said school

Also Assembly Bill No. 268—An Act to appropriate money for the purchase of the Big Oak Flat and Yosemite turnpike toll road, leading from Big Oak Flat, in Tuolumne County, to Yosemite Valley.

Also Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road, a state highway.

Also Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, structures, and equipment of the California Polytechnic School.

Also Senate Bill No. 202—An Act defining the powers and duties of physicians, local health officers and boards of health in the matter of the protection of the people of the State of California from the disease known as tuberculosis.

Also Senate Bill No. 401—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Also Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Also Senate Bill No. 625—An Act to amend section two thousand nine hundred eighty-two, of the Political Code, relating to the secretary and assistant to the secretary of the State Board of Health—which have been re-referred to us from other committees.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Also: Senate Bill No. 563—An Act authorizing and directing the directors of the State Agricultural Society to tear down the present grand stand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and erect thereon a new and modern combination grand stand and exhibition building, providing for its equipment, and making an appropriation therefor.

Also: Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Also: Senate Bill No. 566—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

Also: Senate Bill No. 550—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also: Senate Bill No. 626—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Also: Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California, to be known as number two thousand nine hundred eighty-two *a*, providing for an engineer inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

Also: Senate Bill No. 933—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

Also: Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522*a*, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Also: Senate Bill No. 1235—An Act making an appropriation for furnishing and equipping the exposition building at Los Angeles.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No. 164—An Act making an appropriation of one hundred and fifty thousand dollars (\$150,000.00) to be paid to, and expended by the Adjutant General of the State of California, ex officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and national guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

COGSWELL, Chairman

The above reported bill ordered on file for second reading.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER. Your Committee on Ways and Means to whom was referred Senate Bill No. 61—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Engrossment and Enrollment.

COGSWELL, Chairman

The above reported bill re-referred to Committee on Engrossed and Enrolled Bills.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Seannell and Dennis Sullivan shall be borne and paid by the State of California out of the general fund in the state treasury

Also: Committee Substitute for Assembly Bill No. 287—An Act to provide for the purchase by the State of California of the armory building and wharf located on the bay of San Diego, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER. Your Committee on Medical and Dental Laws, to whom was referred Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907—have had the same under consideration, and respectfully report the same back, with twelve amendments, and recommend that it do pass as amended

HINSHAW, Chairman.

The above reported bill ordered on file for second reading.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER. Your Committee on Medical and Dental Laws, to whom was referred Senate Bill No. 609—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections 8a and 8b to, an Act entitled "An Act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HINSHAW, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 497—An Act to amend sections one, two, fifteen, fifteen and one half, seventeen, thirty, thirty-two, thirty-four, thirty-nine, fifty-five, and sixty-one of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes, approved March 31, 1897," and to add a new section thereto to be numbered section forty-seven and one half, relating to the redemption of property sold for taxes.

Also: Senate Bill No. 501—An Act to amend section five hundred forty-two a of the Code of Civil Procedure, relating to attachment liens, and the time when such liens begin and expire.

Also: Senate Bill No. 674—An Act to amend section four thousand and ninety-three of the Political Code of the State of California, relating to the duty of auditors to settle with debtors of counties, and providing the manner of payment of money into the county treasury.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 18—Relative to inviting the Grand Army of the Republic to hold its annual encampment for the year 1912 in the city of Los Angeles.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Concurrent Resolution No. 18 referred to Committee on Military Affairs.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were filed:

By Mr. Hinshaw:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying Assembly joint resolution, which reads as follows, viz: Relating to a proposed amendment to the Constitution of the United States so that the laws governing marriage and divorce shall be established by federal statute, and divorce proceedings heard and determined in the federal courts, and by uniform law throughout the United States

HINSHAW,
Member Sixty-ninth District.

Referred to Committee on Introduction of Bills.

By Mr. Brown:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts, and repealing all Acts and parts of Acts in conflict therewith.

BROWN,
Member Fifty-third District.

Referred to Committee on Introduction of Bills.

RE-REFERENCE OF BILL.

On motion of Mr. Callaghan, Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance—was recalled from the Committee on Insurance and Insurance Laws, and referred to Committee on Ways and Means.

RESOLUTION.

The following resolution was offered :

By Mr. Callaghan :

WHEREAS, The Charter Day exercises of the University of California are to be held on Thursday, March 23d, in the Greek Theatre at Berkeley; and

WHEREAS, That distinguished citizen of the United States, Hon. Theodore Roosevelt, is to attend and deliver the Charter Day address; and

WHEREAS, It is extremely doubtful whether this Legislature will continue in session until such a time as Honorable Theodore Roosevelt might be able to reach Sacramento in time to address the Legislature; therefore, be it

Resolved, That the Speaker of the Assembly be, and he is hereby, requested to appoint a committee of ten members of the Assembly to attend said Charter Day exercises in honor of ex-President Roosevelt, and they are hereby requested, in conjunction with any similar committee which may be appointed by the Senate, to invite him to address the Legislature of the State of California if said Legislature is in session at such time as he may be able to visit Sacramento, and be it further

Resolved, That the members of the Assembly appointed in accordance with this resolution be, and they are hereby, excused from the session of the Assembly on Thursday, March 23d.

Resolution read, and referred to Committee on Rules and Regulations.

THIRD READING OF BILLS.

Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

Bill passed on file.

Assembly Bill No. 24—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed on file.

Assembly Bill No. 66—An Act to provide appropriation for the erection of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed on file.

Assembly Bill No. 921—An Act to provide an appropriation for the equipment of an instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics

Bill passed on file.

Assembly Bill No. 922—An Act to provide an appropriation for grading, terracing, building drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

Bill passed on file

Assembly Bill No. 923—An Act to provide appropriation for the equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed on file.

Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed on file.

Assembly Bill No. 725—An Act to appropriate the sum of twelve thousand three hundred and forty-four dollars eighty-seven cents for the use and benefit of the University of California, to supply a deficiency in the appropriation for the University farm at Davis for the fiscal years 1907 and 1909 necessitated by the finishing and preparing buildings for the opening of the University farm school.

On motion of Mr. Wilson, bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital

Bill passed to foot of file.

Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed to foot of file.

Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics

Bill passed on file.

Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

Bill passed on file.

Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Bill passed on file.

Assembly Bill No. 149—An Act to appropriate money for the further development and extension of the water and sewer system of the California Polytechnic School.

Assembly Bill No. 152—An Act to appropriate money for the enlargement and improvement of the power, heat and lighting plant of the California Polytechnic School.

Assembly Bill No. 153—An Act to appropriate money for the construction of a heating system for the California Polytechnic School.

Assembly Bill No. 151—An Act to appropriate money for the purchase of live stock for the California Polytechnic School.

On motion of Mr. Beckett, Assembly Bills Nos. 149, 152, 153 and 151 withdrawn, and ordered stricken from the file.

Assembly Bill 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors respecting roads.

Bill passed on file.

SPECIAL URGENCY FILE.

Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds"

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 367 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Slater, Smith, Sutherland, Wilson, Young, and Mr. Speaker—56.

NOES—Messrs. Maher, Rumlinger, Rodgers of San Francisco, Rosendale, Williams, and Wyllie—6

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 368—An Act to repeal Article VIII of Title III, Part III, of the Political Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 368 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragin, Slater, Smith, Sutherland, Tibbitts, Wilson, Young, and Mr. Speaker—54.

NOES—Messrs. Maher, Polsley, and Rosendale—3.

TITLE AMENDED.

The following amendment to title was submitted by Mr. Benedict:

Strike out all that portion of the title following the word "repeal", and insert in lieu thereof the following.

"Sections 1634, 1635, 1636, 1637, 1638, 1639, 1640, and 1641 of the Political Code of the State of California, relating to the taking of the school census."

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 1329—An Act to add six new sections to the Political Code of the State of California, relating to weights and measures.

During the consideration of the bill Mr. Hamilton moved that the Speaker appoint a select committee of one to amend the bill as follows:

Amend the title by inserting after the word "California" on the third line thereof, the following: "to be numbered and known as Sections 3224, 3225, 3226 and 3227."

Also: Amend the title by striking out the word "six", in the second line thereof, and inserting in lieu thereof the word "four"

Also: On page 1, Section 1, line 1, of the printed bill, strike out "six" and in insert in lieu thereof "four".

Also: On page 1, Section 1, line 4, of the printed bill, strike out the word "Section".

Also: On page 2, Section 1, of the printed bill, strike out all beginning with line 18 down to and including the numerals "3227" on line 23, and insert in lieu thereof the following "3225".

Also: On page 2, Section 1, line 36, of the printed bill, strike out "Section 3228", and insert in lieu thereof "3226".

Also: On page 2, Section 1, line 40, of the printed bill, strike out "Section 3229", and insert in lieu thereof "3227".

Motion carried.

The Speaker appointed Mr. Hamilton as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1329, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMILTON, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 252—An Act to amend Subdivision 1 of Section 261 of the Penal Code.

IN EXECUTIVE SESSION.

Mr. Butler moved that the Assembly go into executive session until the bill be disposed of.

Motion carried.

Time, eleven o'clock and thirty minutes A. M.

TIME OF DEBATE EXTENDED.

On motion of Mr. Schmitt, Mr. Rogers of Alameda was granted an additional five minutes of time, in which to complete his debate.

During the consideration of the bill, Mr. Preisker moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of line 6, and insert in lieu thereof the following:

"Where the female is under sixteen years of age, or where the female is under twenty-one years, and of previous chaste character"

Motion lost.

During the further consideration of the bill, Mr. McDonald moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add a new section to read as follows:

"SEC 2. This Act is by no means to be construed to apply to any inmate of a house of prostitution."

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 252 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Shragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—Messrs. Beatty, Cunningham, Joel, Mullally, Rogers of Alameda, and Schmitt—6.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER

The hour of twelve o'clock M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments.

Mr. Brown moved that further consideration of Assembly Bill No. 713 be continued until three o'clock and thirty minutes P. M. of this day.

Motion lost.

HOOR OF RECESS EXTENDED.

On motion of Mr. Rogers of Alameda, the hour of recess was extended until the matter under discussion be disposed of.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Bishop moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beatty, Bishop, Bliss, Butler, Cattell, Coghlan, Cronin, Feeley, Freeman, Gaylord, Hall, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lynch, Maher, Malone, McGowen, Mott, Mullally, Nolan, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Shragia, Slater, Stevenot, Stuckenbruck, Sutherland, Tibbits, Wilson, and Mr. Speaker—38.

NOES—Messrs. Beckett, Benedict, Bennink, Brown, Callaghan, Chandler, Cogswell, Crosby, Cunningham, Denegri, Fitzgerald, Flint, Gerdes, Guill, Hamilton, Hayes, Held, Kennedy, Lamb, Lyon of San Francisco, McDonald, Mendenhall, Preisker, Ryan, Schmitt, Smith, and Young—27.

Time, twelve o'clock and thirty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan,

Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—74.

The Chief Clerk announced the absentees

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Bohnett and Farwell were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and forty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Brown.

The roll of absentees was called, and Assembly Bill No. 713 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bishop, Bliss, Butler, Chandler, Coghlan, Cronin, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Jasper, Jones, Joel, Judson, Lamb, Lyon of Los Angeles, Maher, McGowen, Mott, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Sutherland, Tibbits, Williams, Wilson, and Mr. Speaker—43.

NOES—Messrs. Beckett, Bennink, Bolmett, Brown, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Fitzgerald, Gerdes, Guill, Hayes, Held, Hinkle, Hinshaw, Kehoe, Kennedy, Lynch, Lyon of San Francisco, Malone, McDonald, Mendenhall, Polsley, Randall, Rogers of Alameda, Schmitt, Smith, Telfer, Wyllie, and Young—33.

RECESS.

At one o'clock P. M., the Assembly was declared at recess until two o'clock P. M. of this day

REASSEMBLED

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

CALL OF THE HOUSE.

Mr. Schmitt moved a call of the House.

Motion carried.

Time, two o'clock P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll

The roll was called and the following answered to their names:

Messrs. Cogswell, Denegri, Feeley, Fitzgerald, Freeman, Gerdes, Guill, Hamilton, Held, Jasper, Judson, Kennedy, Lamb, Lyon of Los Angeles, Maher, Mullally, Nolan, Preisker, Rimlinger, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Wilson, Young, and Mr. Speaker—28.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Bennink, Bliss, Bolmett, Butler, Cattell, Clark, Cunningham, Farwell, Griffin, Hall, Kehoe, Lynch, McGowen, Mendenhall, Mott, Rutherford, Telfer, Tibbits and Williams were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At two o'clock and ten minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Schmitt.

SPECIAL ORDERS.

The hour of two o'clock P. M. having arrived, the special orders heretofore set for this hour were taken up for consideration.

Senate Bill No. 454—An Act to amend section twenty-one of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds and the disposal of their proceeds," approved March 31, 1891.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 454 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Bohnett, Cattell, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Held, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowan, Mendenhall, Mott, Mullally, Nolan, Preisker, Rumlinger, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Williams, Wilson, Young, and Mr. Speaker—48

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act, which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto.

The question being on the motion to appoint a select committee of one to amend the bill as follows:

After the word "follow", in line 50, page three (3), Section 1, of Senate Bill No. 261, add the following:

"Provided, however, that the State Board of Medical Examiners may issue a certificate, to any person who has practiced a special branch of medicine and surgery, at the time this Act goes into effect, for a period of not less than thirty-five years,

fifteen years of which time shall have been within the State of California: an applicant to practice a special branch of medicine and surgery must file an affidavit with the Board of Medical Examiners, sworn to before some person authorized to take and administer an oath and attested by the hand and seal of such person, stating that he has successfully and effectively practiced the special branch of medicine and surgery for the term of years as hereinbefore mentioned; and such applicant to practice a special branch of medicine and surgery, shall not be required to file a diploma, as hereinbefore referred to, but such applicant may be required to take an examination, which shall be practical in character and shall consist of a practical demonstration in the special branch of medicine and surgery set forth in the affidavit of such applicant, and such practical demonstration shall be for the purpose of ascertaining an applicant's fitness to practice the special branch of medicine and surgery set forth in the affidavit of the applicant; and in addition thereto, such applicant may be required to produce testimony to the effect that he has successfully and effectively practiced the special branch of medicine and surgery as set forth in the affidavit hereinabove referred to; and if after such practical demonstration an applicant shall qualify, by effecting a cure, the State Board of Medical Examiners shall issue a certificate to such applicant to practice the special branch of medicine and surgery set forth in the affidavit of such applicant."

Also. After the word "forth", in line 30, on page 3, Section 1, insert the words: "Except as otherwise stated".

On motion of Mr. Farwell, the consideration of motion was continued until two o'clock P. M. of Wednesday, March 15, 1911.

THIRD READING OF SENATE BILLS.

Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and Blind, at Berkeley, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 402 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Held, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Mendenhall, Mullally, Nolan, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 156—An Act appropriating money to purchase cement and the necessary material for laying concrete floor in the basement of the refectory building under officers' and boys' dining-room at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 156 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Guill, Hall, Hayes, Held, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 523—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 523 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 524—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 524 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill 525—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 525 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Sbragia, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved

March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries.

Mr. Kehoe moved that bill be re-referred to Committee on Judiciary

On motion of Mr. Cattell, the further consideration of above matter was continued until three o'clock P. M. of Wednesday, March 15 1911.

Senate Bill No. 1031—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1031 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Rogers of Alameda, Rutherford, Ryan, Shragia, Slater, Smith, Stevenot, Telfer, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1086—An Act to provide for the electrical wiring and for electrical instruments in the State Normal School buildings at Chico, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1086 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1088—An Act to provide for the construction of a fence around the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1088 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rodgers of

San Francisco, Rutherford, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—52
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1248—An Act to provide for the reflooring of the male building of the Stockton State Hospital with maple flooring, and to make appropriation for the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1248 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowan, Mendenhall, Mullally, Polesley, Preisker, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Young, and Mr. Speaker—57

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of three o'clock P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure to be known and designated as Section 604, relating to the payment of jurors' and reporters' fees in actions other than criminal.

On motion of Mr. Bishop, the further consideration of bill, continued until three o'clock P. M. of Wednesday, March 15, 1911.

Senate Bill No. 894—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 894 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowan, Mendenhall, Mott, Polesley, Preisker, Rimlinger, Rutherford, Ryan, Sbragia, Smith, Sutherland, Telfer, Tibbits, Williams, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1125—An Act to amend Section 284 of the Code of Civil Procedure of the State of California, relating to change of attorneys

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1125 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Williams, Wilson, and Mr. Speaker—58.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 472—An Act to regulate the occupation of barbering, to create a board of examiners for the licensing of persons to carry on such practice, to insure the better education of such practitioners, to provide rules regulating the proper sanitation of barber shops, barber schools and colleges, preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service; and providing penalties for violations thereof.

Bill passed on file.

Senate Bill No. 774—An Act providing for the time of payment of wages.

Bill passed on file.

Senate Bill No. 1040—An Act adding a new section to the Penal Code, to be known and numbered as Section 367c, prohibiting the charge or taking of any money or gratuity by the superintendent, foreman or other person having charge of two or more men, and providing a penalty.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1040 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wyllie, and Mr. Speaker—50
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No. 12—Approving ten certain amendments to the charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto, at a special municipal election held therein for that purpose on the first day of February, 1911.

The question being on the adoption of Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 12 adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt,

Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wylhe, and Mr. Speaker—59.

NOES—None.

Senate concurrent resolution ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 12.

Approving ten certain amendments to the charter of the city of Palo Alto, county of Santa Clara, State of California, voted for and ratified by the qualified electors of the said city of Palo Alto, at a special municipal election held therein for that purpose on the first day of February, 1911.

WHEREAS, The city of Palo Alto, in the county of Santa Clara, State of California, contains a population of more than thirty-five hundred inhabitants, and has been ever since the year 1909, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special election held for that purpose on the 21st day of January, A. D. 1909, and approved by the Legislature of the State of California on the 20th day of February, 1909 (Statutes of 1909, page 1175), and

WHEREAS, The city council of the said city of Palo Alto did by ordinance duly adopted by said city council and approved by the mayor of said city on the 22d day of November, 1910, and pursuant to Section 8, of Article 11 of the Constitution of the State of California, duly propose to the qualified electors of said city of Palo Alto, certain amendments to the charter of said city of Palo Alto, to be submitted to the said qualified electors at a special municipal election to be held in said city on the first day of February, 1911; said amendments being sixteen in number, and

WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city of Palo Alto, and having a general circulation therein, to wit The Daily Palo Alto Times; said publication beginning on the 23d day of November, 1910, and ending the 16th day of December, 1910, and

WHEREAS, The city council of said city did by said ordinance, duly adopted by said city council and approved by the mayor of said city, order the holding of a special municipal election in said city of Palo Alto on the first day of February, 1911, said day being at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said city of Palo Alto, to wit The Daily Palo Alto Times, and did provide in said ordinance for the submission of the proposed charter amendments numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, and alternative amendments numbers 3, 4, and 5, to the qualified electors of said city for their ratification at said election; and

WHEREAS, Said election was duly called and held on said first day of February, 1911, and at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify ten of the proposed amendments to said charter; and

WHEREAS, The city council of the said city of Palo Alto in accordance with the law in such cases made and provided, did meet on Wednesday, the 8th day of February, 1911, at their usual time and place of meeting, and duly canvass the returns of said election as certified by the election boards, and duly found, determined and declared that a majority of the qualified electors of said city voting thereon had voted for and ratified ten of said proposed amendments to the charter of said city of Palo Alto, and

WHEREAS, The council of the city of Palo Alto are in doubt as to the legality of the ratification and adoption of amendment number seven, owing to an error in the instructions to voters on said specific amendment number seven, therefore said amendment number seven is herein set forth as a distinct and separate amendment for the consideration of the Legislature without prejudice to the nine other amendments herein set forth;

That said amendment number seven is in words and figures as follows, to wit

CHARTER AMENDMENT NUMBER SEVEN.

Section 7 of Article 9 of the charter of the city of Palo Alto shall be amended to read as follows:

No member of the council shall hold any office or employment the compensation for which is paid out of municipal moneys; or be elected or appointed to any office created, or the compensation of which is increased by the council while he was a member thereof, until one year after the expiration of the term for which he was elected

WHEREAS, The said nine subsequent amendments to the charter so ratified by a majority of the qualified electors of said city voting at said election are in words and figures as follows, to wit

CHARTER AMENDMENT NUMBER EIGHT

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as Section 10, and to read as follows

SEC. 10. *In the erection, improvement and repair of all public buildings and works, in all street and sewer work, done under and by authority of the laws of the State of California creating a bonded indebtedness of the municipality, or done under and by authority of any of the street laws of the State of California, which laws are hereby made a part of this charter, the work shall be let to the lowest responsible bidder, provided, however, the council may reject any and all bids if deemed excessive, and readvertise for bids or provide for the work to be done by the department of public works.*

In case no bid is received, the council may likewise provide for the work to be done by the department of public works

When the estimate of the cost of said work by the city engineer shows that said work can be done for an equal or less cost than that of the lowest bid, then any of the work herein mentioned may be done by the department of public works, and the said department shall be deemed the contractor, with the right to enforce all liens, and with the same powers, rights, duties and obligations as are made and provided by the laws of the State for contractors who have entered into contracts to do such work as the lowest responsible bidder

The council shall have power to adopt ordinances for the purpose of carrying out these provisions and such ordinances shall be supplemental to the existing laws of the State, and shall have the same force and effect

CHARTER AMENDMENT NUMBER NINE

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as Section 11, and to read as follows

SEC. 11. *Upon a petition of the owners of the majority of the frontage abutting upon any street or part thereof, the council shall have the power by ordinance to require, or provide, or adopt general law or laws for the planting, maintenance, or care of grass plots between the sidewalk and roadway in such street or part thereof, and to make the cost thereof a lien and charge upon the abutting property, and to make provisions for the enforcement of such liens by the sale of property or otherwise*

CHARTER AMENDMENT NUMBER TEN.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as Section 12, and to read as follows

SEC. 12. *The council shall have power by ordinance, to require or provide for the removal of grass, weeds or other obstructions from the sidewalks, parkings or streets and to make the cost of same a lien or charge against the abutting property, and to make provision for the enforcement of such liens by the sale of property or otherwise.*

CHARTER AMENDMENT NUMBER ELEVEN

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as Section 13, and to read as follows

SEC. 13. *The council shall have power, by ordinance, to require or provide for the removal from property, lands, or lots, all weeds, rubbish or other material which may endanger or injure neighboring property, or the health or welfare of the residents of the vicinity, and to make the cost thereof a lien or charge upon such property, lands, or lots, or otherwise.*

CHARTER AMENDMENT NUMBER TWELVE.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as Section 14, and to read as follows

SEC. 14. *The council shall have the power, by ordinance to enforce the laying of sewer, water or gas pipes or other mains or conduits on streets to be improved before the same are improved; and to require the owners of real property fronting upon any street, lane, alley, or other public place, in which there are or in which it is proposed to be constructed, sewer, water or gas pipes, or other mains or conduits, to connect their several premises therewith, or to cause such connection to be made, and to make the cost of same a lien upon the property so connected, and to make provision for the enforcement of such lien by the sale of property or otherwise.*

CHARTER AMENDMENT NUMBER THIRTEEN.

Article 9 of the charter of the city of Palo Alto shall be amended by adding thereto a new section to be known as Section 13a, and to read as follows.

SEC. 13a. *The city of Palo Alto shall have the power to repair or improve all streets or avenues in said city upon which street railway tracks are laid between the rails of said tracks and for two feet on either side thereof; said city shall also*

have the power to repair all excavations made in streets by any public service corporation, company or person.

All said work done by the city on account of street railways or excavations to be a lien upon any property of the corporation, company or person on whose account the work is done.

The person, company or corporation owning or operating any street railway in said city shall pay to the city one third of the annual cost of watering, oiling, or otherwise treating such streets for laying dust thereon.

The council shall have power to adopt ordinances for the purpose of carrying out and enforcing this provision.

CHARTER AMENDMENT NUMBER FOURTEEN.

Article 8 of the charter of the city of Palo Alto shall be amended by adding a new section thereto, to be known as Section 4, and to read as follows:

SEC. 4 The majority vote of the electors required to pass an initiative ordinance, as provided by Section 2 of this article, shall be not only a majority of the votes cast on the ordinance, but shall be an affirmative vote on such ordinance equal to a majority of the total number of those cast at the last preceding general municipal election.

CHARTER AMENDMENT NUMBER FIFTEEN.

Article 7 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as Section 8, and to read as follows:

SEC. 8. The judge of said police court shall have power to administer oaths, take and certify affidavits in the same manner and like effect as justices of the peace. He shall have and use a seal, on which shall be engraved the arms of the State and the words "Judge of the Police Court of the City of Palo Alto."

He shall have power to issue warrants, writs and summonses in all respects as if issued by the justice of peace.

Any warrant, writ or summons issued out of said court may be served in any county of the State provided that there is attached to it a certificate under seal by the county clerk of Santa Clara County, to the effect that the person issuing same was the acting judge of said court at the time of the issuance of said process.

Any justice of peace of Palo Alto township shall possess the same powers herein conferred upon the police court of said city, and in case of the disability or absence, or upon the request of the judge of said court, shall act as judge of said court, but the authority herein conferred upon said justice of the peace shall not be construed as impairing, reducing or taking from the police judge any right, power or jurisdiction vested in him.

CHARTER AMENDMENT NUMBER SIXTEEN.

Article 7 of the charter of the city of Palo Alto shall be amended by adding thereto a new section, to be known as Section 9, and to read as follows:

SEC. 9 The chief of police shall be appointed by the board of public safety. He shall have the same powers that are now, or may be hereafter conferred upon sheriffs by the laws of the State, and shall in all respects be entitled to the same protection. He shall serve, and is hereby authorized to execute and return all processes, both civil and criminal, issued and directed to him by any legal authority; and

WHEREAS, The said proposed amendments to the charter of the city of Palo Alto so ratified are now submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with section eight of article eleven of the State of California.

STATE OF CALIFORNIA, }

COUNTY OF SANTA CLARA, } ss.
CITY OF PALO ALTO, }

This is to certify that we, Charles B. Wing, mayor of the city of Palo Alto and Frank Kasson, clerk of the city of Palo Alto, have compared the foregoing proposed and ratified amendments to the charter of the city of Palo Alto, with the original ordinance proposing such amendments and submitting the same to the qualified electors of said city at a special municipal election, called for that purpose on Wednesday, the first day of February 1911, and find that the foregoing is a full, true, correct and exact copy thereof and of each of them, and we further certify that the facts set forth in the preamble preceding such amendments to said charter are and each of them is true, save and excepting, that as to amendment number seven, heretofore separately set forth, Charles B. Wing, as mayor of said city, refuses to certify said amendment number seven as having been duly and legally adopted at said election by the voters of said city of Palo Alto, on the ground that said electors were misled in casting their vote on said amendment number seven by reason of the fact that in the "Instructions to Voters" an error was made as to said amendment number seven only at said election, that this reservation or refusal to certify as to amendment number seven is made without prejudice to amendments numbers eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen heretofore set forth.

That as to all of said amendments, except amendment number seven, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the corporate seal of the city of Palo Alto to be attached this 9th day of February, 1911.

[SEAL]

CHAS. B. WING,

Mayor.

FRANK KASSON,

City Clerk of the City of Palo Alto.

AND WHEREAS, The said ten amendments so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with said Section 8 of Article XI, of the Constitution of the State of California, now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of all members elected at each House voting for the adoption of this resolution and concurring herein), that the said ten amendments to the said charter of the city of Palo Alto hereinbefore set forth as presented and submitted to, and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for, and as amendments to the said charter of said city of Palo Alto.

Senate Joint Resolution No. 6—Relating to the acquisition by the United States of the Calaveras Big Trees.

The question being on the adoption of the Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 6 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gordes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, McGowan, Mendenhall, Mullally, Preisker, Rimplinger, Rodgers of San Francisco, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Williams, Wyllie, and Mr. Speaker—45.

NOES—None.

SENATE JOINT RESOLUTION No. 6.

Relating to the acquisition by the United States of the Calaveras Big Trees

WHEREAS, The lands upon which the Calaveras Big Trees are standing, though patented and subject to private ownership, are included within a United States forest reserve:

WHEREAS, The policy of maintaining such reserve demands that said lands and said trees should become a part thereof and thereafter dedicated to the public forever:

WHEREAS, The danger that those at present in control thereof may make commercial use of one of the priceless gifts of nature to mankind, should be averted: therefore be it

Resolved, by the Senate and the Assembly, jointly, That the Legislature of the State of California, memorializes the Congress of the United States, to acquire by purchase or otherwise, the lands containing the two famous groves, known as the Calaveras Big Trees, and thus protect and conserve them in a public park, be it further

Resolved, That our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of a measure to acquire said groves of big trees and adjacent lands for the uses and purposes aforesaid: be it further

Resolved, That a copy of these resolutions be forwarded to the President of the United States, the Secretary of the Interior, the Secretary of Agriculture and to our Senators and Representatives in Congress.

Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts

Bill passed to foot of file

Senate Bill No. 418—An Act to amend Section 137 of the Bank Act,

relative to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 418 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Mott, Mullally, Preisker, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Shugart, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, Wyllie, and Mr. Speaker—55

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital

Bill passed on file

Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Bill passed on file.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Bill passed on file.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill passed on file

Senate Bill No. 498—An Act entitled an Act to amend an Act "to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto, to be numbered two and one half.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 498 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Mott, Mullally,

Nolan, Preisker, Randall, Humlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbrana, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, and Mr. Speaker—60
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances

Bill passed on file.

SECOND READING OF SENATE BILLS.

Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I. Wolfe against the State of California

Bill read second time, and ordered on file for third reading.

Senate Bill No. 522—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 254—An Act making an appropriation to pay the claim of Geo. W. Bush against the State of California

Bill read second time, and ordered on file for third reading

Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and 36/100 dollars to pay the claim of F. P. Sawyer against the State of California.

Bill read second time, and ordered on file for third reading

Senate Bill No. 900—An Act to add a new section to the Political Code, to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 226—An Act authorizing and directing the construction of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 227—An Act authorizing and directing the construction of one cottage for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor

Bill read second time, and ordered on file for third reading.

Senate Bill No. 898—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 903—An Act to amend section six hundred and eleven of the Political Code, relative to the publication of statements of insurance companies.

Bill read second time, and ordered on file for third reading

Senate Bill No. 109—An Act to declare the Sonora and Mono road, in Tuolumne County, a state highway.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passenger.

On motion of Mr. Preisker, bill re-referred to Committee on Judiciary, retaining its place on file.

MOTION.

Mr. Bohuett moved that the Assembly complete the Senate second-reading file

Motion carried.

Senate Bill No. 1047—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the San Joaquin River, and appropriating fifteen thousand dollars for said purpose.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 355—An Act legalizing the formation and organization of Homeland Reclamation District No. 780, in the counties of Kings and Tulare, State of California

Bill read second time, and ordered on file for third reading

Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 505—An Act to amend Section 1750 of the Political Code, relating to course of study for high schools

Bill read second time, and ordered on file for third reading

Senate Bill No. 400—An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the board of directors of the California Institution for the Deaf and the Blind.

Bill read second time, and ordered on file for third reading

Senate Bill No. 672—An Act to increase the number of judges of the Superior Court of the county of Kern, and to provide for the appointment of an additional judge

Bill read second time, and ordered on file for third reading.

Senate Bill No. 943—An Act to establish the legality of certain school districts and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such districts

Bill read second time, and ordered on file for third reading.

Committee Substitute for Senate Bill No. 1010—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of lines 24, 25, 26, 27, and 28, page 2, Section 2, of the above Act and insert in lieu thereof the following:

"(c) Such attorney in fact shall also file a stipulation or agreement in writing that any notice, provided by law or by any insurance policy, proof of loss, summons or other process may be served upon the attorney in fact or upon the Insurance Commissioner of the State of California, in all actions or in other legal proceedings against such individuals, partnerships, or corporations thus exchanging indemnity

under the provisions of Section 1 of this Act. All notices, proofs of loss, summons, or other legal process so served shall give jurisdiction over the persons of such individuals, partnerships or corporations thus exchanging indemnity. Whenever such service of notice, proofs of loss, summons or other process shall be made upon the Insurance Commissioner, he must within ten days thereafter, transmit by mail, postage paid, a copy of such notice, proof of loss, or summons or other process to the attorney in fact so appointed by such individuals, partnerships or corporations so contracting among themselves and shall be addressed to such attorney in fact at the home or principal office through which such policies are to be issued. The sending of such copy by the Insurance Commissioner shall be a necessary part of the service of the notice, proof of loss, summons or other process. When any notice, summons or other legal process is served upon the Insurance Commissioner pursuant to the provisions of this section, the service as to such individuals, partnerships, or corporations thus exchanging indemnity shall be deemed complete at the end of sixty days after the date of the mailing of such copy of such notice, proof of loss, summons or other legal process to the attorney in fact as herein provided for."

Amendment adopted.

AMENDMENT No. 2.

Following the period after the word "certificate" in line 28, page 2, Section 2, strike out the balance of the section and insert in lieu thereof the following

"(f). The attorney, agent or other representative shall, whenever and as often as the same shall be requested, file with the Insurance Commissioner a statement verified by his oath to the effect that he has examined the commercial rating of the individuals, partnerships or corporations, composing the subscribers in such reciprocal or inter-insurance exchanges as shown by a commercial agency having at least one hundred thousand subscribers and that, from such examination, it appears that no subscriber of such exchange has assumed on any single risk an amount of liability greater than ten per cent of the net financial rating of such subscriber when such risk was assumed.

(g). There shall also be filed with the Insurance Commissioner by any said attorney, agent or other representative, a written stipulation to the effect that all insurance written by him upon property situated within this State shall be deemed to be business done in this State and within the terms and subject as to taxation to the provisions of Section 14 of Article 13 of the Constitution of this State"

Amendment adopted.

AMENDMENT No. 3.

Following the period after the word "paid", in line 10, page 3, add the following: "Any such certificate so issued as above may be revoked or suspended by the Insurance Commissioner if any of such individuals, partnerships or corporations exchanging indemnity under the provisions of this Act fail to comply with any or all of the requirements of this Act."

Amendment adopted.

AMENDMENT No. 4.

After the word "indemnity", in line 3, Section 8, add the words, "upon risks located in this State."

Amendment adopted.

AMENDMENT No. 5.

After the word "insurance", in line 5, in Section 8, add the words, "upon business done in this State."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 28—An Act to provide for the enlargement and alteration of the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading

Senate Bill No. 37—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 212—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California,

and specifying the duties of the Controller and Treasurer of the State in relation thereto

Bill read second time, and ordered on file for third reading

Senate Bill No. 649—An Act making an appropriation for furnishing and equipping two buildings at the Agnews State Hospital.

Bill read second time, and ordered on file for third reading

Senate Bill No. 914—An Act making an appropriation for compiling, publishing and distributing the revenue laws of the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 966—An Act to provide for the purchase of filing cases in the office of the Department of Engineering and making an appropriation therefor

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1018—An Act to add a new section to an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," approved April 21, 1909, to be numbered section twenty-one *a*, relating to the proof of posting and publishing notices.

Bill read second time, and ordered on file for third reading

Senate Bill No. 1019—An Act to add a new section to an Act entitled "An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities," approved April 21, 1909, to be numbered section five *a*.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 896—An Act to amend sections one, two, fourteen and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places within municipalities, and for the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1237—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same street or tracks by two lines of street railway.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1124—An Act to amend Section 33 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property thereon to pay the expense of such improvement," approved March 24, 1903

Bill read second time, and ordered on file for third reading.

Committee Substitute for Senate Bill No. 1030—An Act to amend an Act entitled "An Act to provide for the sale of an excess of water when owned by a municipality," approved March 27, 1897.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 720—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to

qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, line 7, of the title, after the word "hereof", insert a semicolon and the following: "and repealing an Act entitled 'An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905,'".

Amendment adopted.

AMENDMENT No. 2.

On page 3, after Section 7, add a new section to be numbered and to read as follows:

"Section 8. An Act entitled 'An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905,' is hereby repealed."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 2, Section 3, line 22, of the printed bill, insert after the first word "the", the word "personal".

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 3, line 22, after the word "wilful", insert the word "personal".

Amendment adopted.

AMENDMENT No. 3.

On page 3, Section 4, line 5, strike out the period, and insert in lieu thereof a comma.

Amendment adopted.

AMENDMENT No. 4.

On page 3, Section 4, line 6, strike out the figure "2".

Amendment adopted.

AMENDMENT No. 5

On page 6, Section 8, line 54, strike out the word "its", and insert in lieu thereof the word "his".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 251—An Act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, line 1, of the engrossed bill, before the word "Section" insert the following "Section 1."

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 3, of the engrossed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No. 3.

On page 1, line 8, of the engrossed bill, before the word "Section" insert the following "Sec 2."

Amendment adopted.

AMENDMENT No. 4.

On page 1, line 11, of the engrossed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No. 5.

On page 2, line 14, of the engrossed bill, before the word "Section", insert the following "SEC 3."

Amendment adopted.

AMENDMENT No. 6

On page 2, line 16, of the engrossed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No 7.

On page 2, line 20, of the engrossed bill, before the word "Section", insert the following: "SEC. 4."

Amendment adopted.

AMENDMENT No. 8.

On page 2, of the engrossed bill, strike out all of line 22, following line 21, and in lieu thereof insert the following. "1345. The clerk must seal up such abstract, indorse".

Amendment adopted.

Bill read second time, and ordered to reprint. and on file for third reading.

Senate Bill No. 953—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 270*d*, 270*e* and 273*h*, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove and the punishment of such offenses

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 273*h*, line 28, of the printed bill, after the word "sentence", insert the words "of imprisonment in the county jail."

Amendment adopted.

AMENDMENT No. 2

On page 2, Section 273*h*, line 31, of the printed bill, after the words "is had", strike out the words "or in the State of California."

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 273*h*, line 35, of the printed bill, after the words "county jail", strike out the words "or of the Board of Examiners of the State of California where said work is performed in a state penitentiary, or reformatory, or upon state

roads or highways, or upon other public work, by a person under sentence to a state penitentiary or reformatory.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

Amend by striking out all after the word "allowed", line 46, page 2, of printed bill.

Amendment adopted.

AMENDMENT No 2.

Amend by striking out on line 47, page 3 of printed bill, the words "allowed and".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Bill read second time, and ordered on file for third reading.

Senate Bill No 770—An Act to enable the board of supervisors of any county or city and county in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county or city and county and of all kindred or allied patriotic organizations.

Bill read second time, and ordered on file for third reading.

Senate Bill No 940—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, 124, and 121 thereof, and by adding new sections 12a, 52, 53, and 84 thereto.

During second reading of bill, the following amendment was submitted by the committee:

On page 15, Section 22, line 12, of the printed bill as amended, strike out the word "the" which appears at the beginning of said line, and insert in lieu thereof the word "his".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No 996—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

During second reading of bill, the following amendment was submitted by the committee:

In line 43, page 3, of the printed bill as amended, insert after the word "of", the words "any of".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 688—An Act to amend Section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

Bill read second time, and ordered on file for third reading

Senate Bill No. 372—An Act to amend section six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold

Bill read second time, and ordered on file for third reading.

Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 6, page 1, of the printed bill, after the word "country", insert the following "or who has in his possession for any purpose".

Amendment adopted

AMENDMENT No. 2

In line 7, Section 1, page 1, of the printed bill, after the word "State", insert the following "is guilty of a misdemeanor"; "provided, that the possession of such dried shrimp or shrimp shells for any purpose shall be prima facie evidence of the fact that such dried shrimps or shrimp shells are of shrimps which were caught or taken in the waters of this State".

Amendment adopted.

AMENDMENT No. 3.

In line 7, Section 1, page 1, of the printed bill, strike out commencing with the words "or every", down to and including the word "State", in line 11

Amendment adopted.

AMENDMENT No. 4.

On page 2, of the printed bill, line 16a, strike out commencing with the words "provided that", down to and including the word "State", in line 16c.

Amendment adopted.

AMENDMENT No. 5.

After the word "misdemeanor", in line 16a, strike out the semicolon (.), and insert a period (.)

Amendment adopted.

AMENDMENT No. 6

Strike out the word "and", in line 16c, page 2, and begin the word "every" with a capital letter

Amendment adopted

AMENDMENT No. 7

In line 16f, page 2, of the printed bill, after the word "possession", insert the following "for sale, or sells, or offers for sale".

Amendment adopted.

AMENDMENT No. 8

On page 2, Section 1, line 25, of the printed bill, after the word "back", strike out the words "or any lobster, or crawfish".

Amendment adopted.

AMENDMENT No. 9

On page 2, Section 1, line 16a, before the word "is", insert the following "or who shall at any time pickle, can, or otherwise preserve any lobster, crab, or crawfish caught or taken in the waters of this State, or who shall at any time sell any crab, lobster or crawfish meat not in the shell of such crab, lobster or crawfish, or

who shall bring to shore any part or portion of any lobster, crab or crawfish, without the remaining portions of said lobster, crab or crawfish in such condition that the size of such lobster, crab or crawfish can not be measured."

Amendment adopted.

AMENDMENT No. 10

Strike out in line 25, page 2 of the printed bill, all after the word "lobster", down to and including the word "shell", in line 32, and insert in lieu thereof the following: "or any person, who between the first day of March, and the first day of July of any year, kills, takes or catches, in the waters of this State any abalone (*Haliotis*): or who, at any time, buys, sells, offers for sale, takes, catches, kills, or has in his possession, any abalone (*Haliotis*) known to commerce as the red abalone (*Haliotis rufescens*) less than seventeen inches around the outer edge of the shell, or any green abalone (*Haliotis fulgens*) less than sixteen inches around the outer edge of the shell, or any pink abalone (*Haliotis corrugata*) less than fourteen inches around the outer edge of the shell, or any black abalone (*Haliotis crackerodice*) less than twelve inches around the outer edge of the shell, or who, by whatever means whatsoever takes, or catches between the first day of July, and the 28th day of February of the following year, the red abalone (*Haliotis rufescens*) seventeen inches or over around the outer edge of the shell, or the green abalone (*Haliotis fulgens*) sixteen inches or over around the outer edge of the shell, or the pink (*Haliotis corrugata*) fourteen inches or over around the outer edge of the shell, or the black abalone (*Haliotis crackerodice*) twelve inches or over around the outer edge of the shell and does not bring the abalone naturally attached to the shell alive to the shore above high water mark, or who, kills any abalone (*Haliotis*) of lawful size other than for food purposes, is guilty of a misdemeanor;"

Amendment adopted.

AMENDMENT No. 11

Strike out all in line 32, on page 2, of the printed bill, beginning with the word "Every", down to and including the word "and", in line 30, same page

Amendment adopted.

AMENDMENT No. 12

Strike out in line 43, page 2, of the printed bill, beginning with the word "or" where it appears the second time, down to and including the word "abalone", in line 44, same page.

Amendment adopted.

AMENDMENT No. 13.

In line 49, page 3, of the printed bill, strike out the comma (,) after the word "crawfish", and insert a period (.) ; also strike out the words "or abalone shell", in the same line

Amendment adopted.

AMENDMENT No. 14

In line 5, Section 2, page 3, of the printed bill, strike out all after the word "the", up to and including the word "July", in line 6, and insert in lieu thereof the following: "seventeenth day of September and the twenty-third day of October".

Amendment adopted.

AMENDMENT No. 15.

In line 10, Section 2, page 3, of the printed bill, strike out all after the word "the", up to and including the word "July", in line 11, and insert in lieu thereof, "seventeenth day of September and the twenty-third day of October".

Amendment adopted.

AMENDMENT No. 16.

In line 8, Section 2, page 3, of the printed bill, strike out all after the first "the", up to and including the word "July", and insert in lieu thereof "seventeenth day of September and the twenty-third day of October"

Amendment adopted.

AMENDMENT No. 17.

In line 6, Section 3, page 3, of the printed bill, strike out the words "white fish cr".

Amendment adopted.

AMENDMENT No. 18

In line 16, page 4, of the printed bill, Section 3, strike out all after the word "exceeds", up to and including the word "five", in line 17, and insert in lieu thereof the word "ten"; and after the word "pounds" in the same line, insert the words "and one fish, or who above tide water during any one calendar day, takes, kills, destroys or has in his possession more than fifty steelhead trout".

Amendment adopted.

AMENDMENT No. 19.

In line 17, Section 3, page 4, of the printed bill, strike out the period (.) after the word "misdemeanor", and insert the following "except as hereinafter provided: *provided*, that in Game District No. 3 any person who between the first day of November and the first day of May of the following year, takes, kills, destroys, or has in his possession any trout is guilty of a misdemeanor".

Amendment adopted.

AMENDMENT No. 20.

Strike out in line 6a, Section 4, page 4, of the printed bill, the words ("except with spoon and hook and line").

Amendment lost.

AMENDMENT No. 21.

In line 38, page 5, Section 4, of the printed bill, strike out all after the word "to", up to and including the word "meridian" in line 39, and insert in lieu thereof the following "the head of Robinson's Pool".

Amendment adopted.

AMENDMENT No. 22.

Insert after the word "State" in line 15, page 6, of the printed bill, the words "except lake nets without wings used solely for the purpose of catching catfish above tide water between the fifteenth day of July and the fifteenth day of June in the year following".

Amendment adopted.

AMENDMENT No. 23.

In line 41, page 2, of the printed bill, strike out after the word "nine", the words "and one half", the words "one half" being the first two words on line 42, page 2, of the printed bill.

Amendment adopted.

Bill read second time, ordered to reprint, and on file for third reading.

Senate Bill No. 276—An Act to amend Section 628b of the Political Code of the State of California, relating to the protection and preservation of fish.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2, of the title, strike out the word "Political", and insert in lieu thereof the word "Penal".

Amendment adopted.

AMENDMENT No. 2.

In line 1, Section 1, of the printed bill, strike out the word "Political", and insert in lieu thereof the word "Penal".

Amendment adopted.

AMENDMENT No. 3.

In line 3, page 1, of the printed bill, strike out the word "Section".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 350—An Act to amend Sections 626 and 631 of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 3, Section 1, page 1, of the printed bill, insert before the word "every", the figures "626" and a period (.).

Amendment adopted.

AMENDMENT No. 2.

In line 4, Section 1, page 1, of the printed bill, strike out the word "fifteenth", and insert in lieu thereof the word "first".

Amendment adopted.

AMENDMENT No. 3.

In line 14, Section 1, page 1, of the printed bill, strike out the word "fifteenth", and insert in lieu thereof the word "first".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof" (approved March 21, 1907).

During second reading of bill, the following amendment was submitted by the committee:

After the word "streams", in line 8, Section 1, page 1, of the printed bill, insert the following: "from which fish are not taken for the purposes of propagation by the State Fish Commission."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California to be numbered Section 635½, relating to the protection and preservation of fish.

During second reading of bill, the following amendment was submitted by the committee:

In Section 3, line 2, strike out the word "January", and insert in lieu thereof the word "July."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 743—An Act to add three new sections to the Penal Code of the State of California, to be numbered Sections 630, 630a, and 630b, regulating the business of wholesale dealers in fish and in wild game and animals and providing for a record of transactions therein.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 742—An Act to regulate the vocation of dealing in fish and in wild game and animals by wholesale for profit and to provide therefrom revenue for the propagation and restoration of fish and game in the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of

drinking therefrom, on railroad trains, public schools, halls, churches and other places, and providing for the punishment for violation of this Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1175—An Act to amend Sections 637 and 638 of the Civil Code, relating to building and loan associations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1176—An Act to amend Section 648a of the Civil Code, relative to building and loan associations.

Bill read second time, and ordered on file for third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 916, 522, 254, 778, 226, 227, 1047, 28, 37, 212, 649, 914, and 966

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bills Nos. 916, 522, 254, 778, 226, 227, 1047, 28, 37, 212, 649, 914, and 966 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 916, 522, 254, 778, 226, 227, 1047, 28, 37, 212, 649, 914, and 966, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of report.

Motion carried

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows.

To provide for the formation and establishment of boulevard districts.

Joint resolution relating to a proposed amendment to the Constitution of the United States governing marriage and divorce

CHANDLER, Chairman.

Mr. Cattell moved the adoption of the report.

The roll was called, and report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—65.

NOES—None.

INTRODUCTION OF BILLS, ETC.

The following were introduced and referred as indicated:

By Mr. Brown: Assembly Bill No. 1575—An Act to provide for the formation and establishment of boulevard districts.

Bill read first time, and referred to Committee on Roads and Highways.

By Mr. Hinshaw: Assembly Joint Resolution No. 19—Relative to a proposed amendment to the Constitution of the United States governing marriage and divorce.

Read and referred to Committee on Federal Relations.

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR SPEAKER Your Committee on Engrossment and Enrollment have compared the following Assembly bills:

Assembly Bill No. 64—An Act to provide appropriation for the erection of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics—with Senate Bill No. 64.

Assembly Bill No. 24—An Act to provide an appropriation for the erection of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics—with Senate Bill No. 60.

Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics—with Senate Bill No. 61.

Assembly Bill No. 65—An Act to provide an appropriation for the erection of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics—with Senate Bill No. 63.

And report that the same are identical.

RANDALL, Chairman.

Assembly Bills Nos 66, 24, 64, and 65 withdrawn

Senate Bills Nos 64, 60, 61, and 63 ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1148—An Act to provide for the payment of judgments against school districts

Assembly Bill No. 1473—An Act authorizing and empowering Reclamation District No. 818 to contract for, and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees or other joint works of reclamation.

Assembly Bill No. 474—An Act to regulate the public service of stallions and jacks in the State of California.

Assembly Bill No. 982—An Act to make an appropriation for the location, survey and construction of a state highway from the Calaveras Big Tree Grove, located in Calaveras County, to Dorrington, Calaveras County, thence running easterly following what is known as the Big Tree and Carson Valley Turnpike through Calaveras and Alpine counties to Markleeville, Alpine County, California.

Assembly Bill No. 831—An Act making an appropriation for the collection, establishment, installation and maintenance of a permanent exhibit of the resources and industries of the State of California in the exposition building at Los Angeles, California

Assembly Bill No 111—An Act to amend Section 4242 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class

Assembly Bill No 1360—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

Assembly Bill No. 1157—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Assembly Bill No. 1484—An Act to amend sections eleven and eighteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip

and maintain systems of street lights on public highways, to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts, the assessment, collection, custody and disbursement of taxes thereon; and the creation of ex officio boards of supervisors." approved March 20, 1909, relating to the duties of supervisors, the fixing of rates to be paid, and the disposition of property on dissolution of district.

Assembly Bill No. 256—An Act to establish a state training school for girls, to provide for the maintenance and management of the same, and to make an appropriation therefor.

Assembly Bill No. 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof, for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

Assembly Bill No. 1500—An Act to amend an Act entitled "An Act for the support of certain cemeteries in Tehama County," approved April 1, 1872.

Assembly Bill No. 1133—An Act to amend Section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class.

Assembly Bill No. 703—An Act to amend Sections 1, 3, 5 and 6 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905; relating to the definition of terms used in this Act, precautions to be used by the drivers of motor vehicles, the use of highways for races, punishments for violations of this Act, and the licensing of chauffeurs and motor vehicle drivers.

Assembly Bill No. 1198—An Act to amend section four of an Act entitled "An Act providing for the purchase of a university farm for the use of the college of agriculture of the University of California, providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm, and appropriating money therefor," approved March 18, 1905, relating to providing for the appointment of a board of trustees for the administration of the affairs of the University farm.

Assembly Joint Resolution No. 16—Relative to the maintenance of strict governmental supervision of shipments of alfalfa seed into this State, to the end that harmful seeds shall be excluded and the extermination of the alfalfa weevil and insect pests, etc.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

MOTION.

Mr. Rohnett moved that the Assembly take a recess until eight o'clock P. M. of this day.

Motion lost.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

To the Assembly of California:

We, your Committee on Free Conference, to whom was referred Senate Bill No. 373, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in," beg leave to report that we have met and considered said Senate Bill No. 373, and recommend as follows.

Amend as follows: Amend Senate Bill No. 373 as amended in the Assembly on March 1, 1911, by striking out of Section 1, page 2, line 49, of printed bill, all after the word "township", in line 49, also all of line 50, and the word "district", on page 3, line 51, of printed bill.

After the last word in line 52a, page 3, of printed bill, strike out the period and insert in lieu thereof a semicolon, and the following: "Bonds issued by irrigation districts which are permitted to be invested in as provided for in an Act of the thirty-ninth session of the Legislature, entitled 'An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller,' approved March 9, 1911; bonds of any sewer district, drainage district, protection district, or sanitary district in any county in this State; *provided*, that the total amount of bonds of any sewer district, drainage district, protection district, or sanitary district so issued, shall not

exceed fifteen per cent of the taxable property of said district as shown by the last equalized assessment book of the county."

And we recommend the adoption of this report, and the adoption of the foregoing amendments to said bill.

Respectfully,

BISHOP,
JONES,
GRIFFIN.

Committee from the Assembly.

CURTIN,
TYRRELL,
CUTTEN.

Committee from the Senate.

Consideration of report continued until next legislative day.

RECESS.

At four o'clock and thirty minutes P. M. the Assembly was declared at recess until eight o'clock P. M. of this day

REASSEMBLED

At eight o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

NOTICE OF MOTION TO RECONSIDER.

Mr. Preisker gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 713 was this day passed.

RULE SUSPENDED.

By unanimous consent, Rule No. 71 of the Standing Rules of the Assembly was suspended for the evening.

THIRD READING OF CODE BILLS.

Assembly Bill No. 438—An Act to amend sections three hundred and thirty-seven and three hundred and thirty-nine of the Code of Civil Procedure of California, relating to the time within which certain actions must be commenced.

Bill passed on file.

Assembly Bill No. 440—An Act to amend section eleven hundred and ninety-four of the Code of Civil Procedure of California, relating to the priority of liens of mechanics and others on real property.

Bill passed on file.

Assembly Bill No. 441—An Act to amend section seventeen hundred and seventy-four of the Code of Civil Procedure of California, relating to the settlements of accounts of guardians.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 441 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Feeley, Fitzgerald, Gaylord, Gerdes, Griffiths, Hall, Hamilton, Hayes, Hinkle, Jasper, Jones, Joel, Judson, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowan, Mullally, Nolan, Preisker, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wyllie, and Mr. Speaker—41.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442—An Act to amend Section 1034 of the Code of Civil Procedure of California, relating to the taxation of costs in the appellate courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 442 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mullally, Nolan, Polsley, Rimlinger, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Telfer, Williams, Wyllie, and Mr. Speaker—49

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 445—An Act to amend section fourteen hundred and sixty-eight of the Code of Civil Procedure of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 445 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bliss, Bohuett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mullally, Nolan, Rimlinger, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Telfer, Williams, Wyllie, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 446—An Act to add a new section to the Code of Civil Procedure of California, to be known as section six hundred and sixty-seven *a*, relating to vesting of title without the necessity of a conveyance upon a judgment in certain actions.

Bill passed on file

Assembly Bill No. 447—An Act to amend section seven hundred and twenty-six of the Code of Civil Procedure of California, relating to foreclosure suits.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 447 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mullally, Nolan, Polsley, Rimlinger, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wyllie, and Mr. Speaker—49

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448—An Act to amend section five hundred and ninety-nine of the Civil Code of California, relating to what may be

provided for in their by-laws, ordinances, constitutions, or articles of incorporation, by corporations for purposes other than profit.

Bill passed on file.

Assembly Bill No. 451—An Act to amend section thirteen hundred and eighty-six of the Civil Code of the State of California, relating to the succession to the property of deceased persons.

Bill passed on file.

Assembly Bill No. 453—An Act to amend section eleven hundred and seventy-one of the Penal Code of California, relating to bills of exception in criminal cases

Bill passed on file.

Assembly Bill No. 462—An Act to amend section four hundred and seventy of the Penal Code of California, relating to forgery

Bill passed on file.

Assembly Bill No. 454—An Act to amend section three hundred ninety-seven of the Penal Code of California, relating to the sale of intoxicating liquors to minors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 454 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinchaw, Jasper, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Rumlunger, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1208—An Act to repeal An Act entitled "An Act providing for the removal of human remains from cemeteries in cities having a population of more than five thousand and not exceeding one hundred thousand," approved March 23, 1893.

Bill passed on file.

Assembly Bill No. 1209—An Act to repeal an Act entitled "An Act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the Act," approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1209 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hamilton, Hayes, Hinkle, Hinchaw, Jasper, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mullally, Polsley, Rumlunger, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 1210—An Act to repeal an Act entitled “An Act to provide for a lunch hour for laborers in sawmills, shake mills, shingle mills, and logging camps,” approved February 28, 1901.

Bill passed on file

Assembly Bill No. 1211—An Act to repeal an Act entitled “An Act requiring the marketing of packages of butter containing less than six pounds and more than one half pound, so as to advise the purchaser or others as to the weight of butter contained in such package,” approved March 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 1211 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Nolan, Polsley, Rumlinger, Ryau, Sbiagia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1212—An Act to repeal an Act entitled “An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions,” approved March 20, 1903.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1212 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hayes, Hinshaw, Jaasper, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mullally, Nolan, Rumlinger, Rodgers of San Francisco, Ryan, Shragin, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wyllie, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 1213—An Act to repeal an Act entitled “An Act to authorize the managers of orphan asylums to give their consent to the adoption of certain children under their care,” approved April 1, 1878.

Bill passed on file.

Assembly Bill No. 1214—An Act to repeal an Act entitled “An Act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State,” approved March 10, 1887.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1214 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hamilton, Hayes, Hinkle, Hinshaw, Joel, Judson, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald,

McGowen, Mendenhall, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wyllie, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1215—An Act to repeal an Act entitled "An Act to protect the school districts of this State from injury during the year eighteen hundred and eighty, by the operation of section twelve, of article thirteen of the Constitution," approved April 15, 1880.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1215 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hayes, Hinkle, Hinshaw, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Roseudale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1216—An Act to repeal an Act entitled "An Act to provide for the appointment and salary of a clerk in the office of the Superintendent of Public Instruction, and to make an appropriation therefor," approved March 27, 1895.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1216 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1217—An Act to repeal an Act entitled "An Act providing that all encampments of the National Guard shall be held at the state camp of instruction, unless otherwise ordered," approved March 20, 1899.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1217 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Polsley, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Wyllie, Young, and Mr. Speaker—44.

NOES—Messrs. Cunningham and Feeley—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1218—An Act to repeal an Act entitled “An Act to provide for the management of the Yosemite Valley and the Mariposa Big Tree Grove,” approved April 15, 1880.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1218 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mullally, Nolan, Rimlinger, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Willie, and Mr. Speaker—45

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1219—An Act to repeal an Act entitled “An Act concerning lodging houses and sleeping apartments within the limits of incorporated cities.”

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1219 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mullally, Nolan, Polsley, Rimlinger, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Willie, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1220—An Act to repeal an Act entitled “An Act to regulate and govern the state prisons of California.”

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1220 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mullally, Nolan, Polsley, Rimlinger, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Willie, and Mr. Speaker—47.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Assembly Bill No. 1221—An Act to repeal an Act entitled “An Act to authorize the Justices of the Supreme Court to appoint a librarian for said court, and fixing a salary.”

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1221 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mullally, Nolan, Rimlinger, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Telfer, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1222—An Act to repeal an Act entitled “An Act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor.”

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1222 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mullally, Nolan, Polsley, Rimlinger, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1223—An Act to repeal an Act entitled “An Act in relation to the currency of the United States.”

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1223 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hall, Hamilton, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lynch, Maher, Malone, McDonald, McGowen, Mullally, Rimlinger, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Wyllie, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1224—An Act to repeal an Act entitled “An Act to create the office of Sheep Inspector for the State of California; to provide for the appointment and to define the powers and duties of said officer and his deputies, and their compensation; and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.”

Bill passed on file.

Assembly Bill No. 1226—An Act to repeal an Act entitled “An Act authorizing and directing district attorneys to bring suits to abate public nuisances,” approved March 15, 1899.

Bill passed on file.

Assembly Bill No. 1227—An Act to repeal an Act entitled “An Act to abolish attorney’s fees, and other charges in foreclosure suits.”

Bill read thrd time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1227 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffith of Modesto, Griffiths, Hall, Hamilton, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Rimlinger, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Young, and Mr Speaker—44.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF CODE BILLS.

Assembly Bill No. 1253—An Act to add a new section to the Penal Code of California to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 4, Section 1, page 1, of the printed bill, strike out the word “or”, and insert in lieu thereof a comma

Amendment adopted.

AMENDMENT No. 2.

In line 4, Section 1, page 1, of the printed bill, after the word “slaughters”, insert a comma and the words “or causes to be killed or slaughtered” and a comma.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1272—An Act to add a new section to the Penal Code of California, to be known as section five hundred and two a, relating to larceny of real estate.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 5, Section 1, page 1, of the printed bill, after the word “estate”, insert the words “of the value of fifty dollars or more”.

Amendment adopted.

AMENDMENT No. 2

In line 8, Section 1, page 1, of the printed bill, before the word “larceny”, insert the word “grand”.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No 1228—An Act to add a new section to the Political Code of the State of California to be known as section twenty-three hundred and twenty-nine, relating to forbidding the employment

of the inmates of state institutions in the manufacture or production of articles for the use of state officers or officers or employees of state institutions.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1229—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of state institutions in the manufacture or production of articles for the use of state officers, or the officers and employers (employees) of state institutions.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1230—An Act to add a new section to the Political Code of the State of California to be known as section nine hundred and eighty-eight, relating to the payment of premiums on official bonds.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1231—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1232—An Act to add a new section to the Political Code of the State of California to be known as section thirty-five hundred and seventy-five, relating to forfeiture of title to lands sold by the State.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1233—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for state lands where a fraudulent title was sought to be obtained thereto."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1234—An Act to add a new section to the Political Code of the State of California to be known as section forty-two hundred and twenty-one, relating to markings of Government survey.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1235—An Act to repeal an Act entitled "An Act to further perpetuate the markings of the Government survey.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1238—An Act to add three new sections to the Political Code of the State of California, to be known as sections six hundred and eighty-six, six hundred and eighty-seven and six hundred and eighty-eight, providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1239—An Act to repeal an Act entitled "An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1240—An Act to add a new section to Chapter XII, Title II, Part IV of the Political Code of the State of California, to be known as section forty-three hundred and twenty-six, relating to charges of city justices and constables against counties.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1241—An Act to repeal an Act entitled “An Act forbidding the payment of municipal officers out of the funds of the county.”

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1242—An Act to add a new section to Article III, Chapter III, Title VI, Part III of the Political Code of the State of California, to be known as section twenty-eight hundred and eighty-two, relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expenses thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1243—An Act to repeal an Act entitled “An Act relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expenses thereof.”

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1244—An Act to add a new section to the Political Code of the State of California to be known as section six hundred and eighty-nine, prohibiting the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity, and on consent of the Governor, Secretary of State, and Attorney General.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1245—An Act to repeal an Act entitled “An Act to prohibit the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity and on consent of the Board of Examiners.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1248—An Act to add a new section to the Penal Code of California to be known as section two hundred and forty-seven, making an attempt to kill or commit an assault upon the President or the Vice-President of the United States, the governor of any state or territory, or any United States justice or judge, or the secretary of any executive department of the United States a felony, and providing a penalty therefor.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1249—An Act to add a new section to the Penal Code of California to be known as section seventy-nine, relating to school officers and teachers as agents.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1250—An Act to add a new section to the Penal Code of California to be known as section seventy-eight, relating to the prevention of irregular issuance of teachers' certificates.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1251—An Act to add a new section to the Penal Code of California to be known as section four hundred and twenty-two, relating to disturbing schools or school meetings.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1252—An Act to repeal sections eighteen hundred sixty-seven, eighteen hundred sixty-eight, eighteen hundred sixty-nine, and eighteen hundred and seventy of the Political Code of the State of California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1254—An Act to repeal an Act entitled “An Act to regulate the disposition of hides of cattle killed or slaughtered in the State of California.”

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1255—An Act to add a new section to the Penal Code of California to be known as section six hundred and fifty-three *c*, regulating the use of illuminating gas, and providing a penalty for the violation thereof.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1256—An Act to repeal an Act entitled “An Act to regulate the use of illuminating gas.”

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1257—An Act to add a new section to the Penal Code of California to be known as section two hundred and ninety-six, relating to the injury or destruction of property in cemeteries.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1258—An Act to add two new sections to the Penal Code of California to be known as sections five hundred and ninety-six *a* and five hundred and ninety-six *b*, relating to the unlawful administering of drugs to animals on exhibition.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1259—An Act to repeal an Act entitled “An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other live stock, except for medicinal purposes, and making the same a misdemeanor.”

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1260—An Act to add a new section to the Penal Code of California to be known as section seven hundred twenty-eight, providing for the appointment of policemen on cars or boats of railroad and steamship companies.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1261—An Act to repeal an Act entitled “An Act to provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars or boats of railroad and steamship companies.”

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1262—An Act to add a new section to the Penal Code of California to be known as section six hundred and forty-eight *b*, relating to advertising on the American flag.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1263—An Act to repeal an Act entitled “An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor.”

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1264—An Act to add three new sections to the Penal Code of California to be known as sections three hundred and seventy-four *b*, three hundred and seventy-four *c*, and three hundred and seventy-four *d*, preventing the spread of contagious diseases among animals.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1265—An Act to repeal an Act entitled "An Act to prevent the spread of contagious diseases among animals."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1266—An Act to add a new section to the Penal Code of California to be known as section seven hundred and twenty-one, relating to authorizing and requiring boards of commissions having the management and control of paid police force to grant the members thereof yearly vacations.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1267—An Act to repeal an Act entitled "An Act authorizing and requiring boards or commissions having the management and control of paid police force to grant the members thereof yearly vacations "

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1268—An Act to add a new section to the Penal Code of California to be known as section seven hundred and seventy-three, relating to the intoxication of officers.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1269—An Act to repeal an Act entitled "An Act relating to the intoxication of officers."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1273—An Act to repeal an Act entitled "An Act to more fully define the crime of larceny."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1274—An Act to add a new section to the Penal Code of California to be known as section three hundred and seventy-four *a*, relating to contagious or infectious diseases among domestic animals.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1275—An Act to repeal an Act entitled "An Act to prevent the spread of contagious or infectious diseases among domestic animals."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1276—An Act to amend section five hundred and ninety-seven of the Penal Code of California, relating to cruelty to animals.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1277—An Act to repeal an Act entitled "An Act to prohibit the use of the bristle bur, tack bur, or other like devices on horses or other animals in this State "

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1278—An Act to amend section five hundred sixty-four of the Penal Code of California, relating to false statements by officers of corporations.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1279—An Act to repeal an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1280—An Act to amend section seventy-four *a* of the Penal Code of California, relating to the protection of labor and wages of employees on public works.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1281—An Act to repeal an Act entitled "An Act to protect the wages of labor and the salaries and fees of subordinate officers."

Bill read second time, and ordered to engrossment and third reading.

MOTION.

Mr. Bohnett moved that the Assembly take up second-reading file Motion unanimously carried.

SECOND READING OF BILLS

Assembly Bill No. 1564—An Act to amend Section 4247 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the eighteenth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 1 of the title, strike out the figures "4247", and insert in lieu thereof the figures "4241".

Amendment adopted.

AMENDMENT No. 2.

In line 1, page 1, of the printed bill, strike out the figures "4247", and insert in lieu thereof the figures "4241".

Amendment adopted.

AMENDMENT No. 3.

In line 3, on page 1, of the printed bill, strike out the figures "4247", and insert in lieu thereof the figures "4241".

Amendment adopted.

AMENDMENT No. 4.

In the same line, on page 1, strike out the word "eighteenth", and insert in lieu thereof the word "twelfth".

Amendment adopted.

AMENDMENT No. 5.

On page 5, of the printed bill, strike out all of Section 2, and insert in lieu thereof the following paragraph:

"19. For counties of this class there shall be one probation officer whose salary shall be one hundred dollars per month."

Amendment adopted.

AMENDMENT No. 6.

Strike out all of Subdivision 12, in Section 1, and insert in lieu thereof the following: "The surveyor shall receive one thousand eight hundred dollars per annum and office expenses."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Committee Substitute for Assembly Bill No. 1074—An Act to amend Section 4243 of the Political Code of the State of California, providing for the salaries and fees of public officers in counties of the fifteenth class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1536—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations."

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

In the last line of the title, of said Act, after the word "corporations", insert the following "approved March 13, 1883".

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 1, page 1, of the printed bill, after the word "corporations", insert the following "approved March 13, 1883".

Amendment adopted.

AMENDMENT No. 3.

In line 4, page 1, strike out the word "powers".

Amendment adopted.

AMENDMENT No. 4

In lines 6-7, page 1, strike out the word "ordinances".

Amendment adopted.

AMENDMENT No. 5

In line 10, page 1, strike out the words "real estate."

Amendment adopted.

AMENDMENT No. 6

In line 17, page 2, strike out the word "water"

Amendment adopted.

AMENDMENT No. 7.

In line 23, page 2, strike out the word "highways."

Amendment adopted.

AMENDMENT No. 8

In line 38a, page 2, strike out the word "sewers"

Amendment adopted.

AMENDMENT No. 9.

In line 40, page 2, strike out the words "fire extinguishers."

Amendment adopted.

AMENDMENT No. 10.

In line 43, page 2, strike out the words "poll tax."

Amendment adopted.

AMENDMENT No. 11.

In line 49, page 2, strike out the words "dog tax."

Amendment adopted.

AMENDMENT No. 12.

In line 52, page 3, strike out the words "property tax"

Amendment adopted.

AMENDMENT No. 13

In line 54, page 3, strike out the word "licenses."

Amendment adopted.

AMENDMENT No. 14.

In line 60, page 3, strike out the words "water front improvement."

Amendment adopted.

AMENDMENT No. 15.

In line 71, page 3, strike out the words "public buildings"

Amendment adopted.

AMENDMENT No. 16

In line 75, page 3, strike out the words "tracks and pipes"

Amendment adopted.

AMENDMENT No. 17.

In line 85, page 4, strike out the words "violation of ordinances"

Amendment adopted.

AMENDMENT No. 18

In line 91, page 4, strike out the words "prison labor"

Amendment adopted.

AMENDMENT No. 19

In line 96, page 4, strike out the words "fire limits"

Amendment adopted.

AMENDMENT No. 20

In line 99, page 4, strike out the words "issuance of subpoenas."

Amendment adopted.

AMENDMENT No. 21.

In line 128, page 5, strike out the word "expenditure."

Amendment adopted.

AMENDMENT No. 22.

In line 132, page 5, strike out the words "other acts."

Amendment adopted.

AMENDMENT No. 23.

In line 24, subdivision 4, page 2, after the word "establish", as it first appears in said line, insert a comma. Also in said line 24, after the word "establish", where it appears a second time, insert a comma

Amendment adopted.

AMENDMENT No. 24

In line 32, subdivision 4, page 2, strike out the word "cultivate", and insert in lieu thereof the word "cultivated".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1489—An Act to amend section one thousand seven hundred fifty-one of the Political Code, relating to the admission of pupils to high schools.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 1012—An Act to prohibit the use of net, seines, traps, or weirs in Sacramento Slough in the county of Sutter.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 1337—An Act to provide for the regulation of smelters and the maintenance and operation thereof in the State of California, and for the licensing and supervision thereof.

During the second reading of bill, the following amendments were submitted by Mr. Cronin:

AMENDMENT No. 1

Strike out all of Section 4, pages 3 and 4, of the printed bill, and insert in lieu thereof the following:

"Sec. 4. After such investigation and hearing the State Board of Health shall determine, as matters of fact, the amount of sulphur dioxide, estimated as sulphur trioxide or sulphuric anhydride, and the amount of arsenic or any injurious

substance contained in any air, smoke, fumes or gases which shall be permitted to escape or be discharged from any chimney or flue directly or indirectly connected with the furnaces, converters, or other parts of such smelter into the free atmosphere

Thereupon said board shall issue to such applicant a license to operate such smelter in such proposed location, which license shall be issued only upon the condition that it may be suspended or withdrawn by said board if at any time in the operation of such smelter the holder of such license shall cause, allow or permit to escape or be discharged from any chimney or flue directly or indirectly connected with the furnaces, converters, or other parts of such smelter, into the free atmosphere any air, smoke, fumes or gases, which said air, smoke, fumes or gases shall contain sulphur dioxide, arsenic or any other injurious substances to a greater amount than said board shall theretofore have determined may be emitted

Such license shall be revoked if at any time the license fee herein provided for shall not be paid when due

Amendment adopted.

AMENDMENT No. 2

On page 4, line 13, of Section 5, of the printed bill, strike out the word "three", and insert in lieu thereof the word "six".

Amendment adopted.

AMENDMENT No. 3.

On page 4 line 15 of Section 5, of the printed bill, strike out the words "six hundred", and insert in lieu thereof the words "one thousand".

Amendment adopted.

AMENDMENT No. 4.

On page 4, line 22, of Section 5, of the printed bill, strike out the period after the word "health", and insert in lieu thereof a semicolon and the following words: "provided, however, temporary licenses may be issued by such board of health permitting the operation of smelters during such time as such board of health may be engaged in the investigation, hearing and determination of the matters of fact heretofore mentioned, which licenses shall in all respects be effective until withdrawn by said board"

Amendment adopted.

AMENDMENT No. 5

On page 8 line 14, of Section 11, of the printed bill, strike out the period after the word "day", and insert in lieu thereof a semicolon and the following words: "provided, however, that this Act shall not apply to buildings, works or plants engaged in the refining of oil, manufacture of powder and the reduction of ores by chlorination process"

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No 1333—An Act to amend Section 6260 of the Penal Code, relating to shooting from moving boats

Bill read second time and ordered to engrossment and third reading

Assembly Bill No. 1569—An Act to amend section four thousand two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No 1568—An Act to amend section four thousand two hundred and sixty-nine of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1316—An Act to amend section eight hundred sixty-three of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," adopted 1883

Bill read second time and ordered to engrossment and third reading

Assembly Bill No. 1465—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Bill read second time, and ordered to engrossment and third reading

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 750—An Act to amend Sections 4, 5, 6, 7, 8, 9, 13, 14, and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Assembly Bill No. 1293—An Act to amend section eleven hundred eighty-eight of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Assembly Constitutional Amendment No. 39—A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the Constitution of the State of California, to confer upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

Assembly Bill No. 1329—An Act to add four new sections to the Political Code of the State of California, to be numbered and known as Sections 3224, 3225, 3226 and 3227, relating to weights and measures.

Assembly Bill No. 368—An Act to repeal Sections 1634, 1635, 1636, 1637, 1638, 1639, 1640 and 1641 of the Political Code of the State of California, relating to the taking of the school census.

Assembly Bill No. 65—An Act to provide an appropriation for the erection of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Assembly Bill No. 1550—An Act to amend section number 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation, and to the compensation of jurors and grand jurors in counties of the twentieth class.

Assembly Bill No. 1551—An Act to amend Section 2182 of the Civil Code of the State of California, relating to liability of a carrier for luggage and prescribing the method of handling same.

Assembly Bill No. 1179—An Act to amend section twenty-nine hundred and sixty-nine of the Civil Code of the State of California, relating to limitation of rights of officers to levy on mortgaged personal property.

Assembly Bill No. 1373—An Act to add two new sections to the Penal Code of the State of California, to be numbered Sections 626r and 626g.

Assembly Bill No. 1093—An Act to amend Section 4254 of the Political Code of California, relating to salaries of officers of counties of the twenty-fifth class.

And report that the same have been correctly engrossed

RANDALL, Chairman.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 467—An Act to regulate the use of transfers issued by street railroad companies in cities and towns of this State

During the third reading of the bill, Mr. Fitzgerald moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 1, line 5, strike out the word "thirty", and insert in lieu thereof the word, "ninety".

Motion carried.

The Speaker appointed Mr. Fitzgerald as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 467, with instructions, do now report that the instructions of the Assembly have been carried out.

FITZGERALD, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage

Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers of counties of the eighteenth class

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1556 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hushaw, Jasper, Joel, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mullally, Polslev, Raudall, Rodgers of San Francisco, Rosendale, Shragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1555—An Act to amend section four thousand two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1555 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Clark, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hushaw, Jasper, Joel, Judson, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Nolan, Randall, Rodgers of San Francisco, Rosendale, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

REPORT OF COMMITTEE ON FREE CONFERENCE

The following report of Committee on Free Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: Your Committee on Free Conference concerning Assembly Bill No. 37—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections, making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license, providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits thereto—

fore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses—report that we have met a like committee of the Senate consisting of Senators Estudillo, Stetson and Thompson, and we further report that such Free Conference Committee has agreed upon and adopted the following amendments, and we suggest and recommend that the same be adopted.

(N. B. The words "printed bill" as used in these amendments, mean the bill as printed after being amended in Senate February 11, 1911, and not the bill as printed at later dates.)

AMENDMENT No. 1.

On page 1, of the printed bill, Section 1, line 2, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 2

On page 2, of the printed bill, Section 1, line 5, insert between the words "for" and "Governor", the words "all candidates for"

AMENDMENT No. 3.

On page 2, of the printed bill, Section 1, line 7, after the word "trustees", strike out the comma and the words "board of supervisors"

AMENDMENT No. 4

On page 2, of the printed bill, Section 1, line 8, strike out the comma after the word "city", and insert in lieu thereof the word "or".

AMENDMENT No. 5

On page 2, of the printed bill, Section 1, line 8, insert between the words "or" and "county", the following words "the board of supervisors of the"

AMENDMENT No. 6

On page 2 of the printed bill Section 1, line 9, insert between the word "county" and the comma following it, the words, "in which such supervisory district is situated"

AMENDMENT No. 7.

On page 2, of the printed bill, Section 1, line 9, strike out the words "and determine", and insert in lieu thereof the words "the question", followed by a comma (,.)

AMENDMENT No. 8

On page 2, of the printed bill, Section 1, line 10, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 9.

On page 2, of the printed bill, Section 1, line 11, strike out the word "therein".

AMENDMENT No. 10

On page 2, of the printed bill, Section 2, line 10, strike out the word "county" and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 11.

On page 2, of the printed bill, Section 2, line 10, strike out the word "therein".

AMENDMENT No. 12.

On page 2, of the printed bill, Section 2, line 13, strike out the word "county", and insert in lieu thereof the words "supervisory district"

AMENDMENT No. 13

On page 2, of the printed bill, Section 2, line 14, strike out the word "therein".

AMENDMENT No. 14

On page 2, of the printed bill Section 2, line 17, strike out the word "county", and insert in lieu thereof the words "supervisory district"

AMENDMENT No. 15.

On page 2, of the printed bill, Section 2, line 17, strike out the word "therein"

AMENDMENT No. 16

On page 4, of the printed bill, Section 8, in the form of ballot, strike out the word "county", and insert in lieu thereof the words "supervisory district"

AMENDMENT No. 17.

On page 4, of the printed bill, Section 8, in the form of ballot, strike out the word "therein".

AMENDMENT No. 18.

On page 5, of the printed bill, Section 11, line 1, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 19.

On page 5, of the printed bill, Section 11, line 2, strike out the word "therein".

AMENDMENT No. 20.

On page 5, of the printed bill, Section 12, line 3 insert between the word "pharmacists" and the comma following it, the words "and to manufacturers of such liquors".

AMENDMENT No. 21.

On page 6, of the printed bill, Section 12, line 4, insert between the word "pharmacists" and the comma following it, the words "and manufacturers".

AMENDMENT No. 22.

On page 6, of the printed bill, Section 16, line 9, strike out the period after the word "resort", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 23.

On page 7, of the printed bill, Section 16, line 21, strike out the period after the word "dispensed", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 24.

On page 7, of the printed bill, Section 16, lines 27 and 36, strike out the period after the word "inspection" in each line, and insert in lieu thereof a semicolon (;).

AMENDMENT No. 25.

On page 7, of the printed bill, Section 16, line 38, strike out the period after the word "organization", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 26.

On page 7, of the printed bill, Section 16, strike out all of lines 39 to 44, inclusive, and insert in lieu thereof the following:

"(b) The keeping of alcoholic liquors at cellars, vaults or warehouses, receiving orders at such cellars, vaults or warehouses for said liquors, and the shipping of the same therefrom, *provided*, said liquors are not distributed or delivered to any person or place in no-license territory within the county in which such cellars, vaults or warehouses are located, except when delivered to a common carrier for shipment to a place outside of said no-license territory."

AMENDMENT No. 27.

On page 8, of the printed bill, Section 16, line 52, strike out "(a) to other manufac-", also strike out all of lines 53 to 59 inclusive, and insert in lieu thereof the following: "(a) to a common carrier for shipment to a place outside of said no-license territory, (b) to other manufacturers of alcoholic liquors at the premises where they manufacture such liquors, (c) to cellars, vaults or warehouses where such liquors are stored or distributed as provided in the 6th paragraph of this section, (d) to any person at his or her permanent residence; (e) to registered pharmacists at their places of business."

ESTUDILLO,
THOMPSON,

Senate Committee on Free Conference.

RANDALL,
CRONIN,

Assembly Committee on Free Conference.

We do not concur

ROSENDALE,
STETSON.

MOTION

Mr Randall moved that the consideration of report of Committee on Free Conference be made a special order for Wednesday, March 15, 1911, immediately after the reading of the Journal.

Mr Schnitt moved as substitute that the time be three o'clock and thirty minutes P. M. of Wednesday, March 15, 1911.

Substitute adopted.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 281—An Act to appropriate the sum of one thousand dollars to pay the claim of Sergeant-Major Eugene De Sparr

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 281 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Launch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Maloue, McDonald, McGowen, Mendenhall, Rumliger, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Williams, Wilson, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill 1375—An Act to create a reclamation district to be called "Reclamation District No. 831," and providing for the control and management thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1375 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Brown, Butler, Callaghan, Clark, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Maher, Maloue, McDonald, Mendenhall, Mullally, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Wylie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361—An Act fixing the salaries of the judges of the Superior Court of the State of California, in and for the county of Kern, and providing for the payment thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 361 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Coghlan, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Maloue, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Randall, Rumliger, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Williams, Wilson, Wylie, and Mr. Speaker—56.

NOES—Mr. Clark—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill 1474—An Act authorizing the payment of assessments levied in Reclamation District No. 818 to be made to the county treasurer of the county of Sutter.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1474 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cronin, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Hayes, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Nolan, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—49

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 1558—An Act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary thereto.

Bill read third time

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1558 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cochran, Cronin, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinshaw, Jasper, Jones, Judson, Kennedy, Lynch, Lyon of Los Angeles, Malone, McDonald, McGowen, Mendenhall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 998—An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 998 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1553—An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1553 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Clark, Cronin, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Polsley, Randall, Rimlinger, Rogers of Alameda, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 649—An Act to amend an Act entitled "An Act requiring the recording of maps of subdivisions of land into lots for the purpose of sale, and prescribing the conditions on which such maps may be recorded and prohibiting the selling or offering for sale of land by reference to said maps, unless the same are recorded," approved March 15, 1907, by adding a new section thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 649 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cronin, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Joel, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Polsley, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 986—An Act granting to municipal corporations of the State of California the right to construct, operate and maintain water and gas pipes, mains or conduits, electric light and electric power lines, and telephone and telegraph lines, along or upon any road, street, alley, avenue or highway, or across any railway, canal, ditch or flume.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 986 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Joel, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mullally, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Smith, Strickenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1472—An Act authorizing and empowering Reclamation District No. 818 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1472 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cronin, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mullally, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wylie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 540—An Act appropriating the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 540 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cronin, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Nolan, Polsley, Rumliger, Rosendale, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wylie and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1482—An Act to amend Section 2153a of the Political Code of the State of California, relating to the powers and duties of the medical superintendents of state hospitals, and the purchase of supplies for such state hospitals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1482 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Clark, Cronin, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Nolan, Rumliger, Rogers of Alameda, Rosendale, Shazgia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wylie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Held gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1482 was this day passed.

Assembly Bill No. 1166—An Act to provide for the licensing and regulation of hospitals and special hospital nurses in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1166 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Brown, Butler, Cattell, Cronin, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Kehoe, Kennedy, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 97—An Act to amend Section 848 of the Code of Civil Procedure of the State of California.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 8 page 1. of the printed bill, strike out the brackets, and insert in lieu thereof the following: "in writing".

Amendment adopted.

AMENDMENT No. 2

After subdivision 5, on page 1. of the printed bill, add a new paragraph as follows: "When the summons is served contrary to the provisions of this section and the service is quashed or set aside any attachment levied in the case shall be immediately released."

Amendment adopted.

By Mr. Sutherland:

Amend the title by adding thereto the words "and providing for the release of attachment when the service of the summons is set aside".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 885—An Act to amend Sections 2, 3, 13 and 21, of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 885 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Hinkle, Jasper, Jones, Joel, Kehoe, Kennedy, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Kehoe gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1166 was this day passed.

Assembly Bill No. 968—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 968 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bliss, Butler, Callaghan, Chandler, Coghlan, Farwell, Fitzgerald, Freeman, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Judson, Lynch, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Wilson, Wyllie, Young, and Mr Speaker—44

NOES—Mr Cattell—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors, and regulating the traffic therein; providing penalties, establishing a state laboratory for foods, liquors, and drugs, and making an appropriation therefor, approved March 11, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 69 passed by the following vote:

AYES—Messrs Beatty, Bennink, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Held, Jasper, Jones, Joel, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, Wilson, Wyllie, and Mr Speaker—46.

NOES—Messrs Kehoe, and Polsley—2

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 42—An Act to provide for the continuation of the construction of the highway known as Kings River Highway, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 42 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Brown, Butler, Callaghan, Cattell, Chandler, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Held, Hinkle, Hushaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1121—An Act to amend Section 337 of the Code of Civil Procedure of the State of California, and to add a new section to said Code of Civil Procedure to be known as and numbered Section 337a, both relating to the time of the commencement of actions other than for the recovery of real property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1121 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bliss, Bohnett, Callaghan, Cattell, Chandler, Clark, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Mullally, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Stragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Wilson, Wyllie, and Mr. Speaker—55.

NOES—Messrs. Polesley, Rogers of Alameda, and Rutherford—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III. of the Political Code to be designated Article XX providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations; repealing Sections 425 and 426 of the Political Code, relating to the appointees of the Board of Capitol Commissioners, and repealing all Acts or parts of Acts in conflict herewith.

Mr. Bohnett moved that bill be made a special order for eleven o'clock A. M. of Wednesday, March 15, 1911.

Mr. Coghlan moved to amend by striking out eleven o'clock and inserting in lieu thereof the words eleven o'clock and thirty minutes.

Amendment adopted.

The question reverting to the original motion as amended.

A vote was taken and motion carried.

Assembly Bill No. 1034—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section one thousand five hundred and forty-three a, providing for the payment of interest on unpaid orders or demands against any school district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1034 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mott, Mullally, Polesley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Stragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Wilson, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At ten o'clock and forty-five minutes P. M., on motion of Mr. Brown, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, March 15, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Wednesday, March 15, 1911 }

At ten o'clock A. M. pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Williams, Wilson, Wylhe, Young, and Mr. Speaker—76.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Callaghan, its further reading was dispensed with.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Monday, March 6th, Tuesday, March 7th, Wednesday, March 8th, Thursday, March 9th, Friday, March 10th, and Saturday, March 11th, were approved as corrected by the Minute Clerk.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Slater, Rev. Father Towey and Mr. A. D. Ketterlin were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Messrs. Wm. Flagler and A. E. Ladwig were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Denegri, Messrs. Jos. Gianera and D. J. Tognotti were granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911

MR. SPEAKER: Your Committee on Public Morals, to whom was referred Senate Bill No. 964—An Act to add a new section to the Penal Code to be known as section three hundred and eleven a, relating to moving pictures, moving picture shows, nickelodeons, and penny arcades, and fixing the penalty for a violation thereof—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

CRONIN, Chairman

The above reported bill ordered on file for second reading

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 675—An Act providing for the acquisition of a site for an armory and state arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commission to select and acquire by donation or purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor, which was re-referred to us from the Committee on Military Affairs—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1047—An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

ON MILITARY AFFAIRS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Senate Concurrent Resolution No. 18—Relative to inviting the National Encampment of the Grand Army of the United States to hold its forty-sixth annual encampment in the city of Los Angeles, California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

CROSBY, Chairman

The above reported Senate concurrent resolution ordered on file for adoption.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bill No. 803—An Act entitled an Act to amend Section 594 of the Political Code, relating to the classification of insurance and the capital stock insurance companies are required to have—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

CALLAGHAN, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 494—An Act to amend Section 1616 of the Code of Civil Procedure, relating to the compensation and expenses of executors, administrators and their attorneys.

Also: Senate Bill No. 190—An Act to amend Section 10, of an Act entitled "An Act to authorize the incorporation of rural cemetery associations," approved April 18, 1859, and all Acts amendatory thereof.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following

Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 200—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor

Also: Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Also: Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto

Also: Assembly Bill No. 891—An Act making an appropriation to meet the expense of the collection of state revenues

Also: Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

Also: Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Also: Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California

Also: Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Also: Assembly Bill No. 1065—An Act to amend section ten of an Act entitled "An Act to define the boundary and provide for the government of levee district number two of Sutter County," approved March 23, 1876

Also: Assembly Bill No. 1384—An Act to recognize and declare valid all proceedings in Consolidated Reclamation District No. 812.

Also: Assembly Bill No. 291—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the fifth class.

Also: Assembly Bill No. 1009—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations

Also: Assembly Bill No. 1526—An Act to authorize the legislative body of a municipality of the fifth class to create a water system district within its boundaries, provide a system of water bonds for the construction of a water system therein and to provide for the payment of said bonds.

Also: Assembly Bill No. 1008—An Act to validate the organization and incorporation of municipal corporations.

Also: Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties and to make said Act applicable to such districts.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1243—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 1255—An Act to create a reclamation district to be called "Reclamation District Number 833," and providing for the control and management thereof.

Also, Senate Bill No. 1014—An Act to amend Section 4233 of the Political Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class.

Also, Senate Bill No. 1026—An Act to amend Section 1247 of the Penal Code of California, relating to appeals.

Also, Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948.

Also, Senate Bill No. 1159—An Act to amend sections seventeen hundred fifty-one, seventeen hundred fifty-six, seventeen hundred fifty-eight and seventeen hundred fifty-nine of the Political Code of the State of California, relating to the admission of pupils to high schools, and to the tuition of pupils of one county attending high schools in another county and providing for payment of same.

Also, Senate Bill No. 1254—An Act to create a reclamation district to be called "Reclamation District Number 832," and providing for the control and management thereof.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 1243 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1255 read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Senate Bill No. 1014 read first time, and referred to Committee on County and Township Government.

Senate Bill No. 1026 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1221 read first time, and referred to Committee on Public Health and Quarantine.

Senate Bill No. 1159 read first time, and referred to Committee on Education.

Senate Bill No. 1254 read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909—and we respectfully request your honorable body to concur in the Senate amendments to said bill.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put. "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1094?"

On page 3, Section 1, Subdivision 10, line 41, of the engrossed bill, before the word "any", insert the following: "any billiard room or pool room, or", also, on same line, strike out the words "pool room".

Also: On page 3, Section 1, Subdivision 11, line 44, of the engrossed bill, strike out the words "order or direction", and in lieu thereof insert the following "orders or directions".

Also: On page 3, Section 1, Subdivision 13, line 52, of the engrossed bill, after the word "or", insert the word "who"; and, also, on line 53, of the same subdivision, after the word "idle", insert the words "and dissolve".

Also: On page 3, Section 1, Subdivision 14, line 62, of the engrossed bill, after the word "private", strike out the word "schools", and insert the word "school".

Also: On page 3, Section 1, Subdivision 15, line 66, of the engrossed bill, strike out the word "drugs", and insert the word "drug".

Also: On page 3, Section 1, Subdivision 16, line 68, of the engrossed bill, strike out the words "being brought", and insert the word "growing".

Also: On page 9, Section 10d, line 32, of the engrossed bill, after the word "officer", strike out "\$175", and insert in lieu thereof "\$150".

Also: On page 9, Section 10g, line 32, of the engrossed bill, after the words "assistant probation officer", strike out "\$150", and insert in lieu thereof "\$100".

Also: On page 9, Section 10g, line 42, of the engrossed bill, strike out of said section all after the word "officer", and insert in lieu thereof the following "and two assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$125 per month; one assistant probation officer, \$120 per month, and one assistant probation officer, \$100 per month."

Also: On page 9, Section 10i, line 46, of the engrossed bill, strike out of said section, all after the word "and", and insert in lieu thereof the following: "two assistant probation officers. The salaries of said officers shall be as follows: Probation officer, \$100 per month, one assistant probation officer, \$75 per month, and one assistant probation officer, \$50 per month."

Also: On page 10, Section 10k, line 53 of the engrossed bill, insert after the word "the", the following "eleventh, twelfth, thirteenth,".

Also: On page 10, Section 10k, line 54, of the engrossed bill, strike out the word "and".

Also: On page 10, Section 10k, line 54, of the engrossed bill, after the word "twenty-seventh", insert the following "and thirty-third".

Also: On page 10, Section 10k, line 56, of the engrossed bill, after the period insert the following: "In counties of the thirteenth class there shall be one assistant probation officer whose salary shall be \$25 per month."

Also: On page 10, Section 10n, line 64, of the engrossed bill, strike out the word "thirteenth", and insert in lieu thereof the following "fourteenth, sixteenth, nineteenth, twentieth,".

Also: On page 10, Section 10n, line 65, of the engrossed bill, insert after the word "thirtieth", the following "thirty-second, thirty-eighth".

Also: On page 10, line 70, of the engrossed bill, after the period insert the following:

"Section 10l. In counties of the forty-eighth class there shall be one probation officer whose salary shall be \$25 per month."

Also: On page 10, Section 10r, line 68, of the engrossed bill, after the word "the", insert the following "twenty-first,".

Also: On page 10, Section 10n, line 71, of the engrossed bill, strike out the word "thirty-third".

Also: On page 10, Section 10n, line 72, of the engrossed bill, strike out the following: "thirty-eighth, fortieth, forty-first,".

Also: On page 10, Section 10d, line 73, of the engrossed bill, strike out the word "forty-eighth".

Also: On page 15, Section 17, line 2, of the engrossed bill, after the word "of", strike out the word "eighteen", and insert in lieu thereof the word "twenty-one".

Also: On page 15, Section 17, line 7, of the engrossed bill, after the word "of" strike out the word "eighteen", and insert in lieu thereof the word "twenty-one".

Also: On page 21, Section 25, line 5, of the engrossed bill, after the word "court", strike out the words "and the probation committee".

Also: On page 4, Section 2, line 9, of the engrossed bill, strike out the word "first", and insert in lieu thereof the following: "second".

Also: On page 3, Section 1, line 59, after the words "March 24, 1903", insert the following: "and any Act or Acts amending or superseding the same".

Also: On page 7, Section 8, line 7, of the engrossed bill, after the word "committee", strike out the comma and the following: "prior to the first day of December in each year", and in lieu thereof insert the following: "to prepare each year one or more reports".

Also: On page 7, Section 8, line 16, of the engrossed bill, after the period insert the following: "The probation committee shall also make to the court an annual report to be filed prior to the first day of December."

Also: On page 11, Section 13, line 26, of the engrossed bill, after the word "judge", strike out the words "appointing them", and insert in lieu thereof the following: "of the juvenile court".

Also: On page 12, Section 15, line 8, of the engrossed bill, after the word "who", strike out the words "is already", and insert in lieu thereof the following "has already been placed by the juvenile court".

Also: On page 20, Section 23, line 1, of the engrossed bill, after the word "person", strike out the words "shall be entitled to", and insert in lieu thereof the words "may have".

Also: On page 20, Section 23, line 2, of the engrossed bill, strike out the word "its", and insert the word "his".

Also: On page 20, Section 23, line 3, of the engrossed bill, strike out the word "its", and insert the word "his".

Also: On page 20, Section 23, line 4, of the engrossed bill, strike out the word "shall", and insert the word "may".

Also: On page 2, Section 1, line 17, strike out the word "purpose", and in lieu thereof insert the word "purposes".

Also: On page 3, Section 1, line 41, after the comma following the word "saloon", insert the word "or".

Also: On page 3, Section 1, line 67, strike out the period, and in lieu thereof insert the following: "; or".

Also: On page 4, Section 3, line 4, strike out the word "persons", and in lieu thereof insert the word "person".

Also: On page 7, Section 8, line 8, strike out the following: ", to prepare a report".

Also: On page 10, Section 10k, line 58, after the word "in", insert the following: "each of the".

Also: On page 10, Section 10k, line 59, after the comma following the word "twenty-third", insert the following word: "twenty-fifth."

Also: On page 10, Section 10, line 76, after the word "in", insert the following "each of the".

Also: On page 14, Section 16, line 32, strike out the word "its", and insert the word "his".

Also: On page 16, Section 18, line 18, strike out the word "person", and in lieu thereof insert the word "persons".

Also: On page 16, Section 18, line 22, strike out the letters "sons", and insert the letters "son".

Also: On page 17, Section 18, line 43, strike out the word "person", and insert the word "persons".

Also: On page 18, Section 20, line 36, strike out the word "its", and insert the word "his".

Also: On page 20, Section 21, line 24, strike out the words "therefore", and insert "thereafter".

Also: On page 21, Section 25, line 18, after the word "such" as it appears in said line, insert the following "superintendent, matron and other".

Also: By striking out of Section 10n, line 73, the comma after the word "second", and the following words: "thirty-eighth and fifty-sixth", and inserting in lieu thereof the following: "and thirty-eighth".

The roll was called, and Senate amendments to Assembly Bill No 1094 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Preiske, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, and Mr. Speaker—49.

NOES—None

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 13, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also: Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages at the Preston School of Industry.

Also: Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also, Assembly Bill No. 90—An Act to provide for the construction of dams for water supply, at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also, Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

Also, Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion, at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Also, Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 10 thereof.

Also, Assembly Bill No. 857—An Act to amend section two hundred and forty of the Penal Code of the State of California, defining the crime of assault.

Also, Assembly Bill No. 234—An Act authorizing and directing the flooring of the mouse and main building at the Sonoma State Home, and making an appropriation therefor.

Also, Assembly Bill No. 581—An Act to provide for the furnishing of three cottages at the Sonoma State Home, and making an appropriation therefor.

And we respectfully request your honorable body to concur in the Senate amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 88?"

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following: "The State Controller is hereby authorized to draw his warrant in favor of the officer or officers authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same."

The roll was called, and Senate amendment to Assembly Bill No. 88 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Preisker, Randall, Rumlunger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Young, and Mr. Speaker—55.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 121?"

On page 1, Section 1, lines 3 and 4, of the printed bill, strike out the words "by the trustees of the Preston School of Industry"; also strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the person or persons authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same."

Also add a new section, to be numbered "3" and to read as follows: "This Act shall be exempt from the provisions of the Act of the Legislature, approved March 23, 1876, relating to the state erections and buildings, and all Acts amendatory thereto."

Also, Strike out all of Sections 2, 3, and 5, of the printed bill.

Also: In line 1, of Section 4, of the printed bill, strike out the figure "4", and insert in lieu thereof the following: "2".

The roll was called, and Senate amendments to Assembly Bill No. 121 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall,

Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 85?"

Strike out all of Section 2. of the printed bill, and insert in lieu thereof the following.

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the person or persons authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same."

The roll was called, and Senate amendment to Assembly Bill No. 85 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Butler, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—61.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 90?"

Strike out all of Section 2. of the printed bill, and insert in lieu thereof the following.

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the person or persons authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same."

The roll was called, and Senate amendment to Assembly Bill No. 90 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Young, and Mr. Speaker—58.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 93?"

Strike out all of Section 2. of the printed bill, and insert in lieu thereof the following.

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the person or persons authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same."

The roll was called, and Senate amendment to Assembly Bill No. 93 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Callaghan, Cattell, Clark, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord,

Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—58.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 955?"

Strike out all of Section 2, of the printed bill, and insert in lieu thereof the following:

"The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in favor of the person or persons authorized by law to receive the same, in such amounts and at such times as may be approved by the State Board of Examiners, and the State Treasurer is hereby directed to pay the same."

The roll was called, and Senate amendment to Assembly Bill No. 955 was concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—60.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 510?"

Strike out all of the printed bill, beginning with line 9 thereof, and insert in lieu thereof the following:

"Nor shall any such company issue policies on property situated within the corporate limits of any city or town in excess of four thousand five hundred dollars on any risk, under one or more policies. No adjoining risks can be taken by such company unless a clear space of at least one hundred and fifty feet intervenes, and such intervening space must continue at not less than one hundred feet during the life of the policy. Nor shall any risk be taken on any building closer than one hundred feet to any business property, *provided*, the amount of the insurance shall not exceed seventy-five per cent of the value of the property, and no additional insurance shall be allowed."

The roll was called, and Senate amendment to Assembly Bill No. 510 was concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—60.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 857?"

On page 1, Section 1, line 6, strike out the word "unlawful".

Also: On page 1, Section 1, line 6, before the word "intimidate", insert the following: "unlawfully".

The roll was called, and Senate amendments to Assembly Bill No. 857 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Williams, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 234?"

In Section 1, lines 4 and 5, strike out the following: "to be paid to the board of managers of the Sonoma State Home".

Also, In Section 1, line 6, of the printed bill, strike out the words "said home", and insert in lieu thereof the following: "the Sonoma State Home".

Also, In Section 2, strike out lines 2 and 3, of the printed bill, the words "board of managers of the Sonoma State Home", and insert in lieu thereof the following: "officer or officers authorized by law to receive the same".

The roll was called, and Senate amendments to Assembly Bill No. 234 were concurred in by the following vote.

AYES.—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cronin, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Williams, Wilson, and Mr. Speaker—56.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 581?"

Strike out all of Section 1, of the printed bill, after the word "expended", in line 5, and insert in lieu thereof the following: "in furnishing two cottages for epileptic patients, and one cottage for low grade patients at the Sonoma State Home".

The roll was called, and Senate amendment to Assembly Bill No. 581 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Callaghan, Cattell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—53.

NOES—None.

Bill ordered to enrollment.

LEAVE OF ABSENCE.

Mr. Mott asked for and was granted leave of absence until two o'clock P. M. of this day.

LEAVE OF ABSENCE EXTENDED.

On motion of Mr. Harlan, the leave of absence granted the select committee to investigate the Fish and Game Commission was extended until Saturday, March 18, 1911.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Rogers of Alameda rose to a question of personal privilege and made a statement relative to an article appearing in certain daily papers, regarding his debate on Assembly Bill No. 252.

GUEST ADMITTED TO THE FLOOR OF THE ASSEMBLY.

On motion of Mr. Stuckenbruck, Honorable C. D. Rice, ex-senator of North Dakota, was granted the privilege of the floor of the Assembly for this day.

REQUESTS FOR PERMISSION TO INTRODUCE BILLS.

The following requests for permission to introduce bills were received and read.

By Mr. Smith:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act entitled an Act to establish rate of interest to be charged for the loan or forbearance of any money, goods, or things in action and providing for the regulation thereof.

SMITH,

Member Fifty-first District.

Referred to Committee on Introduction of Bills.

By Mr. Wyllie:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act to amend Section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts.

WYLLIE,

Member Twenty-seventh District

Referred to Committee on Introduction of Bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

WYLLIE,

Member Twenty-seventh District

Referred to Committee on Introduction of Bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of high school districts.

WYLLIE,

Member Twenty-seventh District

Referred to Committee on Introduction of Bills

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz. An Act to amend Section 1736 of the Political Code of the State of California, relating to the disincorporation of a high school district.

WYLLIE,

Member Twenty-seventh District

Referred to Committee on Introduction of Bills

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911

MR. SPEAKER I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act to amend Section 1734 of the Political Code of

the State of California, relating to the admission of a school district to a high school district or the exclusion of a school district from a high school district.

WYLLIE,

Member Twenty-seventh District

Referred to Committee on Introduction of Bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER. I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of union high school districts."

WYLLIE,

Member Twenty-seventh District.

Referred to Committee on Introduction of Bills.

By Mr. Telfer:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER. I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to provide for publicity in proposed changes in salaries of, and the number of, county officers and their deputies."

TELFER,

Member Fifty-fifth District.

Referred to Committee on Introduction of Bills.

By Messrs. Preisker, Slater, and Young:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER. We ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Sections 246 and 268 of the Political Code of the State of California."

PREISKER,

Member Sixty-fourth District.

SLATER,

Member Fourteenth District.

YOUNG,

Member Fifty-second District.

Referred to Committee on Introduction of Bills.

By Mr. Preisker:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER. I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs."

PREISKER,

Member Sixty-fourth District.

Referred to Committee on Introduction of Bills.

NOTICE OF INTENTION TO MOVE TO AMEND RULES.

Mr. Preisker gave notice of intention to move to amend the Standing Rules of the Assembly as follows:

Amend Rule 9 thereof, which shall read as follows

9. When a Senate bill has been received by the House with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee, *provided, however*, that when a Senate bill is received the provisions of which are stated by a member to be identical with those of an Assembly bill which has already been considered and reported by a committee of the Assembly, such Senate bill shall be referred to the Committee on Engrossed and Enrolled Bills for comparison, which committee shall report on the next legislative day whether or not said bill is identical with the Assembly bill, and if reported identical, shall be read the second time, be substituted for the Assembly bill (the latter being considered withdrawn), shall take the latter's place on the Assembly file, and be considered as having received the same recommendation of the Assembly committee *provided* that the fact that the bills are identical shall be entered in the Journal.

RE-REFERENCE OF ASSEMBLY CONCURRENT RESOLUTION.

On motion of Mr Stevenot, Assembly Concurrent Resolution No. 26—Relative to the purchase of bas-relief bronzes of President Taft and Governor Johnson—was referred to Committee on Contingent Expenses and Accounts.

SPECIAL URGENCY FILE.

Assembly Bill No. 1478—An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners, and the defrayal of the expense thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1478 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Denegri, Fitzgerald, Freeman, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hiukle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowen, Mullally, Nolan, Preisker, Rumliger, Rutherford, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1122—An Act to amend Section 14 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1909; and to provide that proceedings and actions under said Act pending at the time this Act takes effect shall be subject to the provisions of said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1122 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Denegri, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mullally, Nolan, Preisker, Rumliger, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1479—An Act to add a new section to the Code of Civil Procedure of the State of California to be known as section one thousand seven hundred and twenty-six *a*, relating to the payment of the burial expenses of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1479 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Cogswell, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Rutherford, Ryan, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—55.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 703—An Act to amend Sections 1, 3, 5 and 6 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways and making an appropriation for the purpose of carrying out the objects of this Act", approved March 22, 1905, relating to the definition of terms used in this Act, precautions to be used by the drivers of motor vehicles, the use of highways for races, punishment for violation of this Act and the licensing of chauffeurs and motor vehicle drivers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 703 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Rimplinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Shragia, Schmitt, Stevenot, Stuckenbruck, Sutherland, Tibbits, Wilson, Wyllie, and Mr. Speaker—51.

NOES—Messrs. Cogswell, Hinshaw, Kennedy, Lamb, and Mullally—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1550—An Act to amend Section No. 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; and to the compensation of jurors and grand jurors in counties of the twentieth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1550 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, Mendenhall, Mullally, Polsley, Rodgers of San Francisco, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of eleven o'clock and thirty minutes A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III, of the Political Code to be designated Article XX providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the Capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations; repealing Sections 425 and 426 of the Political Code, relating to the appointees of the Board of Capitol Commissioners; and repealing all Acts or parts of Acts in conflict herewith.

TIME FOR DEBATE EXTENDED.

On motion of Mr. Rogers of Alameda, Mr. Wyllie was granted an additional three minutes of time, in which to complete his debate.

During the third reading of the bill Mr. Coghlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, following line 31, insert a new section, to be numbered Section 1a, to read as follows:

"SECTION 1a. Section 386 of the Political Code of the State of California, is hereby amended to read as follows:

"386. The annual salary of the Executive Secretary of the Governor is three thousand dollars."

Also, On page 3, Section 2, line 1, printed bill, after the word "Sections", insert the figures "386".

Also, On page 3, Section 2, line 2, printed bill, after the word "to", strike out the words "the appointees of the Board of Capitol Commissioners", and insert in lieu thereof the following: "the Board of Capitol Commissioners and the appointees thereof."

Also: In line 7, after the word "compensations", strike out the words "repealing Sections 425 and 426 of the Political Code, relating to the appointees of the Board of Capitol Commissioners," and insert in lieu thereof the following: "repealing Section 386, amending Section 386 and repealing Sections 425 and 426 of the Political Code, relating to the Board of Capitol Commissioners and the appointees thereof."

POINT OF ORDER.

Mr. Bohnett rose to the following point of order: "That the amendments were not germane to the question."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

The question being on Mr. Coghlan's motion to amend.

A vote was taken and motion lost.

During the third reading of the bill Mr. Griffiths moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, following line 31, insert a new section to be numbered Section 1a, and to read as follows:

"SECTION 1a. Section 386 of the Political Code of the State of California is hereby amended to read as follows:

"386. The Executive Secretary of the Governor is the ex officio secretary of the Board of State Capitol Commissioners. His annual salary as Executive Secretary of the Governor is three thousand dollars."

MOTION OUT OF ORDER.

The Speaker ruled the motion out of order, as the amendment was not germane to the question.

During the third reading of the bill Mr. Bishop moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, following line 3, in the sub-title to Article XX, after the word "Capitol", strike out the words "building and".

Also, On page 1, Section 716, line 2, after the word "Capitol", strike out the words "building and".

Also: On page 2, Section 716, line 4, after the word "of", strike out the words "three thousand", and insert in lieu thereof the words "twenty-four hundred".

Also: On page 2, Section 716, lines 10 and 11, strike out the words "and shall have the custody of the Capitol building and of the State's property therein."

Also On page 2, Section 716, strike out all of line 14, after the word "Capitol", and insert in lieu thereof the word "grounds".

Also: On page 2, Section 717, lines 3 and 4, after the word "Capitol", strike out the words "building and".

Also: On page 2, Section 717, line 11, after the word "Capitol", strike out the words "building and".

Also On page 2, Section 718, line 1, after the word "Capitol", strike out the words "building and".

Also: On page 2, Section 718, line 3, strike out the word "six", and insert in lieu thereof the word "four".

Also: On page 2, Section 718, line 4, after the word "grounds", strike out the words "and building".

Also. On pages 2 and 3, Section 718, strike out all of that portion of the section beginning with line 9, on page 2, and ending with line 20a, on page 3.

Also On page 3, Section 719, line 27, after the word "Capitol", strike out the word "and".

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1183 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Crosby, Denegri, Farwell, Feeley, Flint, Gerdes, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—59

NOES—Messrs. Bennink, Bishop, Coghlan, Cronin, Freeman, Gaylord, Griffiths, Hamilton, Mullally, and Schmitt—10.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Schmitt, the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j and 4225k, and all relating to county boards of health and sanitary inspectors.

During consideration of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, Section 1, of the printed bill, strike out lines 3 to 9, inclusive, and insert in lieu thereof the following:

4224a In each county within the State of California there shall be a county board of health appointed by the board of supervisors. The county board of health shall consist of five members, at least two of whom shall be duly licensed and practicing physicians, and one of whom, if practicable, shall be a civil engineer. The members of said board shall hold office for the term of four years from and after their appointment and until their successors are appointed and qualified; *provided*, that the members of the board at their first meeting shall so classify themselves by lot that three of their number shall go out of office at the expiration of three years and two at the expiration of four years. The board shall elect from their own number a president and a secretary. The secretary shall be a duly licensed and practicing physician and shall serve as county health officer. The members of the board shall serve without compensation for their services as such, but shall receive their actual and necessary traveling expenses while engaged in the business of the board. The secretary of the board shall receive for his services as such and as health officer such sum as may be determined by the board of supervisors. The health officer shall be deemed to be an employee and not an officer.

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 2, line 4, of the printed bill, strike out the words "on" and "Monday", and insert in lieu thereof the word "during", and the word "week".

Amendment adopted.

AMENDMENT No. 3

On page 1, Section 2, line 6, of the printed bill, strike out the words "officers and health officer", and insert in lieu thereof the word "members".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 3, line 12, of the printed bill, after the word "advisable", in said line 12, insert the words, "a copy of this report shall be filed with the secretary of the State Board of Health."

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 4, lines 6 to 9, of the printed bill, strike out the words beginning with the word "and" after the word "county", in line 6, all of line 6, all of line 7, all of line 8, and to and including the word "county" in line 9.

Amendment adopted.

AMENDMENT No. 6.

On page 3, Section 4, lines 12 to 14, of the printed bill, commencing with the word "such" after the word "for", in line 12, strike out the balance of line 12, all of line 13, and all of line 14, and insert in lieu thereof the following: "one year and until his successor is appointed and qualified".

Amendment adopted.

AMENDMENT No. 7.

On page 4, Section 6, line 5, of the printed bill, after the word "accused", insert the words "the health officer or".

Amendment adopted.

AMENDMENT No. 8.

On page 6, Section 10, of the printed bill, strike out lines 3, 4, 5, 6, 7, 8, 9, 10, and 11, and insert in lieu thereof the following:
"4225j. The term of office of the county sanitary inspector shall be for one year and until his successor is appointed and qualified. He shall give a bond in the sum

of \$2500, said bond to be subject to the approval of the board of supervisors. His compensation shall be the sum of \$5 per day for each day of not less than eight hours that he shall actually be engaged in the performance of his duties, as such and his necessary traveling expenses actually incurred by him in the discharge of his duties. Such compensation shall be allowed and paid monthly by the board of supervisors upon verified claims therefor."

Amendment adopted.

AMENDMENT No. 9.

On page 6, Section 11, of the printed bill, strike out all of Section 11

Amendment adopted.

AMENDMENT No. 10.

On page 7, Section 12, of the printed bill, strike out all of Section 12.

Amendment adopted.

Bill ordered to reprint, and on file for third reading.

Senate Bill No. 960—An Act creating a bureau of building and loan supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; repealing an Act approved March 21, 1905, entitled "An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith." Also repealing an Act approved March 23, 1907, entitled "An Act to amend section sixteen (16) of an Act entitled 'An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan

Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof. Also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law or unsafe practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith,' approved March 21, 1905," relating to the powers and duties and salaries of the State Building and Loan Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 960 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Croniu, Denegri, Fitzgerald, Flint, Freeman, Gerdes, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of two o'clock P. M. having arrived, the special order heretofore set for this hour was taken up for consideration

Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act, which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a, hereby added thereto

The question being on the motion to appoint a select committee of one to amend the bill as follows:

After the word "follow", in line 50, page three (3), Section 1, of Senate Bill No. 261, add the following:

Provided, however, that the State Board of Medical Examiners may issue a certificate to any person who has practiced a special branch of medicine and surgery, at the time this Act goes into effect, for a period of not less than thirty-five years fifteen years of which time shall have been within the State of California, an applicant to practice a special branch of medicine and surgery must file an affidavit with the Board of Medical Examiners, sworn to before some person authorized to take and administer an oath and attested by the hand and seal of such person, stating that he has successfully and effectively practiced the special branch of medicine and surgery for the term of years as hereinbefore mentioned, and such applicant to practice a special branch of medicine and surgery, shall not be required to file a diploma, as hereinbefore referred to, but such applicant may be required to take an examination, which shall be practical in character and shall consist of a practical demonstration in the special branch of medicine and surgery set forth in the affidavit of such applicant; and such practical demonstration shall be for the purpose of ascertaining an applicant's fitness to practice the special branch of medicine and surgery set forth in the affidavit of the applicant; and in addition thereto, such applicant may be required to produce testimony to the effect that he has successfully and effectively practiced the special branch of medicine and surgery as set forth in the affidavit hereinabove referred to; and if after such practical demonstration an applicant shall qualify, by effecting a cure, the State Board of Medical Examiners shall issue a certificate to such applicant to practice the special branch of medicine and surgery set forth in the affidavit of such applicant."

Also: After the word "forth", in line 50, on page 3, Section 1, insert the words: "Except as otherwise stated".

Motion carried.

The Speaker appointed Mr. Cronin as such select committee.

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Committee Substitute for Senate Bill No. 261, with instructions, do now report that the instructions of the Assembly have been carried out.

CRONIN, Select Committee.

Report of select committee, and amendment, adopted.

During the further consideration of the bill Mr. Lyon of Los Angeles moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, line 71, after the word "fee", insert: "but the board of examiners of the Association of Naturopaths of California, incorporated August 8, 1904, which board shall be elected by the members of said association, may at its discretion issue a certificate to applicants which have proven their efficiency to the satisfaction of said board. The president and secretary of the board of medical examiners shall sign such certificate and affix the official seal of said board. The holder of such certificate shall be entitled to practice in this State with the same rights and privileges as the holder of a certificate from the board of medical examiners."

Motion carried.

The Speaker appointed Mr. Lyon of Los Angeles as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Committee Substitute for Senate Bill No. 261, with instructions, do now report that the instructions of the Assembly have been carried out.

LYON of Los Angeles, Select Committee

Report of select committee, and amendment, adopted.

During further consideration of the bill Mr. Butler moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 84, page 6, of the printed bill, after the period following the word "Act", insert the following:

"Nothing, however, in this section shall be construed as repealing or in any manner affecting Section 17 of an Act entitled 'An Act for the regulation of the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation', approved March 14, 1907, as amended by a certain Act approved March 19, 1909."

Roll call regularly demanded

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Beunink, Butler, Callaghan, Clark, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Guill, Hamilton, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Smith, Stuckenbruck, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—42

NOES—Messrs. Cogswell, Cunningham, Feeley, Maher, Mullally, and Schmitt—6.

The Speaker appointed Mr. Butler as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Committee Substitute for Senate Bill No. 261 with instructions, do now report that the instructions of the Assembly have been carried out

BUTLER, Select Committee

Report of select committee, and amendment, adopted.

During the third reading of the bill Mr. Farwell moved that the Speaker appoint a select committee of one to amend the bill as follows:

Any surgeon honorably discharged from the medical department of the United States army or navy, regular or volunteer, is herewith authorized to practice medicine and surgery in the State of California, by filing a sworn copy of his discharge with the State Board of Medical Examiners, and paying said board a fee of fifty dollars

Motion carried.

The Speaker appointed Mr. Farwell as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Committee Substitute for Senate Bill No. 261, with instructions, do now report that the instructions of the Assembly have been carried out.

FARWELL, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint with a rush order, and on file for passage.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 472—An Act to regulate the occupation of barbering, to create a board of examiners for the licensing of persons to carry on such practice, to insure the better education of such practitioners, to provide rules regulating the proper sanitation of barber shops, barber schools and colleges, preventing the spreading of contagious and infectious diseases, thereby insuring to the general public cleaner and better service; and providing penalties for violations thereof.

During the third reading of the bill Mr. Butler moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 10, line 12, page 3, of the printed bill, strike out the figures and words "three (3) years", and insert in lieu thereof "one (1) year"; in line 16, page 3, of the printed bill, strike out the figure and word "(3) years", and insert in lieu thereof "one (1) year", and in line 17, page 3, of the printed bill, strike out the figure and words "three (3) years", and insert in lieu thereof "one (1) year".

Also In Section 14, line 13, page 5, of the printed bill, strike out the words "three years", and insert in lieu thereof "one year".

Also In Section 22, line 25, page 7, of the printed bill, strike out the words "three years", and insert in lieu thereof "one year"; also strike out all of said Section 22, beginning with *and provided further*, in line 25, page 7, of the printed bill

Motion lost.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 472 passed by the following vote:

AYES—Messrs Beatty, Brown, Callaghan, Crosby, Cunningham, Deegri, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Hinkle, Jasper, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowan, Mullally, Nolan, Rinaldier, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibluts, Williams, and Mr Speaker—42

NOES—Messrs Beckett, Benedict, Bennink, Rhss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Farwell, Flint, Held, Hinshaw, Lamb, Maher, Mendenhall, Mott, Polesley, Preisker, Rosendale, Schmitt, Sutherland, Wilson, and Wylhe—25.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 774—An Act providing for the time of payment of wages.

During the third reading of the bill Mr. Held moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 2, line 1, strike out the word "ten", and insert in lieu thereof the following: "fifteen".

Motion carried.

The Speaker appointed Mr. Held as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Senate Bill No. 774, with instructions, do now report that the instructions of the Assembly have been carried out.

HELD, Select Committee.

Report of select committee, and amendment, adopted.
Bill ordered to reprint, and on file for passage.

SPECIAL ORDERS.

The hour of three o'clock P. M. having arrived, the special orders heretofore set for this hour were taken up for consideration

Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926a, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

On motion of Mr. Rogers of Alameda, consideration of bills continued until three o'clock P. M. of Friday, March 17, 1911.

Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

On motion of Mr. Preisker, consideration of bill continued until three o'clock P. M. of Friday, March 17, 1911.

Senate Bill No. 786—An Act to add a new section to the code of Civil Procedure to be known and designated as Section 604, relating to the payment of juror's and reporter's fees in actions other than criminal.

On motion of Mr. Rogers of Alameda, consideration of bill continued until three o'clock P. M. Thursday, March 16, 1911.

Senate Bill No. 787—An Act to amend Section 472 and Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Attorney General, providing for an assistant, a chief deputy, deputies, clerks, phonographic reporter and stenographers in the Attorney General's office, and fixing their salaries.

During the third reading of the bill Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, line 6, strike out the words "four thousand", and insert in lieu thereof the following "thirty-six hundred"

Also, On page 1, line 7, strike out the words "four thousand", and insert in lieu thereof the following "thirty-three hundred".

Also On page 1, line 8, strike out the words "thirty-three hundred", and insert in lieu thereof the following: "three thousand".

Also On page 1, line 10, strike out the words "three thousand", and insert in lieu thereof the following: "twenty-seven hundred".

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Bennink, Bohnett, Cattell, Chaudler, Clark, Farwell, Flint, Held, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Mendenhall, Mott, Preisker, Telfer, Wilson, and Young—20.

NOES—Messrs. Beatty, Beckett, Bishop, Bliss, Brown, Callaghan, Cogswell, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Freeman, Gerdes, Griffiths, Guill, Harlan, Hayes, Hinkle, Jones, Lyon of San Francisco, Maher, Malone, McDonald,

McGowen, Nolan, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stuckenbruck, Sutherland, Wyllie, and Mr. Speaker—38.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 787 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Brown, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Dinkle, Hinshaw, Jasper, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Nolan, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—Messrs. Bohnett, Held, and Judson—3

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of three o'clock and thirty minutes P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

REPORT OF COMMITTEE ON FREE CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER Your Committee on Free Conference concerning Assembly Bill No. 87—An Act authorizing the filing of petitions for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions: providing for the calling and holding of such elections, making it the duty of the proper governing body to declare such territory to be no-license territory, unless a majority of votes is cast in favor of license; providing that no licenses, permits, or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away, or distribute alcoholic liquors within such territory, with certain exceptions, and providing penalties for such offenses—report that we have met a like committee of the Senate consisting of Senators Estadillo, Stetson and Thompson, and we further report that such Free Conference Committee has agreed upon and adopted the following amendments, and we suggest and recommend that the same be adopted

(N. B. The words "printed bill", as used in these amendments, mean the bill as printed after being amended in Senate February 11, 1911, and not the bill as printed at later dates)

AMENDMENT No. 1.

On page 1, of the printed bill, Section 1, line 2, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 2.

On page 2, of the printed bill, Section 1, line 5, insert between the words "for" and "Governor", the words "all candidates for".

AMENDMENT No. 3.

On page 2, of the printed bill, Section 1, line 7, after the word "trustees", strike out the comma and the words "board of supervisors".

AMENDMENT No. 4.

On page 2, of the printed bill, Section 1, line 8, strike out the comma after the word "city", and insert in lieu thereof the word "or".

AMENDMENT No. 5.

On page 2, of the printed bill, Section 1, line 8, insert between the words "or" and "county", the following words. "the board of supervisors of the".

AMENDMENT No. 6.

On page 2, of the printed bill, Section 1, line 8, insert between the word "county" and the comma following it, the words, "in which such supervisory district is situated".

AMENDMENT No. 7.

On page 2, of the printed bill, Section 1, line 9, strike out the words "and determine", and insert in lieu thereof the words "the question", followed by a comma (,).

AMENDMENT No. 8.

On page 2, of the printed bill, Section 2, line 10, strike out the word "county" and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 9.

On page 2, of the printed bill, Section 1, line 11, strike out the word "therein".

AMENDMENT No. 10.

On page 2, of the printed bill, Section 2, line 10, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 11.

On page 2, of the printed bill, Section 2, line 10, strike out the word "therein".

AMENDMENT No. 12.

On page 2, of the printed bill, Section 2, line 13, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 13.

On page 2, of the printed bill, Section 2, line 14, strike out the word "therein".

AMENDMENT No. 14.

On page 2, of the printed bill, Section 2, line 17, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 15.

On page 2, of the printed bill, Section 2, line 17, strike out the word "therein".

AMENDMENT No. 16.

On page 4, of the printed bill, Section 8, in the form of ballot, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 17.

On page 4, of the printed bill, Section 8, in the form of ballot, strike out the word "therein".

AMENDMENT No. 18.

On page 5, of the printed bill, Section 11, line 1, strike out the word "county", and insert in lieu thereof the words "supervisory district".

AMENDMENT No. 19.

On page 5, of the printed bill, Section 11, line 2, strike out the word "therein".

AMENDMENT No. 20.

On page 5, of the printed bill, Section 12, line 3, insert between the word "pharmacists" and the comma following it, the words "and to manufacturers of such liquors".

AMENDMENT No. 21.

On page 6, of the printed bill, Section 12, line 4, insert between the word "pharmacists" and the comma following it, the words "and manufacturers".

AMENDMENT No. 22.

On page 6, of the printed bill, Section 16, line 9, strike out the period after the word "resort", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 23.

On page 7, of the printed bill, Section 16, line 21, strike out the period after the word "dispensed", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 24.

On page 7, of the printed bill, Section 16, lines 27 and 36, strike out the period after the word "inspection" in each line, and insert in lieu thereof a semicolon (;).

AMENDMENT No. 25.

On page 7, of the printed bill Section 16, line 38, strike out the period after the word "organization", and insert in lieu thereof a semicolon (;).

AMENDMENT No. 26.

On page 7, of the printed bill, Section 16, strike out all of lines 39 to 44 inclusive, and insert in lieu thereof the following.

"6th. The keeping of alcoholic liquors at cellars, vaults or warehouses, receiving orders at such cellars, vaults or warehouses for said liquors, and the shipping of the same therefrom, *provided*, said liquors are not distributed or delivered to any person or place in no-license territory within the county in which such cellars, vaults or warehouses are located, except when delivered to a common carrier for shipment to a place outside of said no-license territory,".

AMENDMENT No. 27.

On page 8, of the printed bill, Section 16, line 52, strike out "(a) to other manufac.", also strike out all of lines 53 to 59 inclusive, and insert in lieu thereof the following "(a) to a common carrier for shipment to a place outside of said no-license territory, (b) to other manufacturers of alcoholic liquors at the premises where they manufacture such liquors, (c) to cellars, vaults or warehouses where such liquors are stored or distributed as provided in the 6th paragraph of this section; (d) to any person at his or her permanent residence; (e) to registered pharmacists at their places of business."

ESTUDILLO,
THOMPSON.

Senate Committee on Free Conference.

RANDALL,
CRONIN.

Assembly Committee on Free Conference

We do not concur

ROSENDALE,
STETSON

The question being on the adoption of the report.

POINT OF ORDER.

Mr. Schmitt rose to the following point of order: "That there was nothing before the Assembly, as the report of the committee was not unanimous."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

FURTHER POINT OF ORDER.

Mr. Coghlan rose to the following point of order: "That the question was not debatable."

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

The roll was called, and report adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Fairwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowan, Mendenhall, Mott, Polley, Preisker, Randall, Rogers of Alameda, Rosendale, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—51

NOES—Messrs. Beatty, Callaghan, Coghlan, Cunningham, Deuegri, Feeley, Fitzgerald, Gerdes, Hayes, Kennedy, Lyon of San Francisco, Malone, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, and Schmitt—21.

EXPLANATION OF VOTES.

The following were received and ordered printed in the Journal:

By Mr. Rosendale:

I voted for this bill because I believe the people of this State demand the opportunity of voting upon the principles of local option. I have consistently maintained that the township unit be preferred to any other offered, and the expression of a large minority of this House voted against concurrence upon the Free Conference Committee.

Having protested to the best of my ability against the adoption of the unit set out in this bill, I voted for this bill rather than see the people of this State deprived of the right of local option and to redeem my promise to the people of my district, that I would support the principles of local option.

CHAS. B. ROSENDALE,
Fifty-ninth District.

By Mr. Slater:

When the Local Option Bill was first discussed in this place, I urged that if any local option measure was passed it should not be a harsh one that would injure the great hop and grape-growing and wine-making section of my district and the other districts of our great State similarly affected. I also stated that I favored restriction of the "vicious roadhouse and low groggery" to which so many of my fellow legislators referred. I stated my adherence to proper legislation in this respect. I have not diverged from my position. In the new bill presented to-day, I find that the Free Conference Committee has adopted many of the suggestions made by myself and my colleague, Senator Juillard, for the protection of the great interests of Sonoma County. While some of the provisions contained in the report of the Conference Committee are not as broad as they could and should have been, and while the bill is not what I deem a perfect one, yet I consider it my duty to vote for it in view of the concessions granted.

HERBERT W. SLATER,
Fourteenth District.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911

MR. SPEAKER Your Committee on Introduction of Bills, to whom were referred the following bills, herewith return the same with the recommendation that the authors be permitted to introduce them. The titles of said bills are as follows:

An Act entitled an Act to establish rate of interest to be charged for the loan or forbearance of any money, goods, or things in action and providing for the regulation thereof.

An Act to provide for publicity in proposed changes in salaries of, and the number of, county officers and their deputies.

An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs.

An Act to amend Sections 246 and 268 of the Political Code of the State of California, relating to officers and employees of the Assembly and salaries of officers and employees of the Senate and Assembly.

An Act to amend Section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts.

An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

An Act to amend Section 1725 of the Political Code of the State of California, relating to the formation of high school districts.

An Act to amend Section 1736 of the Political Code of the State of California, relating to the disincorporation of a high school district.

An Act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district to a high school district or the exclusion of a school district from a high school district.

An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of union high school districts.

CHANDLER, Chairman.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri,

Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Haves, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rumlunger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Smith, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, and Mr. Speaker—62.
 NOES—None.

INTRODUCTION OF BILLS.

The following bills were introduced and referred as indicated:

By Mr. Smith (by request): Assembly Bill No. 1576—An Act entitled an Act to establish rate of interest to be charged for the loan or forbearance of any money, goods, or things in action and providing for the regulation thereof.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Telfer: Assembly Bill No. 1577—An Act to provide for publicity in proposed changes in salaries of, and the number of, county officers and their deputies.

Bill read first time, and referred to Committee on County and Township Governments.

By Mr. Preisker: Assembly Bill No. 1578—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs

Bill read first time, and referred to Committee on County and Township Governments.

By Messrs. Preisker, Slater and Young: Assembly Bill No. 1579—An Act to amend Sections 246 and 268 of the Political Code of the State of California, relating to officers and employees of the Assembly and salaries of officers and employees of the Senate and Assembly.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Education: Assembly Bill No. 1580—An Act to amend Section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts.

Bill read first time, and ordered on file without reference

Also: Assembly Bill No. 1581—An Act to amend Section 1725 of the Political Code of the State of California, relating to the formation of high school districts.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1582—An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of union high school districts.

Bill read first time, and ordered on file without reference.

Also: Assembly Bill No. 1583—An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

Bill read first time, and ordered on file without reference

Also: Assembly Bill No. 1584—An Act to amend Sections 1736 of the Political Code of the State of California, relating to the disincorporation of a high school district.

Bill read first time, and ordered on file without reference

Also: Assembly Bill No. 1585—An Act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district or the exclusion of a school district from a high school district.

Bill read first time, and ordered on file without reference

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 871—An Act to amend section sixty-nine of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors", approved March 26, 1895.

Assembly Bill No. 746—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the burial of ex-Union soldiers, sailors and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses,' approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors and marines who served in the army and navy of the United States," approved March 23, 1901, by extending the operation of said Act to widows of all such honorably discharged soldiers, sailors and marines who served in the army or navy of the United States.

Assembly Bill No. 607—An Act to amend Section 1198 of the Political Code of the State of California, relating to the printing and binding of ballots.

Assembly Bill No. 1065—An Act requiring the transfer of funds from the General Fund of the state treasury to the Interest and Sinking Fund and to other funds to pay interest and principal of state bonds, and interest on diverted funds of the University of California.

Assembly Bill No. 797—An Act to provide permanent headquarters in the Capitol building for the Grand Army of the Republic, to designate the purposes for which the same shall be used.

Assembly Bill No. 587—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Assembly Bill No. 270—An Act to provide for the erection and equipment of one power plant, including gas and electric machinery, at the Southern California State Hospital, and making an appropriation therefor.

Assembly Bill No. 849—An Act to amend section four hundred fifty-six of the Political Code, relating to the office of the Treasurer of State, his deputy and assistants and the salaries of the deputy and assistants.

Assembly Bill No. 293—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the classification of municipal corporations,' approved March 2, 1883, as amended by an Act which became a law under constitutional provision without Governor's approval, March 5, 1901," approved February 8, 1911, relating to the classifications of municipal corporations.

Assembly Bill No. 1191—An Act to amend section two of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907, and amended March 6, 1909, the amendment relating to the commission provided for in said Act, and prohibiting members of boards of supervisors serving thereon.

Assembly Bill No. 965—An Act to amend Sections 2322, 2322b, 2322c, 2322d, and 2322e of the Political Code of the State of California, said sections relating to orchards, trees, vines or plants of any variety infested with diseases or scale insects of any kind injurious to fruit, fruit trees, vines or other plants or vegetables, or noxious weeds and to the eradication of insect pests and diseases, and to the appointment and removal of a county horticultural commissioner in the several counties of the State, prescribing his duties and powers and fixing his compensation and term of office, also providing for a state board of horticultural examiners, prescribing the duties of said board and providing for examinations to be taken by persons desiring to qualify for position as county horticultural commissioners; providing for the dividing of the several counties of the State into districts by the respective county horticultural commissioners and providing for the appointment of deputy commissioners, local inspectors and quarantine guardians, prescribing their duties and powers and fixing their compensation.

Assembly Bill No. 848—An Act to amend sections one, three, and seven of an Act entitled "An Act to authorize the deposit of state moneys in banks in this State, and to repeal all Acts and parts of Acts in conflict with this Act," approved February 28, 1907.

Assembly Bill No. 766—An Act to amend Section 308 of the Penal Code of the State of California, relating to the sale or furnishing of tobacco or preparation of tobacco to persons under eighteen years of age.

Assembly Bill No. 661—An Act giving and granting to the board of park commissioners of the city of San Diego the right to use and the right to authorize the use of Balboa Park in said city for exposition purposes.

Assembly Bill No. 1192—An Act to amend an Act entitled "An Act to provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof, for the construction therein or thereon of sidewalks, sewers, man-holes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; for the issue of bonds representing the costs and expenses thereof, for a special fund derived in part from the county road fund and in part by special assessment upon a district, and for the establishment of such districts," approved March 21, 1907, the amendment relating to the powers of the board of supervisors in the appointment of officers and employees, and their eligibility to places under this Act.

Assembly Bill No. 290—An Act to add a new section to the Code of Civil Procedure to be numbered one thousand four hundred and ninety-one *a*, relating to filing a copy of printed notice to creditors.

Assembly Bill No. 25—An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven *a* thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors or any admixture thereof in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold; and providing the punishment for the violation thereof.

Assembly Bill No. 248—An Act limiting the hours of labor of females employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company; compelling each employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female to provide suitable seats for all female employees and to permit them to use such seats when they are not engaged in the active duties of their employment, and providing a penalty for failure, neglect or refusal of the employer to comply with the provisions of this Act, and for permitting or suffering any overseer, superintendent, foreman or other agent of any such employer to violate the provisions of this Act.

And were presented to the Governor, March 14, at eleven o'clock A. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1911

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No. 1406—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed," approved March 23, 1907, by amending the title of said Act, and making said Act applicable to cities of the second and one-half class.

Assembly Bill No. 1297—An Act to prohibit the issuance of non-negotiable acknowledgments of indebtedness in payment for wages due employees, providing how acknowledgments of such indebtedness shall be paid, fixing the time when certain wages shall become due and payable.

Assembly Bill No. 1169—An Act to add a new section to the Penal Code of the State of California, to be numbered 382*b*, forbidding the publication, circulation or distribution of advertisements of any food, liquor, drug, medicine or remedy, which advertisements shall be false or misleading

Assembly Bill No. 1465—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Assembly Bill No. 1316—An Act to amend section eight hundred sixty-three of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," adopted —, 1893.

Assembly Bill No. 1569—An Act to amend section four thousand two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

Assembly Bill No. 1333—An Act to amend Section 6260 of the Penal Code, relating to shooting from moving boats.

Assembly Bill No. 1012—An Act to prohibit the use of nets, seines, traps, or weirs in Sacramento Slough, in the county of Sutter.

Assembly Bill No. 1489—An Act to amend section one thousand seven hundred fifty-one of the Political Code, relating to the admission of pupils to high schools.

Assembly Bill No. 1074—An Act to amend Section 4243 of the Political Code of the State of California, providing for the salaries and fees of public officers in counties of the fourteenth class.

Assembly Bill No. 1281—An Act to repeal an Act entitled "An Act to protect the wages of labor and the salaries and fees of subordinate officers," approved April 1, 1872.

Assembly Bill No. 1280—An Act to amend section seventy-four *a* of the Penal Code of California, relating to the protection of labor and wages of employees on public works.

Assembly Bill No. 1279—An Act to repeal an Act entitled "An Act to protect stockholders and persons dealing with corporations in this State," approved March 29, 1878.

Assembly Bill No. 1278—An Act to amend section five hundred sixty-four of the Penal Code of California, relating to false statements by officers of corporations.

Assembly Bill No. 1276—An Act to amend section five hundred and ninety-seven of the Penal Code of California, relating to cruelty to animals.

Assembly Bill No. 1275—An Act to repeal an Act entitled "An Act to prevent the spread of contagious or infectious diseases among domestic animals," approved March 23, 1898.

Assembly Bill No. 1274—An Act to add a new section to the Penal Code of California, to be known as section three hundred and seventy-four *a*, relating to contagious or infectious diseases among domestic animals.

Assembly Bill No. 1273—An Act to repeal an Act entitled "An Act to more fully define the crime of larceny," approved March 6, 1872.

Assembly Bill No. 1269—An Act to repeal an Act entitled "An Act relating to the intoxication of officers," approved April 15, 1880.

Assembly Bill No. 1268—An Act to add a new section to the Penal Code of California to be known as section seven hundred and seventy-three, relating to the intoxication of officers.

Assembly Bill No. 1267—An Act to repeal an Act entitled "An Act authorizing and requiring boards of commissions having the management and control of paid police force to grant the members thereof yearly vacations," approved March 10, 1891.

Assembly Bill No. 1266—An Act to add a new section to the Penal Code of California to be known as section seven hundred and twenty-one, relating to authorizing and requiring boards or commissions having the management and control of paid police force to grant the members thereof yearly vacations.

Assembly Bill No. 1265—An Act to repeal an Act entitled "An Act to prevent the spread of contagious diseases among animals," approved March 20, 1905.

Assembly Bill No. 1264—An Act to add three new sections to the Penal Code of California, to be known as sections three hundred and seventy-four *b*, three hundred and seventy-four *c*, and three hundred and seventy-four *d*, preventing the spread of contagious diseases among animals.

Assembly Bill No. 1263—An Act to repeal an Act entitled "An Act to prohibit the desecration of the flag of the United States, and to provide a punishment therefor," approved March 2, 1899.

Assembly Bill No. 1262—An Act to add a new section to the Penal Code of California, to be known as section six hundred and forty-eight *b*, relating to advertising on the American flag.

Assembly Bill No. 1259—An Act to repeal an Act entitled "An Act to prevent tampering with animals, and to prevent the giving or administering of poison or drugs to horses, cattle, dogs, animals, and other live stock except for medicinal purposes, and making the same a misdemeanor," approved March 23, 1901.

Assembly Bill No. 1258—An Act to add two new sections to the Penal Code of California, to be known as sections five hundred and ninety-six *a*, and five hundred and ninety-six *b*, relating to the unlawful administering of drugs to animals on exhibition.

Assembly Bill No. 1257—An Act to amend Section 296 to the Penal Code of California, relating to the injury or destruction of property in cemeteries.

Assembly Bill No. 1255—An Act to add a new section to the Penal Code of California, to be known as section six hundred and fifty-three *c*, regulating the use of illuminating gas and providing a penalty for the violation thereof.

Assembly Bill No. 1254—An Act to repeal an Act entitled "An Act to regulate the disposition of the hides of cattle killed or slaughtered in the State of California," approved March 23, 1893.

Assembly Bill No. 1251—An Act to add a new section to the Penal Code of California, to be known as section four hundred and twenty-two, relating to disturbing schools or school meetings.

Assembly Bill No. 1250—An Act to add a new section to the Penal Code of California, to be known as section seventy-eight, relating to the prevention of irregular issuance of teachers' certificates.

Assembly Bill No. 1249—An Act to add a new section to the Penal Code of California, to be known as section seventy-nine, relating to school officers and teachers acting as agents.

Assembly Bill No. 1248—An Act to add a new section to the Penal Code of California, to be known as section two hundred and forty-seven, making an attempt to kill or commit an assault upon the President or the Vice-President of the United States, the governor of any state or territory, or any United States justice or judge, or the secretary of any executive department of the United States a felony, and providing a penalty therefor.

Assembly Bill No. 1245—An Act to repeal an Act entitled "An Act to prohibit the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity and on consent of the Board of Examiners."

Assembly Bill No. 1244—An Act to add a new section to the Political Code of the State of California, to be known as section six hundred and eighty-three, prohibiting the creation of debts against the State in excess of appropriations made by law, except in cases of actual necessity and on consent of the Governor, Secretary of State, and Attorney General.

Assembly Bill No. 1243—An Act to repeal an Act entitled "An Act relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof," approved March 16, 1903.

Assembly Bill No. 1241—An Act to repeal an Act entitled "An Act forbidding the payment of municipal officers out of the funds of the county," approved March 8, 1905.

Assembly Bill No. 1240—An Act to add a new section to Chapter XII, Title II, Part IV, of the Political Code of the State of California, to be known as section forty-three hundred and twenty-six, relating to charges of city justices and constables against counties.

Assembly Bill No. 1239—An Act to repeal an Act entitled "An Act providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof," approved March 18, 1905.

Assembly Bill No. 1235—An Act to repeal an Act entitled "An Act to further perpetuate the markings of the government survey," approved March 18, 1905.

Assembly Bill No. 1234—An Act to add a new section to the Political Code of the State of California, to be known as section forty-two hundred and twenty-one b, relating to markings of government survey.

Assembly Bill No. 1233—An Act to repeal an Act entitled "An Act forfeiting to the State of California all payments for state lands where a fraudulent title was sought to be obtained thereto," approved March 20, 1905.

Assembly Bill No. 1232—An Act to add a new section to the Political Code of the State of California, to be known as section thirty-five hundred and seventy-five, relating to forfeiture of title to lands sold by the State.

Assembly Bill No. 1231—An Act to repeal an Act entitled "An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903.

Assembly Bill No. 1230—An Act to add a new section to the Political Code of the State of California, to be known as section nine hundred eighty-eight, relating to the payment of premiums on official bonds.

Assembly Bill No. 1229—An Act to repeal an Act entitled "An Act forbidding the employment of the inmates of state institutions in the manufacture or production of articles, for the use of state officers, or the officers and employers [employees] of state institutions, approved March 19, 1903.

Assembly Bill No. 1228—An Act to add a new section to the Political Code of the State of California, to be known as section twenty-three hundred and twenty-nine, relating to forbidding the employment of the inmates of state institutions in the manufacture, or production of articles, for the use of state officers or officers or employees of state institutions.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr Chandler asked for, and was granted, unanimous consent to have Senate Bill No. 11 taken up, out of order.

Senate Bill No. 11—An Act establishing a state normal school at Fresno, county of Fresno, California, and making an appropriation therefor.

During the third reading of the bill, Mr. Chandler moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 3, line 5, after the word "years", strike out the period (.), and insert in lieu thereof a semicolon, and the following, "provided, that no money shall be expended for said school until the site selected has been conveyed by a deed in fee simple to the State of California."

Motion carried.

The Speaker appointed Mr. Chandler as such select committee.

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 11, with instructions, do now report that the instructions of the Assembly have been carried out.

CHANDLER, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, with a rush order, and on file for passage.

Mr. Brown asked for, and was granted, unanimous consent to have Assembly Bill No. 1190 taken up, out of order.

Assembly Bill No. 1190—An Act to amend section number twelve of an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards and defining the term boulevard," approved March 22, 1905, and amended April 15, 1909, the amendment relating to the definition of the term "boulevard."

During the third reading of the bill, Mr. Brown moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all after the enacting clause, in the amended printed bill, and insert in lieu thereof the following

SECTION 1 Any portion of a county not contained in a boulevard district under the provisions of this Act, may be formed into a boulevard district, and when so formed shall be known and designated by the name and style of _____ boulevard district (using the name of the district) of _____ county (using the name of the county in which said district is located), and shall have the rights herein enumerated and such as may hereafter be conferred by law.

SEC. 2 A petition for the formation of such boulevard district (naming it) may be presented to the board of supervisors of the county wherein the district is proposed to be formed, which said petition shall be signed by not less than twenty-five freeholders, resident within the proposed district, and shall contain

(1) The boundaries of the proposed district, and the number of inhabitants residing therein;

(2) The number of acres contained therein and the assessed value thereof and of the improvements thereon.

(3) A particular description of the boulevard which it is desired to lay out, open and construct,

(4) A request that an election be called within said district for the purpose of determining the question of the formation of said boulevard district and the building of the boulevard described in said petition.

SEC. 3 Such petition must be presented at a regular meeting of said board of supervisors and they shall thereupon fix a time for hearing said petition, not less than twenty, nor more than sixty days after the date of presentation thereof, and shall publish a notice of the fact that such petition has been filed (referring to the same on file with the clerk of the board of supervisors for further particulars) and

giving the date and hour at which said petition will be heard, which said notice shall be published at least once a week for two consecutive weeks in some newspaper published and circulated in said proposed district, *provided*, that if no newspaper be so published in said district, then said notice shall be so published in some newspaper published and circulated at the county seat in which said proposed district is located.

SEC. 4. Upon the day named for the hearing of said petition, the board of supervisors shall hear the same and may adjourn such hearing from time to time, not more than thirty days in all.

On the final hearing the said board shall define and establish the boundaries of said boulevard district as provided in said petition, unless they shall deem it proper to change them, *provided* that any change made by said board of supervisors shall not include any territory outside of the boundaries described in the petition, until the board has given at least two weeks' notice of its intention to include such territory within such district, by publication for two weeks of such notice of intention in a newspaper of general circulation published either in said district or at the county seat. The territory of such district shall not be changed or reduced to such an extent as to prevent the creation and establishment of such boulevard district.

SEC. 5. The boundaries established by the board of supervisors shall be the boundaries of such boulevard district until the same shall be changed in the manner provided by law. But, if it shall appear to the board that the boundaries of any such district have been incorrectly described in the petition it shall direct the county surveyor to ascertain and report the correct description of the boundaries, in conformity with the orders of said board of supervisors, which said report must be filed within ten days from the day of making such order. At the first regular meeting after the filing of said report, the board of supervisors shall ratify the same, by resolution entered in its minutes, with such modifications as they deem necessary, and the boundaries so established shall be the legal boundaries of such boulevard district.

SEC. 6. The board of supervisors thereupon and not later than thirty days after the establishment of said boundaries, as hereinbefore provided, shall give notice of an election to be held in such proposed boulevard district for the purpose of determining whether such district shall be formed. The order must fix the day of such election, which must be within sixty days from the date of the order, and must show the boundaries of the proposed district, and must state that at such election three persons who are to compose the boulevard commission will be voted for. This order shall be entered in the minutes of the board, and shall be conclusive evidence of the due presentation of a proper petition, and of the fact that each of the petitioners was at the time of the signing and presentation of such petition, a resident and freeholder of the proposed district; a copy of such order shall be posted for four successive weeks prior to the election, in three public places within the proposed district, and shall be published for four successive weeks prior to the election in some newspaper published in the proposed district, if there be one, and if not, in some newspaper published at the county seat. It shall be sufficient if the order be published once a week.

SEC. 7. The board of supervisors, at least fifteen days prior to the election, shall select one, and may select two, polling places within the proposed district, and make all suitable arrangements for the holding of such election. They must appoint one inspector and two judges of election in each polling place, who shall constitute the officers of said election; if none are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. The ballot shall contain the words "For a Boulevard District" or "Against a Boulevard District" as the case may be, and also the names of the persons to be voted for at said election. At such election there shall be elected three persons for members of the boulevard commission. Such election, and all subsequent elections in said district, shall be conducted as nearly as practicable in accordance with the general election laws of the State, except that the provisions of said laws as to the form of ballots and the making of nominations shall not apply. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election shall be entitled to vote at the election above provided for. The officers of the election must certify the result of the election to the board of supervisors, and if a majority of the votes cast at such election shall be in favor of a boulevard district the board of supervisors shall make and cause to be entered in the minutes of said board an order that a boulevard district of the name and with the boundaries stated in the petition (setting forth such boundaries) has been duly established and shall declare the persons receiving respectively the highest number of votes for members of the boulevard commission, duly elected as such commissioners, and said order shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided for by this Act or by law, and of the existence and validity of the boulevard district. If a majority of the votes cast shall be against a boulevard district, the board shall, by order entered in its minutes, so declare, and no other proceeding shall be taken in relation thereto until the expiration of six months from the date of the presentation of the petition to said board.

SEC. 8. There shall be an election for two members of the boulevard board in every even numbered year, beginning with the first even numbered year after the election at which the said district was organized, and the two members then to be elected shall hold office until the election and qualification of their successors in the next even numbered year, and there shall be an election for one member of the boulevard commission in every odd numbered year beginning with the first odd numbered year after the election at which the district was organized, and the member then to be elected shall hold office until the election and qualification of his successor in the next odd numbered year. The three members elected at the election at which the district was organized shall, at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that two of them shall go out of office in the first even numbered year after the election at which the district was organized, and upon the election and qualification of their successors, as provided by this Act. The members of the boulevard commission shall receive no compensation whatever, either for general or for special services. All elections for officers after the formation of the district shall be held on the first Monday after the first Tuesday in the month of March. Not less than twenty days after the day of such election the boulevard commission must give notice of said election by posting notice thereof in three public places in the boulevard district, which notice must specify the time and place of election, the hours during which the polls will be kept open, and the officers to be elected. They shall select one, and may select two, polling places within the district, shall appoint one inspector and two judges of election in each polling place, and make all necessary and proper arrangements for holding the election. Said election officers shall constitute the election board. If no election officers are so appointed, or if those appointed are not present at the time of the opening of the polls, the electors present may appoint them and they shall conduct the election. Such election shall be conducted as nearly as practicable in accordance with the general election laws of the State, except that the requirements of said laws as to the form of ballots and the making of nominations of candidates, shall not apply. Every qualified elector resident within the district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election. At such election the last great register of the county shall be used, and any elector whose name is not upon such great register shall be entitled to vote upon producing and filing with the board of election a certificate, under the hand and seal of the county clerk, showing that his name is registered and uncanceled upon the great register of such county, provided that he is otherwise entitled to vote.

The officers of the election must publicly canvass the votes immediately after the closing of the polls, and must certify the result within twenty-four hours after the closing of the polls to the boulevard commission. Said commission shall within five days after the day of election canvass said returns, and shall make, sign and deliver certificates of election to the person or persons elected.

SEC. 9. Every boulevard district formed under the provisions of this Act shall have power to have and use a common seal alterable at the pleasure of the boulevard commission, to sue and be sued by its name; to lay out, establish, construct, acquire and maintain one or more boulevards within the district, and for this purpose to acquire by purchase, gift, devise, condemnation proceedings or otherwise real and personal property and rights of way within the district, and to pay for and hold the same, to make and accept any and all contracts, deeds, releases and documents of any kind which shall be necessary or proper to the exercise of any of the powers of the district, and to direct the payment of all lawful claims and demands against it, to issue bonds as hereinafter provided, and to provide for the payment of the same and the interest thereon; and to cause to be levied taxes sufficient when directed by a vote of the people of the district for the construction, maintenance, or repair of said boulevard, and the running expenses of the district; to employ all necessary engineers, surveyors, agents and workmen to do the work on said boulevard and in said district; and generally to do and perform any and all acts necessary or proper to the complete exercise and effect of any of its powers or the purposes for which it was formed.

SEC. 10. The officers of the district shall be three members of the boulevard commission, and their term of office shall be for two years. No person shall be eligible to act as a commissioner who has not been a bona fide resident and freeholder of the district for at least one year prior to his election or appointment. Any vacancy in the commission shall be filled by appointment for the unexpired term by the board of supervisors of the county in which said district is located, but no member of the board of supervisors shall be eligible to membership on said commission, or to hold any position in connection therewith. Each commissioner shall give a bond to the boulevard district for the faithful performance of his duties in the sum of five thousand dollars, to be approved by the judge of the superior court.

SEC. 11. The boulevard commission shall be the governing body of the district, and shall exercise all the powers thereof. At its first meeting, or as soon thereafter as may be practicable, the commission shall choose one of its members as president, and another of its members as secretary. All contracts, deeds, warrants, releases, receipts and documents of every kind shall be signed in the name of the district by its president, and shall be countersigned by its secretary. The commission may

hold such meetings, either in the day or in the evening, as may be convenient. In case of the absence or inability to act of the president or secretary, the board shall by order entered upon its minutes, choose a president pro tem. or secretary pro tem., as the case may be.

SEC. 12. Any boulevard constructed under this Act may be constructed over, along, or upon any county road or public highway, or any part thereof, and the moneys belonging to such boulevard district may be expended in the improvement of such road or highway to conform to the width and general character of the balance of the boulevard.

By the term "boulevard" as used herein is meant a highway of limited dedication and use, not less than thirty, and not more than one hundred feet in width, and upon, along, and over which no franchise for telephone, telegraph or electric wires or poles, or for the operation or running of cars or vehicles upon fixed tracks or rails thereon, shall be granted; and any easements granted or condemned for the building of said boulevard shall be so granted or condemned, *provided*, that nothing herein shall be deemed to apply to or as preventing the granting of such franchise or limiting the use of wagons across said boulevard, on, over and along intersecting streets and highways.

SEC. 13. At any time after the district is organized, the boulevard commission may, by order entered in the minutes of the meetings of said commission, call an election for the purpose of determining whether bonds shall be issued for the construction of such boulevard. Such order shall fix the day of the election and shall specify the amount of money to be raised, and shall state in general terms the purpose for which it is to be raised. A copy of such order shall be posted for four successive weeks prior to the election in at least three public places within the district, and shall be published for four successive weeks prior to the election in some newspaper published within the district, if there be one, and if not, in some newspaper published at the county seat. It shall be sufficient if the order be published once a week.

SEC. 14. At any time prior to the day fixed for the election the commission shall select one, and may select two, polling-places within the district, and appoint one inspector, one judge and one clerk for each precinct to conduct the same, and shall make all necessary and proper arrangements for holding the election. The ballots shall contain the words "For the Issuance of Bonds", or "Against the Issuance of Bonds". The election shall be conducted in accordance with the general election laws of the State, so far as the same may be applicable, except as herein otherwise provided. Every qualified elector resident within the district for the length of time necessary to enable him to vote at a general election shall be entitled to vote at the election. After the votes shall have been counted and the result announced by the election officers the ballots shall be sealed up and delivered to the secretary or president of the boulevard commission, and said commission shall within two days thereafter proceed to canvass the same and shall enter the result upon its minutes. Such entry shall be conclusive evidence of the fact and regularity of all prior proceedings of every kind and nature provided by this Act or by law, and of the facts stated in such entry. If, at such election, two thirds of the votes cast be in favor of the issuance of bonds, the said commission shall have full power and authority to issue and dispose of said bonds as proposed in the order calling the election and as hereinafter provided.

The boulevard commission shall advertise for bids for constructing such boulevard, or for doing any repair or maintenance work thereon, in accordance with plans, profiles, and specifications to be prepared by said commission, by publishing a notice thereof for three successive weeks in a weekly newspaper published within the boulevard district, if such newspaper is published therein; otherwise in a newspaper published at the county seat. Every contract for doing any part of said work shall be let, after advertisement as herein provided, to the lowest responsible bidder, who shall give a bond to the boulevard district for the faithful performance of his contract, with sureties satisfactory to said commission in an amount equal to at least fifty per cent of the amount of the contract price, which shall be stated in said advertisement, *provided, however*, that the commission may make contracts, without advertisement, for any work on said boulevard the cost of which does not exceed one thousand dollars; and *provided, further*, that the commission may reject any or all bids and may thereupon readvertise for bids for doing any part or the whole of said work; or may do said work without letting any contract therefor when the amount of the work is less than one thousand dollars. Said commission may hire all necessary engineers, inspectors and superintendents to supervise the performance of contracts entered into by said commission, or to have charge of the doing of all work done without contract.

SEC. 15. All bonds issued under the provisions of this Act shall be of such denomination as the boulevard commission may determine, except that no bonds shall be of less denomination than one hundred dollars nor of a greater denomination than one thousand dollars. Said bonds shall be payable in gold coin of the United States at the office of the county treasurer of the county wherein said district is situated, and shall bear interest at a rate not exceeding seven per centum per annum; which interest shall be payable semi-annually in like gold coin. Not less than one

twentieth part of the total issue of bonds shall be payable each year, on a day to be fixed by the commission and specified in the bonds. Each bond shall be signed by the president and countersigned by the secretary of the boulevard commission, and said bonds shall be numbered consecutively, beginning with number one, and shall have coupons attached referring to the number of the bond to which they are attached, which coupons shall be signed by the president and countersigned by the secretary of said commission. The bonds must be sold or disposed of by the boulevard commission in such manner and in such quantities as may be determined by said commission in its discretion, but no bond must be sold for less than its face value. The proceeds of such sale shall be deposited with the county treasurer and shall be by him placed in the fund to be called the boulevard construction and maintenance fund of ----- boulevard district (naming it): the money in such fund shall be used for the purpose indicated in the order calling the election upon the question of the issuance of bonds, *provided*, that any money remaining in said fund on completion of the work contracted for, shall be expended in the betterment and maintenance of said boulevard. If the result of the election be against the issuance of bonds no other election upon the question shall be called or held for six months.

SEC. 16. The commissioners must on or before the first meeting of the board of supervisors in September of each year, furnish the supervisors and the auditor of the county wherein the district is situated, an estimate in writing of the amount of money needed for the purpose of the district for the ensuing fiscal year. The amount must be sufficient to pay off the annual interest accruing upon said bonds, as it falls due, and also to pay one twentieth part of the principal of said bonds, to pay the estimated cost of repairs and maintenance of the boulevard and the running expenses of the district.

SEC. 17. The board of supervisors of any county wherein is situated a boulevard district, must annually at the time of levying county taxes, levy a tax to be known as the "----- (name of district) boulevard district tax", sufficient to raise the amount reported to them as herein provided, by the boulevard commission. The supervisors must determine the rate of such tax by deducting fifteen per cent for anticipated delinquencies from the total assessed value of the real property of the district within the county, as it appears on the assessment roll of the county, and dividing the sum reported by the boulevard commission as required to be raised by the remainder of such total assessed value. The tax so levied shall be computed and entered on the assessment roll by the county auditor, and if the supervisors fail to levy the tax as provided in the preceding section, then the auditor must do so. Such tax shall be collected at the same time and in the same manner as state and county taxes, and when collected shall be paid into the county treasury for the use of said district, and the purposes herein specified. The provisions of the Political Code of this State prescribing the manner of levying and collecting taxes and the duties of the several county officers with respect thereto are, so far as they are applicable and not in conflict with the specific provisions of this Act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this Act.

SEC. 18. The treasury of the county wherein the district is situated shall be the repository of all the funds of the district. The treasurer of the county shall receive and receipt for the same, and shall place the same to the credit of the district. He shall be responsible upon his official bond for their safe-keeping and disbursement in the manner herein provided.

SEC. 19. The following funds are hereby established to which the money belonging to the district shall be apportioned by the treasurer, to wit, bond fund, construction and maintenance fund, and district expense fund. The treasurer shall pay out the same only upon warrants of the boulevard commission, signed by the president and attested by the secretary. The treasurer shall report in writing to the commissioners whenever requested by them or the secretary the amount of money in the various funds, the amounts of receipts since his last report and the amounts paid out.

SEC. 20. The amount to be raised by the issuance of bonds on the taxable property within said district, shall in the aggregate not exceed seventy-five per cent of the estimated cost of acquiring the right of way therefor and the constructing said boulevard, as given in the estimates to be furnished by the county surveyor. The balance of twenty-five per cent shall be paid out of the general road fund of the county. Seventy-five per cent of the cost of maintenance and repair of said boulevard shall be paid by the boulevard district and twenty-five per cent of the cost of such maintenance and repair thereof shall be paid out of the general road fund of the county.

SEC. 21. When directed by the boulevard commission of said district, and before the calling of any election for the issuance of bonds, the county surveyor shall prepare a map showing the location of said proposed boulevard; also showing a cross-section and profile of said proposed boulevard, together with specifications for the construction thereof, and an estimate of the cost of acquiring the right of way therefor, and of the construction of said boulevard.

SEC. 22. There shall be filed, with said board of supervisors at the time of the

filing of the petition for the organization of said boulevard district with said board, a bond in the sum of not more than three hundred dollars, with two sufficient sureties, to be approved by said board, who shall each qualify in double the amount of said bond, conditioned that they will pay the expense and cost of said election in an amount not exceeding the amount mentioned in said bond, in case the proposition to organize said district shall be defeated at said election.

SEC 23. The district may at any time be dissolved upon the vote of two thirds of the qualified electors thereof at an election called by the boulevard commission upon the question of dissolution. Upon a petition signed by a majority of the electors of said district, asking for the dissolution of said district, the boulevard commission shall within thirty days after receiving said petition, by resolution, order that an election be held in the said district for the determination of the question, and appoint three qualified electors thereof to conduct said election. Such election shall be called and conducted in the same manner as other elections of the district. Upon such dissolution, any property which may have been acquired by such boulevard district shall vest in any incorporated town or city where said boulevard district shall be wholly within or be identical with the corporate limits of such incorporated town or city; and the property in the territory of said district outside of the limits of such incorporated town or city shall vest in the county board of supervisors; and if there be no such incorporated town or city, then such property shall vest in the board of supervisors of the county wherein such boulevard district is situated until the formation of such incorporated town or city; *provided, however*, that if at the time of the election to dissolve such district there be any outstanding bonded indebtedness of such district, then, in such event, the vote to dissolve such district shall dissolve the same for all purposes excepting only the levy and collection of taxes for the payment of such outstanding indebtedness of such district; and from the time such district is thus dissolved until such bonded indebtedness with the interest thereon is fully paid, satisfied and discharged, the legislative authority of such incorporated town or city, or the board of supervisors, if there be no such incorporated town or city, is hereby constituted *ex officio* the boulevard commission of such district. And it is hereby made obligatory upon such board to levy such taxes and perform such other acts as may be necessary in order to raise money for the payment of such indebtedness, and the interest thereon, as herein provided.

SEC 24. That certain Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, and the Act amendatory thereof, approved April 15, 1909, are hereby repealed.

Also Amend the title as follows: Strike out the word "appointment" in line eleven (11) of the title, in the printed amended bill, and insert in lieu thereof the word "election".

Also Strike out the period at the end of line twelve (12) of the title, and insert in lieu thereof a semicolon (;), and insert the following "and repealing an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, and the Act amendatory thereof approved April 15, 1909.

Motion carried.

The Speaker appointed Mr. Brown as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1190, with instructions, do now report that the instructions of the Assembly have been carried out.

BROWN, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION—(OUT OF ORDER).

Mr. Bishop asked for, and was granted, unanimous consent to have Assembly Concurrent Resolution No. 21 taken up out of order.

Assembly Concurrent Resolution No 21—Relative to adjournment *sine die*.

During consideration of Assembly concurrent resolution, the following amendment was submitted by Mr. Bishop:

On page 1, line 3, strike out the figures "14", and insert in lieu thereof the figures "25".

Amendment adopted

On motion of Mr. Bishop, re-referred to Committee on Ways and Means.

ADJOURNMENT.

At four o'clock and thirty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, March 16, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Thursday, March 16, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Walker, and the following members answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Teller, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—74.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Gerdes, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Slater, the Hon. Barclay Henley of San Francisco, and Frederick T. Durhing of Sonoma, were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Stuckenbruck, Mr. and Mrs. Grant Fox and Mr. Quirridith were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Judson, Messrs. W. S. Hoskins, Geo. Knowles, and F. D. Davidson were granted the privilege of the floor of the Assembly for this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

Also: Assembly Bill No. 1352—An Act to amend section sixty-seven *a* of the Code of Civil Procedure, relating to the number of the Superior Court judges and providing for the appointment of two additional Superior Court judges in and for counties of the first class, and providing for their compensation.

Also: Assembly Bill No. 1459—An Act to amend sections one thousand two hundred thirty-two, one thousand two hundred thirty-eight, one thousand two hundred forty, and one thousand two hundred forty-two of the Penal Code, all relating to appeals to the Supreme Court.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 364—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to commissions of executors and administrators

Also: Assembly Bill No. 794—An Act to amend Section 599e of the Penal Code of California, relating to the subject of cruelty to animals.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 119—An Act to amend Section 3776 of the Political Code and repeal Section 3777 of the Political Code, relating to tax sales

Also: Senate Bill No. 202—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Also: Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred and ninety eight *a*, relating to the creation of a bonded indebtedness upon personal property by corporations organized for purposes other than pecuniary profit.

Also: Senate Bill No. 910—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to the appointment of guardians of insane and other incompetent persons.

Also: Senate Bill No. 911—An Act to amend Section 1765 of the Code of Civil Procedure of the State of California, relating to the powers and duties of guardians of insane and other incompetent persons.

Also: Senate Bill No. 988—An Act to authorize cities of the first and one-half class to have and exercise jurisdiction in certain cases outside of their territorial limits

Also: Senate Bill No. 990—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred forty-eight *a*, relating to the removal or relocation of railroad, street and interurban railway tracks situated on lands or rights of way taken for road, highway, boulevard, street, or alley purposes, under the right of eminent domain, and to the compensation for such removal or relocation

Also: Senate Bill No. 1123—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Also: Senate Bill No. 1140—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and one-half class, to fix their jurisdiction and to provide for officers of said court, and to fix the compensation of certain officers thereof," which Act became a law under constitutional provision, without the Governor's approval, March 5, 1901, and to add a new section to said Act, to be numbered section five and one half

Also: Senate Bill No. 1155—An Act entitled "An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to confidential communications."

Also Assembly Bill No. 1077—An Act to amend an Act entitled "An Act to amend section fourteen hundred and forty-four of the Code of Civil Procedure of the State of California, relating to appraisement of estates and pay of appraisers."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants or owner's death in certain cases—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to call it up for consideration.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Mr. Maher asked for, and was granted, unanimous consent to have Assembly Bill No. 913 taken up for consideration.

Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants or owner's death in certain cases.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 913?"

AMENDMENT No 1

On page 1, Section 1, lines 9 and 10, strike out the words "vests in the surviving joint tenant or joint tenants of such property", and insert in lieu thereof the following: "terminated".

AMENDMENT No. 2.

On page 2, Section 1, lines 13, 14 and 15, strike out the words "or if such person was a married woman who at the time of her death was the owner of community property which passed upon the death to the surviving husband".

AMENDMENT No. 3

On page 2, Section 1, line 23, strike out the word "absolutely".

AMENDMENT No. 4

On page 2, Section 1, lines 26 and 27, strike out the words "or community property".

AMENDMENT No. 5.

On page 2, Section 1, lines 25 and 26, strike out the words "vested in the surviving joint tenant or joint tenants", and insert in lieu thereof the following: "terminated".

Mr. Maher asked for a division of the question.

Request granted.

Mr. Maher moved that the Assembly concur in Amendments Nos. 1, 3, 4, and 5.

The roll was called, and Senate Amendments Nos. 1, 3, 4, and 5 to Assembly Bill No. 913 were concurred in by the following vote:

AYES—Messrs Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cunningham, Denegri, Flint, Gaylord, Gerdes, Griffiths, Harlan, Hinkle, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, McDonald, McGowan, Mendenhall, Mott, Mullally, Polslev, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Young, and Mr. Speaker—45

NOES—None.

The question being put, "Shall the Assembly concur in Senate Amendment No. 2 to Assembly Bill No. 913?"

The roll was called, and the Assembly refused to concur in Senate Amendment No. 2 to Assembly Bill No. 913 by the following vote:

AYES—None

NOES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Cunningham, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, McGlowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimbunger, Rogers of Alameda, Rutherford, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilhams, and Mr. Speaker—46.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES—(RESUMED)

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Committee on Roads and Highways

KEHIOE, Chairman

The above reported bill re-referred to Committee on Roads and Highways.

MANUFACTURES AND INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Manufactures and Internal Improvements, to whom was referred Assembly Bill No. 979—An Act to amend section three thousand one hundred and ninety-seven of the Political Code of the State of California, relating to trade-marks—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

CUNNINGHAM, Chairman

The above reported bill ordered on file for second reading

ON BANKS AND BANKING

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61 and 68 thereof, and by adding a new section to be numbered Section 68½—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

JONES, Chairman.

The above reported bill ordered on file for second reading.

ON LIVE STOCK, DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911

MR. SPEAKER: Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Assembly Bill No. 1483—An Act to establish a standard for evaporated milk and condensed milk—have had the same under consideration, and respectfully report the same back, and a majority recommend that it do pass; and a minority, that it do not pass.

HAMILTON, Chairman.

The above reported bill ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 1159—An Act to amend section seventeen hundred fifty-one seventeen hundred fifty-six, seventeen hundred fifty-eight and seventeen hundred fifty-nine of the Polit-

ical Code of the State of California, relating to the admission of pupils to high schools, and to the tuition of pupils of one county attending high schools in another county and providing for payment of same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR SPEAKER Your Committee on Education, to whom was referred Senate Bill No. 980—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county

Also: Senate Bill No. 982—An Act to amend Section 1613 of the Political Code of the State of California, fixing the term of office of school trustees

Also: Senate Bill No. 981—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of boards of school trustees and city boards of education

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended

WYLLIE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR SPEAKER Your Committee on Education, to whom was referred Senate Bill No. 10—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system and to that end amending Section 1760 of the Political Code of the State of California relating to the State High School Fund.

Also: Assembly Bill No. 391—An Act to amend Section 1874 of the Political Code relative to the duties of the Text-Book Committee.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

WYLLIE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR SPEAKER Your Committee on Education, to whom was referred Senate Bill No. 6—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the said Political Code to be numbered 461, all relating to the State School Fund—have had the same under consideration, and respectfully report the same back and recommend that it do pass as amended.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR SPEAKER Your Committee on County and Township Governments, to whom was referred Senate Bill No. 504—An Act to amend Section 4052b of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park purposes by county boards of supervisors—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1317—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the

compensation of the county and township officers of counties of the twenty-third class—have returned a committee substitute therefor:

An Act to amend Section 4252 of the Political Code of the State of California, relating to county and township government and the compensation of the county and township officers of counties of the twenty-third class—and have had the same under consideration, and respectfully recommend that the same do pass.

ROGERS of Alameda, Chairman.

Committee Substitute for Assembly Bill No. 1317 adopted, and ordered on file for second reading.

Assembly Bill No. 1317 withdrawn.

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Common Carriers, to whom was referred Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

PREISKER, Chairman.

The above reported bill ordered on file for second reading.

ON IRRIGATION AND DRAINAGE.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Senate Bill No. 643—An Act regarding irrigation and declaring the same to be a public use—have had the same under consideration, and respectfully report the same back with amendment, and recommend it do pass as amended.

LYON of Los Angeles, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Irrigation and Drainage, to whom was referred Senate Bill No. 1152—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release—have had the same under consideration, and respectfully report the same back with recommendation that it do pass.

LYON of Los Angeles, Chairman.

The above reported bill ordered on file for second reading.

ON AGRICULTURE, FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions, and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report that three members recommend that it do pass, and three members recommend that it do not pass.

JUDSON, Chairman

The above reported bill ordered on file for second reading.

ON REAPPORTIONMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Reapportionment, to whom was referred Assembly Bill No. 1449—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts and defining and establishing such districts, and to repeal an Act entitled "An Act to

divide the State of California into congressional districts", approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into congressional districts, and to provide for the election of members of the House of Representatives of the United States therein", approved March 23, 1901, and all other Acts in conflict herewith—have had the same under consideration and respectfully report the same back with the following committee substitute therefor

Committee Substitute for Assembly Bill No. 1449—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts—and recommend that the committee substitute do pass.

BOHNETT, Chairman.

The question being on the adoption of committee substitute.

Roll call regularly demanded

The roll was called, and committee substitute adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennick, Bishop, Bliss, Bohnett, Butler, Callaghan, Chandler, Clark, Cogswell, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowan, Mendenhall, Mott, Polsley, Rogers of Alameda, Rosendale, Rutherford, Smith, Stevenot, Stuckenbruck, Sutherland, and Mr. Speaker—44.

NOES—Messrs. Beatty, Brown, Cunningham, Denegri, Feeley, Gerdes, Joel, Lyon of San Francisco, McDonald, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Ryan, and Schmitt—15.

Committee substitute ordered on file for second reading.

Assembly Bill No. 1449 withdrawn

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER Your Committee on Reapportionment, to whom was referred Assembly Bill No. 1448—An Act to amend section one hundred thirty of the Political Code, relating to the division of the State into railroad districts—have had the same under consideration and respectfully report the same back, with the following committee substitute therefor:

Committee Substitute for Assembly Bill No. 1448—An Act to amend section one hundred thirty of the Political Code, relating to the division of the State into railroad districts—and recommend that the committee substitute do pass.

BOHNETT, Chairman.

Committee substitute adopted and ordered on file for second reading.

Assembly Bill No. 1448 withdrawn.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER Your Committee on Reapportionment, to whom was referred Assembly Bill No. 1447—An Act to amend section one hundred twenty-five of the Political Code, relating to the division of the State into equalization districts—have had the same under consideration, and respectfully report the same back, with the following committee substitute therefor

Committee Substitute for Assembly Bill No. 1447—An Act to amend section one hundred twenty-five of the Political Code, relating to the division of the State into equalization districts—and recommend that the committee substitute do pass

BOHNETT, Chairman.

Committee substitute adopted, and ordered on file for second reading.

Assembly Bill No. 1447 withdrawn.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER Your Committee on Reapportionment, to whom was referred Assembly Bill No. 887—An Act to divide the State of California into legislative districts, known as senatorial and assembly districts, and to provide for the election of Senators and Assemblymen therein—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended

BOHNETT, Chairman.

RULES SUSPENDED.

Mr. Bohnett moved that the rules be suspended for the purpose of considering Assembly Bill No. 887.

The roll was called, and rules suspended by the following vote:

AYES—Messrs Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Farwell, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Mendenhall, Polsley, Rodgers of Alameda, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, and Mr Speaker—36.

NOES—Messrs Beatty, Brown, Cunningham, Feeley, Gerdes, Joel, Kennedy, Lyon of San Francisco, McDonald, Nolan, Rimlinger, Rodgers of San Francisco, Ryan, and Schmitt—14.

Assembly Bill No. 887—An Act to divide the State of California into legislative districts, known as senatorial and assembly districts and to provide for the election of Senators and Assemblymen therein

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

Amend the title by striking out all after "An Act", and insert in lieu thereof: "To amend section seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled 'An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts,' approved March 11, 1891; and also to repeal an Act entitled 'An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein,' approved March 21, 1901, and all other Acts in conflict herewith "

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 1, of the printed bill, and insert in lieu thereof the following:

"SECTION 1. The State is hereby divided into forty senatorial districts, respectively numbered and constituted as follows

1. The counties of Del Norte, Trinity, Humboldt and Mendocino shall constitute the First Senatorial District.

2. The counties of Siskiyou, Shasta, Modoc and Lassen shall constitute the Second Senatorial District.

3. The counties of Nevada, Placer, El Dorado, Plumas and Sierra shall constitute the Third Senatorial District.

4. The counties of Yolo, Tehama, Glenn, Colusa and Lake shall constitute the Fourth Senatorial District.

5. The counties of Napa and Solano shall constitute the Fifth Senatorial District.

6. The counties of Butte, Yuba and Sutter shall constitute the Sixth Senatorial District.

7. The counties of Sacramento and Amador shall constitute the Seventh Senatorial District.

8. The county of Sonoma shall constitute the Eighth Senatorial District.

9. The counties of Marin and Contra Costa shall constitute the Ninth Senatorial District.

10. The counties of Kern, Inyo, Alpine and Mono shall constitute the Tenth Senatorial District.

11. The counties of San Joaquin and Calaveras shall constitute the Eleventh Senatorial District.

12. The counties of Stanislaus, Merced, Madera, Mariposa and Tuolumne shall constitute the Twelfth Senatorial District.

13. All that portion of the county of Alameda comprising the townships of Washington, Murray, and Eden, and that portion of the township of Brooklyn lying outside the corporate limits of the cities of Oakland and Piedmont shall constitute the Thirteenth Senatorial District.

14. All that portion of the county of Alameda comprising the township of Alameda and all that portion of Brooklyn township lying within the city of Oakland east of Thirteenth avenue shall constitute the Fourteenth Senatorial District.

15. All that portion of the county of Alameda bounded as follows: Commencing at a point on the western boundary of Brooklyn township at a point where said boundary line is intersected by Eighth street; thence along the center of the

following named streets: Eighth to Washington, Washington to Tenth, Tenth to Broadway, Broadway to Sixteenth, Sixteenth to San Pablo avenue, San Pablo avenue to the southern boundary line of the town of Emeryville; thence by runs and courses easterly, northerly, and westerly along said boundary line of the town of Emeryville to the point of intersection of the northerly boundary line of the said town of Emeryville with Adeline street, thence northerly along the center line of Adeline street to the southerly boundary of the city of Berkeley; thence by runs and courses easterly and northerly along said southerly boundary line of the city of Berkeley, to the center line of Shattuck avenue, thence northerly along said center line of Shattuck avenue to the center of Eunice street, thence easterly along said center line of Eunice street and the center line of said Eunice street extended, to the boundary line of the county of Alameda; thence southerly and easterly along said boundary line of the county of Alameda to a point where said boundary line is intersected by the westerly line of Brooklyn township; thence southerly along said westerly line of Brooklyn township to a point where intersected by the northerly boundary line of the city of Piedmont, thence southeasterly along said northerly boundary line of the city of Piedmont to Thirteenth avenue, or county road No. 625 to Moraga Valley; thence along the center line of said county road, or Thirteenth avenue, to the southerly boundary of the city of Oakland; thence in a general westerly direction along said southerly boundary of the city of Oakland to the westerly boundary line of Brooklyn township, thence northerly along said westerly boundary line of Brooklyn township to the point of beginning shall constitute the Fifteenth Senatorial District.

16. All that portion of the county of Alameda bounded as follows: Commencing at a point formed by the intersection of the southerly boundary line of the city of Oakland with the westerly boundary line of Brooklyn township; thence northerly along said westerly boundary line of Brooklyn township to Eighth street; thence along the center of the following named streets: Eighth to Washington, Washington to Tenth, Tenth to Broadway, Broadway to Sixteenth, Sixteenth to San Pablo avenue, San Pablo avenue to the southerly boundary line of the town of Emeryville; thence by runs and courses easterly, northerly and westerly along said boundary line of the town of Emeryville to the point of intersection of the northerly boundary line of the said town of Emeryville with Adeline street; thence northerly along the center line of Adeline street to the southerly boundary of the city of Berkeley; thence by runs and courses easterly and northerly along said southerly boundary line of the city of Berkeley to the center line of Shattuck avenue; thence northerly along said center line of Shattuck avenue to the center line of Eunice street, thence easterly along said center line of Eunice street and the center line of said Eunice street extended, easterly along the northerly boundary of the city of Berkeley to the boundary line of the county of Alameda; thence westerly by runs and courses along said boundary line of Alameda County and southerly along the westerly boundary line of Alameda County to the southerly boundary line of the city of Oakland, thence easterly along said southerly boundary line of the city of Oakland to the point of beginning shall constitute the Sixteenth Senatorial District.

17. The counties of San Mateo and Santa Cruz shall constitute the Seventeenth Senatorial District.

18. All that portion of the city and county of San Francisco comprised within the boundaries of the Thirty-eighth and Thirty-ninth Assembly Districts, as fixed and described in this Act, shall constitute the Eighteenth Senatorial District.

19. All that portion of the city and county of San Francisco comprised within the boundaries of the Thirty-fourth and Thirty-fifth Assembly Districts, as fixed and described in this Act, shall constitute the Nineteenth Senatorial District.

20. All that portion of the city and county of San Francisco comprised within the boundaries of the Fortieth and Forty-first Assembly Districts, as fixed and described in this Act, shall constitute the Twentieth Senatorial District.

21. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Eighteenth street and the waters of the bay of San Francisco, and running thence along the center line of the following named streets: Eighteenth street to Kansas, Kansas to Twenty-second street, Twenty-second street to Potrero, Potrero to Twenty-second street, Twenty-second street to Dolores, Dolores to Randall, Randall to Mission, Mission to the county line between the city and county of San Francisco and the county of San Mateo, thence along said county line easterly to the waters of the bay of San Francisco, thence following the shore line of the waters of said bay to Eighteenth street, the point of commencement, shall constitute the Twenty-first Senatorial District.

22. All that portion of the city and county of San Francisco comprised within the boundaries of the Thirty-sixth and Thirty-seventh Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-second Senatorial District.

23. The counties of San Benito, Monterey and San Luis Obispo shall constitute the Twenty-third Senatorial District.

24. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point where the center line of Broadway street intersects the bay of San Francisco; continuing thence along the center of the following named streets: Broadway to Van Ness avenue, Van Ness avenue to Market, Market to

Eleventh street, Eleventh street to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth street to the waters of the bay of San Francisco, thence along the shore of the bay of San Francisco to Market street, the place of commencement, shall constitute the Twenty-fourth Senatorial District.

25. The counties of Santa Barbara and Ventura shall constitute the Twenty-fifth Senatorial District.

26. The county of Fresno shall constitute the Twenty-sixth Senatorial District.

27. All that portion of the county of Santa Clara not included in the Twenty-eighth Senatorial District shall constitute the Twenty-seventh Senatorial District.

28. All that portion of the county of Santa Clara embraced in the following precincts of 1910, to wit: Agnews, Alameda, Alviso, Berryessa, Burbank; all that part of Crandallville number one, and Crandallville number two, lying outside of the city limits of the city of San Jose, Cupertino, Fremont, Jefferson, Mayfield, Milpitas No. 1, Milpitas No. 2, Mountain View No. 1, Mountain View No. 2, Orchard, Palo Alto, numbers one to five, inclusive; Purissima, Santa Clara, numbers one to four, inclusive; Saratoga, Stanford, Stockton, Sunnyvale No. 1, Sunnyvale No. 2, University, numbers one and two; and that portion of the city of San Jose lying north of the center line of Santa Clara street shall constitute the Twenty-eighth Senatorial District.

29. All that portion of the county of Los Angeles comprised within the boundaries of the Sixty-second and Sixty-third Assembly Districts, as fixed and described in this Act, shall constitute the Twenty-ninth Senatorial District.

30. The county of San Bernardino shall constitute the Thirtieth Senatorial District.

31. All that portion of the county of Los Angeles comprised within the boundaries of the Seventy-first Assembly District, as fixed and described in this Act, also the following election precincts of nineteen hundred and ten, to wit: Los Angeles City, numbers 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, 100, 101, 102, 103, 104, 105, 106, 107, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 123, 124, 125, 131, 132, 140, 144, 148, 149, 154, 155, 156, shall constitute the Thirty-first Senatorial District.

32. The counties of Tulare and Kings shall constitute the Thirty-second Senatorial District.

33. All that portion of the county of Los Angeles comprised within the boundaries of the Sixty-fifth and Seventy-fifth Assembly Districts, as fixed and described in this Act, also the following election precincts of nineteen hundred and ten, to wit: San Gabriel and Alhambra City numbers one, two and three, shall constitute the Thirty-third Senatorial District.

34. All that portion of the county of Los Angeles comprised within the boundaries of the Sixty-sixth and Sixty-seventh Assembly Districts, as fixed and described in this Act, shall constitute the Thirty-fourth Senatorial District.

35. All that portion of the county of Los Angeles comprised within the boundaries of the Seventy-second and Seventy-third Assembly Districts, as fixed and described in this Act, shall constitute the Thirty-fifth Senatorial District.

36. All that portion of the county of Los Angeles comprised within the boundaries of the Sixty-fourth Assembly District, as fixed and described in this Act, and all that portion of the county of Los Angeles comprised within the boundaries of the Seventy-fourth Assembly District, as fixed and described in this Act, except the following election precincts of nineteen hundred and ten, to wit: San Gabriel and Alhambra City numbers one, two and three, shall constitute the Thirty-sixth Senatorial District.

37. The county of Orange shall constitute the Thirty-seventh Senatorial District.

38. All that portion of the county of Los Angeles comprised within the boundaries of the Sixty-eighth Assembly District, as fixed and described in this Act, also the following election precincts of nineteen hundred and ten, to wit: Los Angeles City, numbers 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 36, 37, 38, 39, 40, 44, 49, 52, 56, 79, 80, 81, shall constitute the Thirty-eighth Senatorial District.

39. The counties of Riverside and Imperial shall constitute the Thirty-ninth Senatorial District.

40. The county of San Diego shall constitute the Fortieth Senatorial district.

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 2 of the printed bill, and insert in lieu thereof the following:

"Sec. 2. The State is hereby divided into eighty assembly districts, respectively numbered and constituted as follows:

1. The counties of Del Norte and Siskiyou shall constitute the First Assembly District.

2. All that portion of the county of Humboldt comprising the townships of Orleans, Klamath, Trinidad, Mad River, Union, Eureka and Bucksport shall constitute the Second Assembly District.

3. All that portion of the county of Humboldt not embraced in the Second District shall constitute the Third Assembly District.

4. The counties of Shasta and Trinity shall constitute the Fourth Assembly District.
5. The counties of Plumas, Lassen, Modoc and Sierra shall constitute the Fifth Assembly District.
6. The county of Butte shall constitute the Sixth Assembly District.
7. The counties of Tehama, Glenn, Colusa and Lake shall constitute the Seventh Assembly District.
8. The county of Mendocino shall constitute the Eighth Assembly District.
9. All that portion of the county of Sonoma comprising the following election precincts of nineteen hundred and ten, to wit: Bloomfield, Blucher, Bodega, Cazadero, Cotati, Dry Creek, Duncan's Mills, Forestville, Freestone, Graton, Healdsburg City, Nos 1 to 4 inclusive, Healdsburg Road, Lakeville, Magnolia, Marin, Mendocino, Molino, Occidental, Pennsgrrove, Petaluma, Nos 1 to 7, inclusive, East Redwood, West Redwood, Sebastopol, Nos. 1 and 2, Skagg's Spring, Stewart's Point, Table Mountain, Timber Cove, Valley Ford and Wilson, shall constitute the Ninth Assembly District.
10. All that portion of the county of Sonoma not embraced in the ninth district, shall constitute the Tenth Assembly District.
11. The county of Napa shall constitute the Eleventh Assembly District.
12. The county of Solano shall constitute the Twelfth Assembly District.
13. The counties of Yolo, Yuba and Sutter shall constitute the Thirteenth Assembly District.
14. The county of Nevada shall constitute the Fourteenth Assembly District.
15. The county of Marin shall constitute the Fifteenth Assembly District.
16. The county of Contra Costa shall constitute the Sixteenth Assembly District.
17. All that portion of the county of Sacramento composed of that part of the city of Sacramento lying north of the center of L street of said city shall constitute the Seventeenth Assembly District.
18. All that portion of the county of Sacramento composed of that part of the city of Sacramento lying south of the center of L street of said city shall constitute the Eighteenth Assembly District.
19. All that portion of the county of Sacramento not including in the Seventeenth and Eighteenth districts shall constitute the Nineteenth Assembly District.
20. The counties of Placer and El Dorado shall constitute the Twentieth Assembly District.
21. The counties of Amador, Calaveras, Tuolumne and Alpine shall constitute the Twenty-first Assembly District.
22. All that portion of the county of San Joaquin not included in the twenty-third district shall constitute the Twenty-second Assembly District.
23. All that portion of the county of San Joaquin comprising the city of Stockton shall constitute the Twenty-third Assembly District.
24. All that portion of the county of Alameda comprising the townships of Washington, Murray, and Eden, and that portion of the township of Brooklyn lying outside the corporate limits of the cities of Oakland and Piedmont shall constitute the Twenty-fourth Assembly District.
25. All that portion of the county of Alameda comprising the township of Alameda shall constitute the Twenty-fifth Assembly District.
26. All that portion of the county of Alameda comprising that portion of the township of Brooklyn lying within the city of Oakland east of Thirteenth avenue and the continuation of Thirteenth avenue known as Thirteenth avenue or County Road No. 625 to Moraga Valley, shall constitute the Twenty-sixth Assembly District.
27. All that portion of the county of Alameda comprising that portion of the city of Oakland bounded as follows: Commencing at a point on the southerly boundary line of the city of Piedmont at the point where said southerly line of the city of Piedmont is intersected by Thirteenth avenue, otherwise known as County Road No. 625 to Moraga Valley, running thence in a general westerly and northerly direction along the southerly and westerly boundary line of the city of Piedmont to the center of Echo avenue, thence along the center of the following named streets: Echo avenue to Piedmont avenue; Piedmont avenue to Fortieth, Fortieth to Grove, Grove to San Pablo avenue, San Pablo avenue to Sixteenth, Sixteenth to Broadway, Broadway to Thirteenth, Thirteenth street to the westerly boundary of Brooklyn Township, northerly along the westerly boundary of Brooklyn township to the center line of Adams or East Thirteenth street, thence along the center line of Adams or East Thirteenth street to the center line of Thirteenth avenue; thence along the center line of Thirteenth avenue and its continuation known as Thirteenth avenue, or County Road No. 625 to Moraga Valley, to the point of beginning, shall constitute the Twenty-seventh Assembly District.
28. All that portion of the county of Alameda comprising that portion of the city of Oakland, bounded as follows: Commencing at a point formed by the intersection of the center line of Thirteenth avenue with the southerly boundary line of the city of Oakland, thence along the center line of Thirteenth avenue to its

intersection with the center line of Adams or East Thirteenth street; thence along the center line of Adams or East Thirteenth street to the westerly boundary line of Brooklyn township; thence southerly along the westerly boundary of Brooklyn township to the center line of Thirteenth street; thence along the center of the following named streets. Thirteenth to Broadway, Broadway to Sixteenth, Sixteenth to Jefferson, Jefferson to Fifteenth, Fifteenth to Market, Market to Twelfth, Twelfth to Center. Center to the southerly boundary line of the city of Oakland; and thence in a general easterly direction along the southerly boundary line of the city of Oakland, to the point of beginning, shall constitute the Twenty-eighth Assembly District.

29. All that portion of the county of Alameda comprising that portion of the city of Oakland bounded as follows. Commencing at a point formed by the intersection of the center line of Center street with the southerly boundary line of the city of Oakland; continuing thence along the center of the following named streets: Center to Twelfth, Twelfth to Market, Market to Fifteenth, Fifteenth to Jefferson, Jefferson to Sixteenth, Sixteenth to San Pablo avenue, San Pablo avenue to Grove, Grove to Fortieth, Fortieth to the easterly boundary line of the town of Emeryville; thence by runs and courses northerly and westerly in the direction of and following the line of boundary of the town of Emeryville to the point of intersection of said boundary line with the westerly boundary line of the county of Alameda; thence southerly along said westerly boundary line of the county of Alameda to the intersection of the southerly boundary line of the city of Oakland; thence easterly along the last mentioned line to the point of beginning, shall constitute the Twenty-ninth Assembly District.

30. All that portion of the county of Alameda, bounded as follows: Commencing at the point where the southerly boundary line of the city of Berkeley intersects the westerly boundary line of the county of Alameda; thence easterly along said southerly boundary line of the city of Berkeley to the easterly boundary line of the town of Emeryville; thence southerly and westerly along the boundary line between the town of Emeryville and the city of Oakland to the center line of Fortieth street, thence easterly along the center line of Fortieth street to the center line of Telegraph avenue; thence northerly along the center line of Telegraph avenue to the center line of Shattuck avenue; thence northerly along the center line of Shattuck avenue as it runs in the cities of Oakland and Berkeley to the center line of Eunice street in the city of Berkeley; thence easterly along the center line of Eunice street and the center line of said Eunice street extended to a point where said line extended intersects the boundary line of Alameda County; thence westerly by runs and courses along said boundary line of Alameda County and southerly along said westerly boundary line of Alameda County to the point of beginning shall constitute the Thirtieth Assembly District.

31. All that portion of the county of Alameda bounded as follows: Commencing at the point in the city of Oakland where the center line of Telegraph avenue intersects the center line of Fortieth street; thence easterly along said center line of Fortieth street to the center line of Piedmont avenue; thence northeasterly along said center line of Piedmont avenue to the center line of Echo avenue; thence southeasterly along said center line of Echo avenue to the westerly boundary line of the city of Piedmont; thence by runs and courses southerly and easterly along the boundary line of the city of Piedmont to the westerly boundary line of Brooklyn township, thence northerly by runs and courses along the boundary line of Brooklyn township to the point where it intersects the boundary line of Alameda county; thence northerly by runs and courses along the said boundary line of Alameda county to a point formed by the intersection of said boundary line with the center line of Eunice street extended; thence westerly along the center line of Eunice street extended and the center line of Eunice street to the center line of Shattuck avenue; thence southerly along said center line of Shattuck avenue to the center line of Telegraph avenue; thence southerly along said center line of Telegraph avenue to the point of beginning, shall constitute the Thirty-first Assembly District.

32. All that portion of the city and county of San Francisco bounded as follows. Commencing at the point where the center line of Broadway street intersects the bay of San Francisco; continuing thence along the center of the following named streets: Broadway to Van Ness avenue, Van Ness avenue to Market, Market to Eleventh street, Eleventh street to Bryant avenue, Bryant avenue to Fifteenth street, Fifteenth street to the waters of the bay of San Francisco, thence along the shore of the bay of San Francisco to Market street, the place of commencement, shall constitute the Thirty-second Assembly District.

33. All that portion of the city and county of San Francisco bounded as follows. Commencing at the intersection of Eighteenth street and the waters of the bay of San Francisco, and running thence along the center line of the following named streets: Eighteenth street to Kansas, Kansas to Twenty-second street, Twenty-second street to Potrero, Potrero to Twenty-second street, Twenty-second street to Dolores, Dolores to Randall, Randall to Mission, Mission to the county line between the city and county of San Francisco and the county of San Mateo, thence along said county line easterly to the waters of the bay of San Francisco, thence following the shore line of the waters of said bay to Eighteenth street, the point of commencement, shall constitute the Thirty-third Assembly District.

34. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the center line of Broadway street intersects the bay of San Francisco, continuing thence along the center of the following named streets: Broadway to Webster, Webster to Washington, Washington to Arguello boulevard, Arguello boulevard to the southern boundary of the Presidio reservation, thence along said line of the Presidio reservation to the waters of the bay of San Francisco, thence along the shore of said bay to Broadway street, the place of beginning, together with all the waters of the bay of San Francisco and the islands contained therein, situated within the boundaries of the city and county of San Francisco, shall constitute the Thirty-fourth Assembly District.

35. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Van Ness avenue and Broadway street, continuing thence along the center of the following named streets: Broadway to Webster, Webster to Washington, Washington to Baker, Baker to Geary, Geary to Broderick, Broderick to Eddy, Eddy to Van Ness avenue, Van Ness avenue to Broadway, the point of commencement, shall constitute the Thirty-fifth Assembly District.

36. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection of Van Ness avenue and Eddy street, continuing thence along the center line of the following named streets: Eddy to Broderick, Broderick to Fulton, Fulton to Baker, Baker to Haight, Haight to Market, Market to Van Ness avenue, Van Ness avenue to Eddy, the point of commencement, shall constitute the Thirty-sixth Assembly District.

37. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Market street and Eleventh street, continuing thence along the center of the following named streets: Eleventh to Bryant avenue, Bryant avenue to Eighteenth street, Eighteenth to Kansas, Kansas to Twenty-second, Twenty-second to Potrero, Potrero to Twenty-second, Twenty-second to Dolores, Dolores to Market, Market to Buchanan, Buchanan to Haight, Haight to Market, Market to Eleventh, the point of commencement, shall constitute the Thirty-seventh Assembly District.

38. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point of intersection where the southern boundary line of the Presidio reservation intersects the bay of San Francisco, thence along the said line of the Presidio reservation to Arguello boulevard, and continuing thence along the center of the following named streets: Arguello boulevard to Washington, Washington to Baker, Baker to Geary, Geary to Broderick, Broderick to Fulton, Fulton to the waters of the Pacific Ocean, thence along the shore of the said ocean and the bay of San Francisco to the southern boundary line of the Presidio reservation, the place of commencement, shall constitute the Thirty-eighth Assembly District.

39. All that portion of the city and county of San Francisco bounded as follows: Commencing at the point where the center line of Fulton street intersects the waters of the Pacific Ocean, continuing thence along the center of the following named streets: Fulton to Baker, Baker to Haight, Haight to Buena Vista avenue, thence along the center line of Buena Vista avenue, around the eastern boundary of Buena Vista Park to Congress street, thence along Congress street to Masonic avenue, thence in a straight line southerly to Pluto street, thence along Pluto street to Lower Terrace, thence along Lower Terrace to Seventeenth street, Seventeenth to Ashbury, Ashbury to Burnett avenue, Burnett avenue to Clipper, Clipper to the eastern boundary line of the San Miguel Rancho, thence along the eastern line of the San Miguel Rancho to Corbett avenue, thence along Corbett avenue to Sloat boulevard, Sloat boulevard to the waters of the Pacific Ocean, thence along the shore line of said Ocean to Fulton street, the place of commencement, together with the islands known as the Farallon Islands, shall constitute the Thirty-ninth Assembly District.

40. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Haight street and Buchanan street, continuing thence along the center of the following named streets: Buchanan to Market, Market to Dolores, Dolores to Twenty-second, Twenty-second to Grand View avenue, Grand View avenue to Dixie alley, Dixie alley to Burnett avenue, Burnett avenue to Ashbury street, Ashbury street to Seventeenth street, Seventeenth street to Lower Terrace, Lower Terrace to Pluto street, Pluto street to the northerly end of Pluto street, thence in a direct line northerly to the intersection of Masonic avenue and Congress street, thence along Congress street to Buena Vista avenue, thence along Buena Vista avenue, around the easterly side of Buena Vista Park to Haight street, Haight street to Buchanan, the point of commencement, shall constitute the Fortieth Assembly District.

41. All that portion of the city and county of San Francisco bounded as follows: Commencing at the intersection of Twenty-second and Dolores streets, continuing thence along the center line of the following named streets: Dolores to Randall, Randall to Mission, Mission to the county line between the city and county of San Francisco and the county of San Mateo, thence westerly along said county line to the waters of the Pacific Ocean, thence along the shore of said Pacific Ocean to Sloat boulevard, thence easterly along said boulevard to Corbett avenue, Corbett

avenue to Fowler avenue, Fowler avenue to the easterly boundary line of the San Miguel Rancho, thence to Clipper street, Clipper street to Burnett avenue, Burnett avenue to Dixie alley, Dixie alley to Grand View avenue, Grand View avenue to Twenty-second street, Twenty-second street to Dolores street, the point of commencement, shall constitute the Forty-first Assembly District.

42. The county of San Mateo shall constitute the Forty-second Assembly District.

43. The county of Santa Cruz shall constitute the Forty-third Assembly District.

44. All that portion of the county of Santa Clara comprised in the following precincts of 1910, to wit: Alma, Almaden, Berryessa, Buynett, East San Jose, numbers one, two and three; Evergreen, Gilroy, numbers one and two, Guadalupe, Jackson, Los Gatos, numbers one and two, Las Animas, Machado, Morgan Hill, Mount Hamilton, Rucker, San Felipe, Solis, San Ysidro, Union, Uvas, Vineland, Wrights, and the third ward of San Jose shall constitute the Forty-fourth Assembly District.

45. All that portion of Santa Clara County comprised in the following precincts of 1910; to wit: Alameda, Burbank, Campbell, Cottage Grove, Crandallville, numbers one and two, Cupertino, Franklin, Gardner, numbers one and two, Hamilton, Moreland, Rovertsville, Oak Grove, Santa Clara, numbers one, two and three, Saratoga, University, number two, Willow Glen, and the fourth ward of San Jose shall constitute the Forty-fifth Assembly District.

46. All that portion of the county of Santa Clara not included in the Forty-fourth and Forty-fifth Assembly Districts shall constitute the Forty-sixth Assembly District.

47. The county of Stanislaus shall constitute the Forty-seventh Assembly District.

48. The counties of Merced, Mariposa and Madera shall constitute the Forty-eighth Assembly District.

49. The counties of Mono and Inyo shall constitute the Forty-ninth Assembly District.

50. The counties of Monterey and San Benito shall constitute the Fiftieth Assembly District.

51. All that portion of the county of Fresno comprising the precincts of Black Mountain, Balfour, Barstow, Bryant, Cantua, Central Colony, Coalinga No. 1, Coalinga No. 2, Coalinga No. 3, Coalinga No. 4, Coalinga No. 5, Crescent, Chicago, Fresno Colony, Fowler, Firebaugh, Huron, Iowa, Jameson, Kerman, Kingsburg, Layton, Laguna, Liberty, Lewis Creek, Lucern, Madison, Mendota, Monroe, New Hope, Oleander, Panoche, Pleasant Valley, Terry, Washington Colony, Wildflower, Warthan, and West Park, shall constitute the Fifty-first Assembly District.

52. All that portion of the county of Fresno included in and comprising Fresno city precincts numbered one to twenty-five, both inclusive, shall constitute the Fifty-second Assembly District.

53. All that portion of the county of Fresno not included in the Fifty-first and Fifty-second Assembly Districts shall constitute the Fifty-third Assembly District.

54. The county of San Luis Obispo shall constitute the Fifty-fourth Assembly District.

55. The county of Kings shall constitute the Fifty-fifth Assembly District.

56. The county of Tulare shall constitute the Fifty-sixth Assembly District.

57. The county of Santa Barbara shall constitute the Fifty-seventh Assembly District.

58. The county of Ventura shall constitute the Fifty-eighth Assembly District.

59. The county of Kern shall constitute the Fifty-ninth Assembly District.

60. All that portion of the county of San Bernardino now comprised within the following townships, to wit: Chino, Ontario, Upland, Cucamonga, Etiwanda, San Bernardino, Hesperia, Oro Grande and Barstow, shall constitute the Sixtieth Assembly District.

61. All that portion of the county of San Bernardino not included within the Sixtieth Assembly District, as fixed and defined in this Act, shall constitute the Sixty-first Assembly District.

62. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Los Angeles City numbers 26, 30, 31, 32, 33, 35, Ivanhoe, Caluenga, Hollywood, numbers 1 and 2, Sherman, Sawtelle, numbers 1, 2, and 3, National Military Home, numbers 1, 2, 3, 4, 5, and 6, Lankershim, Calabasas, San Fernando, Chatsworth, Newhall, and La Liebre, shall constitute the Sixty-second Assembly District.

63. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Los Angeles City numbers 1, 2, 3, 4, 5, 13, 14, 15, Hermon, Annandale, Eagle Rock, Tropic numbers 1 and 2, Glendale City, Burbank, Sunland, La Cañada, Acton, Del Sur, Lancaster, and Palmdale, shall constitute the Sixty-third Assembly District.

64. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Altadena, Lamanda, numbers 1 and 2, Sierra Madre City, Arcadia City, numbers 1 and 2, and all of the city of Pasadena, shall constitute the Sixty-fourth Assembly District.

65. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Duarte, Monrovia City, Glendora, Azusa, Azusa City, San Dimas, Lordsburg City, La Verne, Claremont

City, Pomona City, numbers 1, 2, 3, 4, 5, and 6, Spadra, Rowland, Covina, Covina City, El Monte, and Santa Anita, shall constitute the Sixty-fifth Assembly District.

66. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Los Angeles City, numbers 162, 172, Malibu, all of Santa Monica City, Ocean Park City, Ballona, Del Rey, Freeman, Cienega, Inglewood City, Wiseburn, Hermosa Beach City, and all of Redondo Beach City, shall constitute the Sixty-sixth Assembly District.

67. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Los Angeles City, numbers 34, 66, 67, 158, 159, 160, 161, 163, 164, 165, 166, and 167, shall constitute the Sixty-seventh Assembly District.

68. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Los Angeles City, numbers 28, 29, 41, 42, 43, 45, 46, 47, 48, 50, 51, 53, 54, 55, 57, 58, 61, 62, 63, 64, 65, shall constitute the Sixty-eighth Assembly District.

69. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten to wit: Los Angeles City, numbers 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 36, 37, 38, 39, 40, 44, 49, 52, 56, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, 100, 103, 104, 105, 112, 113, 114, 115, 119, 120, 121 and 122, shall constitute the Sixty-ninth Assembly District.

70. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Los Angeles City, numbers 59, 60, 101, 102, 106, 107, 116, 117, 123, 124, 125, 129, 130, 131, 132, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155 and 156, shall constitute the Seventieth Assembly District.

71. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Los Angeles City, numbers 95, 98, 99, 108, 109, 110, 111, 113, 126, 127, 128, 133, 134, 135, 136, 145, 196, 201, 202, 203, 200, 210, 214, 215, 220, 221, and Vernon City, shall constitute the Seventy-first Assembly District.

72. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Los Angeles City, numbers 157, 168, 169, 170, 171, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190 and 191, shall constitute the Seventy-second Assembly District.

73. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Los Angeles City, numbers 192, 193, 194, 197, 198, 199, 200, 204, 205, 206, 207, 208, 211, 212, 213, 216, 217, 218, 219, 222, 223, 224, 225, 226, 227, 228, 229, 230, Howard, Moneta, Lomita, Catalina, Miramonte, Huntington Park City numbers one and two, Florence, Watts City, Fruitland, Green Meadows, Willowbrook, Compton City, Dominguez, Gardena numbers one and two, and Wilmington, shall constitute the Seventy-third Assembly District.

74. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Los Angeles City, numbers 11, 12, 16, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, Laguna, Montebello, Belvedere numbers one and two, Baird, San Gabriel, Alhambra City numbers one, two and three, and South Pasadena City, numbers one, two and three, shall constitute the Seventy-fourth Assembly District.

75. All that portion of the county of Los Angeles included in and comprising the following election precincts of nineteen hundred and ten, to wit: Naples, Alamitos, Cerritos, Clearwater, Artesia, La Mirada, Norwalk, Downey numbers one and two, Rivera, Los Nietos, East Whittier, all of Whittier City and all of Long Beach City, shall constitute the Seventy-fifth Assembly District.

76. The county of Orange shall constitute the Seventy-sixth Assembly District.

77. The county of Riverside shall constitute the Seventy-seventh Assembly District.

78. The county of Imperial shall constitute the Seventy-eighth Assembly District.

79. All that portion of the county of San Diego included within the corporate limits of the city of San Diego shall constitute the Seventy-ninth Assembly District.

80. All that portion of the county of San Diego not included in the seventy-ninth Assembly District shall constitute the Eightieth Assembly District.

Amendment adopted.

AMENDMENT No. 4.

Strike out all of Section 6 of the printed bill, and insert in lieu thereof the following:

Sec. 6. An Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts", approved March 11, 1891: and also an Act entitled "An Act to divide the State into legislative districts and

to provide for the election of Senators and Assemblymen therein", approved March 21, 1901, and all other Acts in conflict herewith are hereby repealed.

Amendment adopted.

Bill read second time, and ordered to reprint with a rush order, engrossment, and third reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 14, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to the following Senate bills:

Senate Bill No. 267—An Act to amend Section 453i of the Civil Code of the State of California, relating to life, health, accident and annuity or endowment insurance on the assessment plan.

Also: Senate Bill No. 275—An Act to amend Section 650 of the Civil Code of the State of California, relating to the terms and powers of the trustees of colleges and seminaries of learning.

Also: Senate Bill No. 274—An Act to amend Section 649 of the Civil Code of the State of California, relating to the incorporation of colleges and seminaries of learning.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 662—An Act to prohibit minors under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning, and providing penalties for violations thereof.

Also Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing, for the accommodation and treating of patients at Agnews State Hospital, buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Also: Assembly Bill No. 717—An Act authorizing and empowering unincorporated, benevolent or fraternal societies to purchase, receive, manage and sell real estate without incorporating.

Also. Assembly Bill No. 827—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Also Adopted Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 13 of Article XX thereof, relating to the manner of electing officers of cities and the number of votes necessary to constitute a choice.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

The above bills and constitutional amendment ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 15 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to the following Senate bills:

Senate Bill No. 191—An Act providing for the removal of human remains from cemeteries in any city or county in this State and repealing all Acts in conflict therewith.

Also: Senate Bill No. 402—An Act to authorize certain improvements upon the grounds and streets adjacent to the grounds of the California Institution for the Deaf and the Blind, at Berkeley, California, and making an appropriation therefor.

Also: Senate Bill No. 418—An Act to amend Section 137 of the Bank Act, relating to the dissolution of banks, discharge of certain receivers and escheat of unclaimed funds.

Also: Senate Bill No. 498—An Act to amend an Act entitled "An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property," by adding a new section thereto, to be numbered section two and one half.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKERS I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 924—An Act to provide for the execution and delivery by the Governor in certain cases, to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title and interest of the State of California in and to such lands.

Also Senate Bill No. 442—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal, and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

Also: Senate Bill No. 155—An Act appropriating money for the erection of a hospital building at the Preston School of Industry.

Also: Senate Bill No. 404—An Act to provide for the investigation of the practicability of the construction of canals and the canalization of rivers, their tributaries, and other waterways in California in aid of commerce; to define the duties of the Department of Engineering and of the Governor in relation thereto, and to make an appropriation to defray the cost of such investigation.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 1085—An Act to amend section fourteen hundred and seventy-five of the Code of Civil Procedure, relating to the setting off of the recorded homestead and the presentation of claims against said homestead and the estate of the homestead claimant.

Also: Senate Bill No. 1211—An Act to amend sections two and four of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

Also: Senate Bill No. 109—An Act to amend section twelve hundred and forty-nine of the Code of Civil Procedure of the State of California

Also: Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Also Committee Substitute for Senate Bill No. 1132—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as section *a*, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities

Also, Committee Substitute for Senate Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations", approved March 11, 1909, by adding thereto a new section to be designated as Section *2a*, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending Section 4 of said Act.

Also, Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and providing for a penalty for violation thereof.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 924 read first time, and referred to Committee on Public Lands and Forestry.

Senate Bill No. 442 read first time, and referred to Committee on Engrossed and Enrolled Bills.

Senate Bill No. 155 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 404 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 1085 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1211 read first time, and referred to Committee on Judiciary.

Senate Bill No. 169 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1137 read first time, and referred to Committee on Judiciary.

Committee Substitute for Senate Bill No. 1132 read first time, and referred to Committee on Municipal Corporations.

Committee Substitute for Senate Bill No. 1133 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 1046 read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference upon Senate Bill No. 373—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

WALTER N. PARRISH, Secretary of Senate
By W. H. WRIGHT, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Committee Substitute for Assembly Bill No. 198—An Act to amend Section 2181 of the Civil Code of the State of California, defining what shall be considered baggage or luggage to be carried by common carriers, and prescribing the method of preparing such baggage for shipment.

Also: Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Also: Assembly Bill No. 239—An Act to amend section two of "An Act regulating the employment and hours of labor of children—prohibiting the employment of minors under certain ages—prohibiting the employment of certain illiterate minors—providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof", approved February 20, 1905, and as amended by Act approved March 15, 1909, and relating to the employment of minors under certain ages.

And we respectfully request your honorable body to concur in the Senate amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 198?"

On page 1, Section 1, lines 7 and 8, strike out the word "aemning", and insert in lieu thereof the following "meaning".

Also: On page 1, Section 1, line 9, strike out the word "cemmercial", and insert in lieu thereof the following: "commercial".

The roll was called, and Senate amendments to Assembly Bill No. 198 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Crosby, Cunningham, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Harlan, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Maher, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Smith, Stevenot, Sutherland, Telfer, Young, and Mr. Speaker—46.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1080?"

In Section 1, line 24, strike out the period after the word "afternoons", and insert in lieu thereof a comma and the following, "*and provided, further, that the public schools of this State shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, and on every day appointed by the President of the United States or the Governor of this State for a public fast, thanksgiving, or holiday. Said public schools shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.*"

The roll was called, and Senate amendment to Assembly Bill No. 1080 was concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Polesley, Preisker, Rutherford, Ryan, Smith, Stevenot, Sutherland, Telfer, Williams, Young, and Mr. Speaker—52.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 239?"

On page 1, Section 2, line 9, strike out the word "sixteen", and insert in lieu thereof the following "eighteen".

Also: On page 2, Section 2, line 14, strike out the figure "6", and insert in lieu thereof the following: "5".

The roll was called, and Senate amendments to Assembly Bill No. 239 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Cunningham, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polesley, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Smith, Stevenot, Sutherland, Telfer, Wilson, Young, and Mr. Speaker—53.

NOES—Mr. Cogswell—1.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the Assembly Amendments to Senate Bill No. 773—An Act relating to public health and safety and providing for the regulation and inspection of hotels and public lodging-houses, empowering the State Board of Health to make rules and regulations in relation thereto and providing penalties for the violation thereof.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding to Article XX, a new section to be numbered Section 21, relating to compensation for industrial accidents.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate constitutional amendment read and referred to Committee on Constitutional Amendments.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 100—An Act to provide for direct legislation including initiative, referendum, and recall by electors in counties, by adding two new sections to the Political Code to be numbered Section 4058 and Section 4021a, respectively.

Also: Assembly Bill No. 145—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Also: Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to Constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution, and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters.

Also: Assembly Bill No. 393—An Act to amend section four thousand three hundred and sixteen of the Political Code of the State of California, relating to sheriffs, clerks and constables, and their deputies.

Also: Assembly Bill No. 1314—An Act to amend Section 4240 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the eleventh class.

Also: Assembly Bill No. 292—An Act to amend Section 103½ of the Code of Civil Procedure of the State of California.

Also: Assembly Bill No. 1452—An Act to provide for the filling in of levee districts in the State of California.

Also: Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code of the State of California, relating to officers of the National Guard.

Also: Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for investigation of its prevalence and making an appropriation therefor.

Also: Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients.

Also: Assembly Bill No. 910—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Also: Assembly Bill No. 911—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Also: Assembly Bill No. 1340—An Act to amend Section 3513 of the Political Code, relating to the non-payment of principal and interest for state lands.

Also: Assembly Bill No. 1342—An Act to amend Section 3659 of the Political Code, relating to the duty of the register of the State Land Office in relation to lands sold by the State.

Also: Assembly Bill No. 1344—An Act to repeal Sections 3444, 3496 and 3501 of the Political Code, relating to affidavit for purchase of state lands when applicant is a female.

Also: Assembly Bill No. 1346—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof.

Also: Assembly Bill No. 1347—An Act to amend Section 3408d of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason, providing a method for the sale at public auction of indemnity certificates or scrip entitling the owner to have selected for him government lands in lieu thereof.

Also: Assembly Bill No. 1348—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands.

Also: Assembly Bill No. 1350—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lieu selections, in accordance with the provisions of Section 3406 of the Political Code.

Also: Assembly Bill No. 1351—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

Also. Assembly Bill No. 240—An Act to amend section one of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and as amended by Act approved March 20, 1905, and relating to age of school children.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 15, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901."

Also: Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California relating to the salaries and fees of officers in counties of the third class

Also: Assembly Bill No. 1078—An Act to amend section ten of the code of Civil Procedure of the State of California, relating to holidays

Also: Assembly Bill No. 1079—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Also: Assembly Bill No. 507—An Act to amend Section 4235 of the Political Code of the State of California, relating to the compensation of officers of counties of the sixth class and their assistants and deputies.

Also: Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

And we respectfully request that your honorable body concur in the Senate amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 643?"

Amend by inserting after the comma, and before the word 'or' in line 10 of page 1, of the printed bill, the following: 'or upon unenclosed lands where the acreage of the owner or the person entitled to the possession thereof exceeds one thousand two hundred eighty acres'.

The roll was called, and Senate amendment to Assembly Bill No. 643 was concurred in by the following vote:

AYES—Messrs Beatty, Benedict, Bliss, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hamilton, Harlau, Held, Hinkle, Hinshaw, Jasper, Judson, Keboe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Preisker, Rimplinger, Rutherford, Sbragin, Smith, Stevenot, Stuckenbruck, Telfer, Wilson, Young, and Mr. Speaker—42.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1019?"

On page 3, Section 1, line 73, strike out the quotation marks

Also: On page 3, Section 1, line 73b, strike out the quotation mark and the period.

Also: On page 5, Section 1, lines 129 and 129b, strike out the quotation marks.

Also: On page 7, Section 1, line 60, strike out the word "fifteen", and in lieu thereof insert the word "eighteen"

Also: On page 8, Section 1, line 71, after the semicolon following the word "annum", insert the following: "Four outside field deputies for a period not to exceed six months in any one year, whose salaries are hereby fixed at the sum of one hundred and fifty dollars per month each."

Also: On page 8, Section 1, line 71, strike out the word "seven", and in lieu thereof insert the word "three".

Also: On page 10, Section 1, lines 1 and 2, strike out the following words "and in lieu thereof insert the following:"

Also: On page 10, Section 1, lines 2 and 4, strike out the quotation marks

Also: On page 12, Section 1, strike out all of Subdivision 13, being lines 57 to 72, inclusive, and in lieu thereof, insert the following

"13. The surveyor shall receive a salary of \$4,000 per annum and may appoint

one deputy, which office is hereby created, at a salary of \$2,700 per annum, the salary of such surveyor and such deputy shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same funds as the salaries of other county officers are paid. All work which the surveyor is directed or charged to perform by law or by order of the board of supervisors of such county shall be performed by said surveyor at actual cost; *provided, however*, that on all such work, other than block book work hereafter provided for, transimen and office men, when actually engaged on such county work, shall receive a per diem of not to exceed six dollars, and chainmen when actually engaged on such county work, shall receive a per diem of not to exceed three dollars; *and provided, further*, that whenever the surveyor is charged or directed to make, plat, trace or otherwise to prepare maps, plat, or block books for the use of a county, city and county, or any municipality within such county, the surveyor may employ one chief draughtsman on such block book work, who shall receive a per diem of not to exceed six dollars, and all other employees on such block book work at a per diem of not to exceed four dollars, *and provided, further*, that the surveyor shall be allowed all necessary expenses for work performed for the county by virtue of his office and all necessary expenses and transportation for work performed in the field. The said surveyor shall render to the auditor of said county a monthly sworn statement showing herein the time or nature of work performed, the dates, amount paid to assistants and paid for expenses. The salary herein fixed for said surveyor shall be in lieu of all other fees, commissions or compensations of whatsoever kind or nature for services performed by said surveyor for said county; *provided, however*, that the board of supervisors of such county shall have no power to direct the making, platting, tracing, or otherwise preparing block books for the county except such as may be necessary to be so prepared to replace such as are worn out by usage or as shall be necessary to be made because of the subdivision of tracts of land contained in such block books."

The roll was called, and Senate amendments to Assembly Bill No. 1019 were concurred in by the following vote:

AYES—Messrs Beatty, Benedict, Bliss, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Gull, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Nolan, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Sutherland, Telfer, Wilson, and Mr. Speaker—46.

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1078?"

On page 2, Section 1, line 27, strike out the period after the word "afternoon", and insert in lieu thereof a semicolon and add the following *and provided, further*, that the public schools of this State shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December and on every day appointed by the President of the United States or the Governor of this State for a public fast, thanksgiving or holiday. Said public school shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.

The roll was called, and Senate amendment to Assembly Bill No. 1078 was concurred in by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bliss, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Wilson, and Mr. Speaker—50.

NOES—Messrs. Held, Kennedy, and Mullally—3.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1079?"

On page 2, Section 1, line 25, strike out the period after the word "afternoon", and insert in lieu thereof a semicolon and add the following *and provided, further*, that the public schools of this State shall close on Saturday, Sunday, the first day of January, the thirtieth day of May, the fourth day of July, the twenty-fifth day

of December and on every day appointed by the President of the United States or the Governor of this State for a public fast, thanksgiving or holiday. Said public school shall continue in session on all other legal holidays and shall hold proper exercises commemorating the day. Boards of school trustees and city boards of education shall have power to declare a holiday in the public schools under their jurisdiction when good reason exists therefor.

The roll was called, and Senate amendment to Assembly Bill No. 1079 was concurred in by the following vote:

AYES—Messrs Beatty, Benedict, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Williams, Young, and Mr. Speaker—53.

NOES—Messrs. Bishop and Held—2.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 507?"

Add a new section to be known as Section 3, and to read as follows:

"Sec. 3. This Act shall take effect and be in force from and after its passage."

The roll was called, and Senate amendment to Assembly Bill No. 507 was concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Coghlan, Cogswell, Crosby, Cunningham, Fitzgerald, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Sutherland, Williams, and Mr. Speaker—52.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 943?"

On page 1, Section 1, line 1, strike out the words "cities and counties", and insert in lieu thereof the following: "city and county".

Also: On page 1, Section 1, line 13, strike out the words "cities and counties", and insert in lieu thereof the following: "city and county".

The roll was called, and Senate amendments to Assembly Bill No. 943 were concurred in by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bliss, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Slater, Williams, Young, and Mr. Speaker—47.

NOES—Mr. Mullally—1.

Bill ordered to enrollment.

CONSIDERATION OF REPORT OF COMMITTEE ON FREE CONFERENCE.

REPORT OF COMMITTEE ON FREE CONFERENCE

To the Assembly of California:

We, your Committee on Free Conference, to whom was referred Senate Bill No. 373, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in," beg leave to report that we have met and considered said Senate Bill No. 373, and recommend as follows:

Amend as follows: Amend Senate Bill No. 373 as amended in the Assembly on March 1, 1911, by striking out of Section 1, page 2, line 49, of printed bill, all after the word "township", in line 49, also all of line 50, and the word "district", on page 3, line 51, of printed bill.

After the last word in line 52a, page 3, of printed bill, strike out the period and insert in lieu thereof a semicolon, and the following: "Bonds issued by irrigation

districts which are permitted to be invested in as provided for in an Act of the thirty-ninth session of the Legislature, entitled 'An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds, and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller,' approved March 9, 1911; bonds of any sewer district, drainage district, protection district, or sanitary district in any county in this State; *provided*, that the total amount of bonds of any sewer district, drainage district, protection district, or sanitary district so issued, shall not exceed fifteen per cent of the taxable property of said district as shown by the last equalized assessment book of the county."

And we recommend the adoption of this report, and the adoption of the foregoing amendments to said bill.

Respectfully,

BISHOP,
JONES,
GRIFFIN,

Committee from the Assembly.

CURTIN,
TYRRELL,
CUTTEN,

Committee from the Senate.

The question being on the adoption of the report.

The roll was called, and report adopted by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Cunningham, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Young, and Mr Speaker—48.

NOES—None.

Bill ordered to enrollment.

RULES SUSPENDED.

Mr. Coghlan moved that the rules be suspended for the purpose of receiving reports of standing committees out of order.

The roll was called, and rules suspended by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Feeley, Fitzgerald, Gaylord, Gerdes, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mullally, Nolan, Polsley, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stuckenbruck, Williams, Young, and Mr. Speaker—45.

NOES—Mr. Schmitt—1.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Concurrent Resolution No. 27—Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

COGHLAN, Chairman.

The above reported Assembly concurrent resolution ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your committee on Municipal Corporations to whom was referred Senate Bill No. 406—An Act relating to the acquisition, construction and operation of public utilities by municipal corporations.

Also Senate Bill No. 952—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within the municipalities," approved March 18, 1885, and all Acts amendatory thereof, by amending section five of said Act, relating to contracts for work to be done.

Also Senate Bill No. 987—An Act to repeal an Act entitled, "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Also Senate Bill No. 1173—An Act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith.

Also Senate Bill No. 1217—An Act to amend Sections 2, 3, 7, 35 and 53 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said Act certain sections to be known and designated as Sections 54 and 55, relating to proceedings to effect local improvements.

Also Assembly Bill No. 1572—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGHLAN, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1150—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto relating to the property and indebtedness of territory annexed to incorporated towns and cities—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

COGHLAN, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1177—An Act to provide for the division of municipalities into sewer districts, and for the acquisition, construction and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of work in such sewer districts, and also for the payment of such bonds—have had the same under consideration, and respectfully report the same back, with the following committee substitute therefor:

Committee Substitute for Assembly Bill No. 1177—An Act to provide for the division of municipalities into sewer districts, and for the acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such acquisition and also for the payment of such bonds—and recommend that the committee substitute do pass.

COGHLAN, Chairman.

Committee substitute adopted, and ordered on file for second reading.
Assembly Bill No. 1177 withdrawn.

RECESS.

At twelve o'clock and thirty minutes P. M. the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 359—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752*a* and 752*b*, 852*a* and 852*b* thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

Bill passed on file.

Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill passed to foot of file.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Bill passed to foot of file.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Bill passed to foot of file.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill passed to foot of file.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Bill passed on file.

Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Bill passed on file.

Senate Bill No. 916—An Act appropriating money to pay the claim of Edward I. Wolfe against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 916 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Denegri, Fitzgerald, Flint, Gaylord, Hall, Harlan, Hinshaw, Jasper, Jones, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mott, Randall, Rogers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Tibbits, Williams, Wilson, Young, and Mr. Speaker—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and fifteen minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Senate Bill No. 522—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 522 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Coghlan, Cronin, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mott, Mullally, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Tibbits, Williams, Wilson, Wylhe, and Young—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 254—An Act making an appropriation to pay the claim of Geo. W. Bush against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 254 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Coghlan, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Guill, Hall, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Mullally, Polslev, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Tibbits, Williams, Wilson, and Young—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 778—An Act making an appropriation of one hundred twenty-four and thirty-six one-hundredths dollars to pay the claim of F. P. Sawyer against the State of California

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 778 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Fitzgerald, Flint, Gaylord,

Griffin of Modesto, Hall, Harlan, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Mullally, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Tibbits, Williams, Wyllie, and Young—48.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 900—An Act to add a new section to the Political Code, to be known as section two thousand eight hundred and ninety-six, relating to public ferries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 900 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Fitzgerald, Gaylord, Gerdes, Hall, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Williams, Wyllie, and Young—50.
NOES—Mr. Harlan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 226—An Act authorizing and directing the construction of two cottages for epileptic patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 226 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Farwell, Feeley, Gaylord, Gerdes, Hall, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mullally, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Williams, and Wyllie—45.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 227—An Act authorizing and directing the construction of one cottage for low grade patients at the Sonoma State Home, at Eldridge, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 227 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Callaghan, Cattell, Clark, Coghlan, Cunningham, Denegri, Farwell, Feeley, Gaylord, Gerdes, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Tibbits, and Wyllie—44.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 898—An Act to amend Section 450 of the Civil Code of the State of California, relating to provisions which must be contained in policies of life insurance.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 898 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Beunink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Farwell, Flint, Gaylord, Guill, Held, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Tibbits, Williams, and Wyllie—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

During the third reading of the bill, Mr. Cogswell moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of lines 4 and 5, Section 1, of the printed bill, and insert in lieu thereof the following: "ated, to be expended at the Southern California State Hospital as follows:".

Motion carried.

The Speaker appointed Mr. Cogswell as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 585, with instructions, do now report that the instructions of the Assembly have been carried out.

COGSWELL, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 903—An Act to amend section six hundred and eleven of the Political Code, relative to the publication of statements of insurance companies.

During the third reading of the bill, Mr. Farwell moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 3, after the word "all", insert the word "insurance".

Also On page 1, Section 1, line 7, after the comma after the word "preceding", insert the following: "a synopsis of".

Also On page 1, Section 1, line 12, after the word "newspaper", insert the words "of general circulation".

Also On page 1, Section 1, line 13, strike out the period after the word "newspaper", and insert in lieu thereof the words "of general circulation".

Motion carried.

The Speaker appointed Mr. Farwell as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read :

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 903, with instructions, do now report that the instructions of the Assembly have been carried out.

FARWELL, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 109—An Act to declare the Sonora and Mono road, in Tuolumne County, a state highway.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 109 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Farewell, Flint, Gaylord, Gerdes, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Smith, Stevenot, Tibbitts, Williams, Wilson, Wyllie, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 355—An Act legalizing the formation and organization of Homeland Reclamation District No. 780, in the counties of Kings and Tulare, State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 355 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Farwell, Flint, Gaylord, Gerdes, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mabey, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Smith, Stevenot, Stuckenbruck, Tibbitts, Williams, Wyllie, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Bill passed on file.

Senate Bill No. 505—An Act to amend Section 1750 of the Political Code, relating to course of study for high schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Bishop moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Brown, Cattell, Chandler, Coghlan, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Hall, Harlan, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lynch, Maher, Mott, Nolan, Preisker, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Sutherland, Williams, Wilson, Wyllie, and Young—39.

NOES—Messrs. Benedict, Butler, Denegri, Guill, Hayes, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Mullally, Polsley, Randall, Rogers of Alameda, Smith, Stuckenbruck, and Telfer—17.

Time, three o'clock P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feelev, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, and Young—64.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Joel, McGowen, Flint, Smith, Malone, and Hewitt were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and fifteen minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Bishop.

The roll of absentees was called and Senate Bill No. 505 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Calhagan, Chandler, Coghlan, Cogswell, Cronin, Farwell, Flint, Gaylord, Gerdes, Hall, Harlan, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowen, Mott, Nolan, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Stevenot, Sutherland, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—45.

NOES—Messrs. Benedict, Butler, Cattell, Clark, Cunningham, Denegri, Feelev, Fitzgerald, Griffin of Modesto, Guill, Hayes, Hinshaw, Kennedy, Lyon of San Francisco, Malone, Mendenhall, Mullally, Polsley, Randall, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Telfer, and Young—26.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At three o'clock and seventeen minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

SPECIAL ORDER.

The time for the consideration of special orders having arrived, the special order heretofore set for this time was taken up for consideration.

Senate Bill No. 786—An Act to add a new section to the Code of

Civil Procedure to be known and designated as Section 604, relating to the payment of jurors' and reporters' fees in actions other than criminal.

During the third reading of the bill Mr. Jones moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 5, page 1, of the printed bill, insert after the word "actions", the following: a comma and the words "except as may be otherwise provided by law,".

Motion carried.

The Speaker appointed Mr. Jones as such committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 786, with instructions, do now report that the instructions of the Assembly have been carried out.

JONES, Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint with a rush order, and on file for passage.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 400—An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the board of directors of the California Institution for the Deaf and the Blind.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 400 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Cattell, Chandler, Clark, Cogblan, Cogswell, Denegu, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Harlan, Hayes, Hinkle, Hushaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Stevenot, Williams, Wilson, Willie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 672—An Act to increase the number of judges of the Superior Court of the county of Kern, and to provide for the appointment of an additional judge.

Bill passed on file.

Senate Bill No. 943—An Act to establish the legality of certain school districts and to validate all bonds heretofore issued or ordered to be issued by or on behalf of such districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 943 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hushaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall,

Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL URGENCY FILE

Mr. Rutherford rose to the following point of order: "That the special file should be taken up next in the order of business."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

Assembly Bill No. 811—An Act to add a new section to the Penal Code of California, to be numbered 306, relating to the advertisement of medicines and medical treatment and providing for violations thereof.

TIME FOR DEBATE EXTENDED.

On motion of Mr. Smith, Mr. Butler was granted an additional five minutes of time in which to continue his debate.

On motion of Mr. Randall, Mr. Butler was granted an additional three minutes of time in which to complete his closing argument.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Butler moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Farwell, Flint, Gaylord, Guill, Hinshaw, Jasper, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, Mendenhall, Mott, Randall, Rosendale, Smith, Sutherland, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—37.

NOES—Messrs. Coghlan, Cunningham, Denegri, Feeley, Gerdes, Harlan, Hayes, Held, Lyon of San Francisco, McGowen, Mullally, Nolan, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Stuckenbruck, and Telfer—22.

Time, four o'clock and thirty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—67.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and forty-seven minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Butler.

The roll of absentees was called, and Assembly Bill No. 811 refused passage by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Flint, Held, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, McDonald, Mendenhall, Mott, Polsley, Randall, Rosendale, Stevenot, Sutherland, Tibbitts, Wilson, and Wyllie—33.

NOES—Messrs. Bishop, Brown, Callaghan, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Hinkle, Lyon of San Francisco, Maher, Malone, McGowen, Mullally, Nolan, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Williams, Young, and Mr. Speaker—35.

NOTICE OF MOTION TO RECONSIDER.

Mr. Brown gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 811 was this day refused passage.

Assembly Bill No. 1157—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1157 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1326—An Act to amend Sections 593, 598, 603 and 604 of the Civil Code, and to repeal Section 594, all relating to religious, social, and benevolent corporations.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 3, of the printed bill, strike out the following: "ought to incorporate in general".

Amendment adopted.

AMENDMENT No. 2

On page 1, Section 3, line 3, of the printed bill, strike out the following: "leave to dispose of real property".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 4, line 3, of the printed bill, strike out the following: "incorporation of religious central associations".

Amendment adopted.

AMENDMENT No. 4.

On page 3, Section 5, line 3, of the printed bill, strike out the following: "same; their rights and powers".

Amendment adopted.

Bill read second time, and ordered to reprint with a rush order, engrossment, and third reading.

Assembly Bill No. 1400—An Act making an appropriation to pay the claim of J. Harry Russell.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1400 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rodgers of San Francisco, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Wilson, Wyllie, Young, Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 831—An Act making an appropriation for the collection, establishment, installation and maintenance of a permanent exhibit of the resources and industries of the State of California in the Exposition building at Los Angeles, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 831 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hayes, Held, Hinkle, Hinshaw, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Williams, Wyllie, Young, and Mr. Speaker—55.

NOES—Messrs. Harlan and Kehoe—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1508—An Act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1508 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bohnett, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stuckenbruck, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 1360—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings thereon, creating a commission to have the charge and control of said exhibition and making an appropriation therefor—with

Senate Bill No. 442—An Act to provide for a state exhibit at the Panama California Exposition to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor, creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

And report that the same are identical.

RANDALL, Chairman.

Senate Bill No. 442 ordered on file for second reading.

Assembly Bill No. 1360 withdrawn, and ordered stricken from the file.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled

Assembly Bill No. 91—An Act to provide for the construction of an oil tank at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor

Assembly Bill No. 1149—An Act to authorize the payment of the claims of R. B. Hale, Andrew M. Davis, James McNab, A. B. C. Dohrmann, Rufus P. Jennings, Burt L. Davis, M. K. Hathaway, W. E. Dennison, Edgar D. Perotto, C. C. McDougall, A. J. Hechtman, and James Rolph, Jr., against the State of California, and making an appropriation therefor

Assembly Bill No. 989—An Act to amend sections four and nine of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy collection, custody and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds" approved March 31, 1891, said amendment relating to elections in such sanitary districts

Assembly Bill No. 926—An Act to amend Section 3550 of the Political Code of California relating to copy of decree to be filed

Assembly Bill No. 829—An Act prohibiting the unnecessary wasting of natural gas into the atmosphere; providing for the capping or otherwise closing of wells from which natural gas flows, and providing penalties for violating the provisions of this Act

Assembly Bill No. 623—An Act to amend section two hundred and seventy-four (a) of the Code of Civil Procedure of the State of California, relating to the duties and compensation of phonographic reporters for the Superior Court

Assembly Bill No. 537—An Act to amend section six hundred forty-seven of the Penal Code of the State of California, relating to vagrants

Assembly Bill No. 470—An Act to amend section fourteen hundred sixty-nine of the Code of Civil Procedure, relating to the administration and setting apart of estates which do not exceed fifteen hundred dollars in value

Assembly Bill No. 345—An Act to authorize the payment of the claim of Charles Denker against the State of California.

Assembly Bill No. 331—An Act making an appropriation to pay the claim of R. S. Chatham against the State of California

Assembly Bill No. 320—An Act making an appropriation to pay the claim of Maria County against the State of California.

Assembly Bill No. 160—An Act appropriating the sum of ten thousand dollars to be expended in making necessary repairs and improvements to the State Normal School building at Los Angeles

Assembly Bill No. 165—An Act to appropriate five thousand dollars for the construction of a temporary building for the use of the State Normal School at Los Angeles, and to purchase additional tools and equipment for the use of said State Normal School

Assembly Bill No. 43—An Act to protect the lives and property of the patrons of all public hotels, lodging and rooming houses, in the State of California

And were presented to the Governor March 15th, at eleven o'clock and thirty minutes A. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911

MR SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills.

Assembly Bill No. 1277—An Act to repeal an Act entitled "An Act to prohibit the use of the bristle bar, tack bar, or other like devices on horses or other animals in this State," approved March 13, 1903.

Assembly Bill No. 1260—An Act to add a new section to the Penal Code of California, to be known as section seven hundred twenty-eight, providing for the appointment of policemen on cars or boats of railroad and steamship companies.

Assembly Bill No. 1256—An Act to repeal an Act entitled "An Act to regulate the use of illuminating gas," approved March 20, 1903.

Assembly Bill No. 1252—An Act to repeal sections eighteen hundred sixty-seven, eighteen hundred sixty-eight, eighteen hundred sixty-nine and eighteen hundred and seventy of the Political Code of the State of California.

Assembly Bill No. 1238—An Act to add three new sections to the Political Code of the State of California, to be known as sections six hundred and eighty-six, six hundred and eighty-seven, and six hundred and eighty-eight, providing for the exchange of commodities between the public institutions owned or managed and controlled by the State, or the political divisions thereof.

Assembly Bill No. 1564—An Act to amend Section 4241 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the eighteenth class.

Assembly Bill No. 467—An Act to regulate the use of transfers issued by street railroad companies in cities, cities and counties and towns of this State.

And report that the same have been correctly engrossed.

RANDALL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills.

Assembly Bill No. 948—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Committee Substitute for Assembly Bill No. 1457—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as section one *a*, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities.

Assembly Bill No. 1324—An Act to amend the Penal Code of California by adding two new sections thereto to be numbered 326*a* and 326*b*, and relating to lotteries.

Assembly Bill No. 1458—An Act to amend an Act entitled, "An Act to provide for the consolidation of municipal corporations", approved March 11, 1909, by adding thereto a new section to be designated as Section 2*a*, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other such consolidated municipal corporations, and by amending Section 4 of said Act.

Assembly Bill No. 822—An Act to regulate the sale of intoxicating liquors in the State of California by the prohibition of treating and to provide a penalty for the violation thereof, and to add a new section to the Penal Code to be known as Section 397*c*.

Assembly Bill No. 1568—An Act to amend section four thousand two hundred and sixty-nine of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class.

Assembly Bill No. 1261—An Act to repeal an Act entitled "An Act to provide for the appointment of policemen, with the powers of peace officers, to serve upon the premises, cars or boats of railroad and steamship companies," approved March 23d, 1901.

Assembly Bill No. 1242—An Act to add a new section to Article III, Chapter III, Title VI, Part III of the Political Code of the State of California, to be known as section twenty-eight hundred and eighty-two, relating to ferries across navigable rivers separating counties, and empowering the boards of supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expenses thereof.

Assembly Bill No. 702—An Act to amend Section 264 of the Penal Code fixing the punishment for rape.

Assembly Bill No. 1272—An Act to add two new sections to the Penal Code of California to be known as section five hundred and two *a*, and five hundred and two *b*, relating to larceny of real estate.

And report that the same have been correctly engrossed.

RANDALL, Chairman

MOTION.

Mr. Bohnett moved that the Assembly take a recess until seven o'clock and thirty minutes P. M. of this day.

Mr. Schmitt moved as an amendment that the time be made eight o'clock.

Amendment adopted.

The question reverting to the original motion, as amended, a vote was taken, and motion carried.

RECESS.

At five o'clock and twenty-five minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

RULES SUSPENDED.

By unanimous consent Rule No. 71 of the Standing Rules of the Assembly was suspended for the evening.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1179—An Act to amend section twenty-nine hundred and sixty-nine of the Civil Code of the State of California relating to limitation of rights of officers to levy on mortgaged personal property.

During the third reading of the bill, Mr. Kehoe moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, line 24, strike out the period, and insert a comma, and the following: "and in case such notice is given by such officer to such mortgage then".

Motion carried.

The Speaker appointed Mr. Kehoe as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1179, with instructions, do now report that the instructions of the Assembly have been carried out.

KEHOE, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 471—An Act to amend the Political Code by amending Section 1032 thereof relating to records open to public inspection; exceptions in attachment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 471 refused passage by the following vote:

AYES—Messrs Beckett, Callaghan, Cattell, Cogswell, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy,

Lyon of Los Angeles, Lyon of San Francisco, McDonald, Mendenhall, Mullally, Nolan, Polsley, Rutherford, Shragia, Slater, Smith, Stuckenbruck, Sutherland, Williams, Wilson, Wyllie, and Young—34

NOES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Cronin, Hall, Harlan, Held, Kehoe, Lamb, Lynch, Maher, Mott, Preisker, Randall, Stevenot, Telfer, and Mr. Speaker—23.

Assembly Bill No. 1505—An Act to provide for the erection of a memorial monument to Abraham Lincoln, appointing a commission therefor, and providing an appropriation to carry the Act into effect.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1505 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cronin, Farwell, Fitzgerald, Flint, Gerdes, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rutherford, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wyllie, Young, and Mr. Speaker—50.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Clark gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 471 was this day refused passage.

SPEAKER PRO TEM. IN THE CHAIR.

At eight o'clock and twenty minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Assembly Bill No. 760—An Act to amend Sections 4097, 4101 and 4102 of the Political Code, in relation to the duties of county auditors, county treasurers, district attorneys and chairmen of boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 760 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Callaghan, Cattell, Chandler, Cogswell, Cronin, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hall, Harlan, Held, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rutherford, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, and Young—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 111—An Act to amend Section 4242 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the twentieth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 111 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Brown, Cattell, Chandler, Clark, Cogswell, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rutherford, Sbragia, Slater, Stevenot, Stuckenbruck, Telfer, Wilson, and Wylie—48

NOES—None

TITLE AMENDED.

The following amendment to title was offered by Mr. Freeman :

On page 1, of title, line 3, strike out the word "Twentieth", and insert in lieu thereof the following: "Thirteenth".

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1001—An Act to amend Section 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, and amended March 21, 1907, and April 21, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1001 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Guill, Harlan, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Polsley, Randall, Rutherford, Sbragia, Schmitt, Stevenot, Telfer, Williams, Wilson, and Wylie—44

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1334—An Act to regulate the employment of females in public places.

During the third reading of the bill, Mr. Gerdes moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 6, on page 1, strike out the comma (,), and insert a period (.) in lieu thereof.

Also: Strike out in line 6, on page 1, of the printed bill, beginning with the word "shall", and then down to and including the word "both", in line 8, and insert in lieu thereof the following: "Every person who violates any provision of this section shall be guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than fifty dollars, or by imprisonment in the county jail for not less than ten days, or by both such fine and imprisonment."

Motion carried.

The Speaker appointed Mr. Gerdes as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1334, with instructions, do now report that the instructions of the Assembly have been carried out.

GERDES, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numeral count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

During the third reading of the bill Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 4, Section 18, line 2, of the bill, as amended in Assembly March 10, 1911, after the comma following the word "person", insert the following: "firmus."

Motion carried.

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1331, with instructions, do now report that the instructions of the Assembly have been carried out.

BOHNETT, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Senate Bill No. 1124—An Act to amend Section 33 of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1124 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Fitzgerald, Gaylord, Gerdes, Guill, Harlan, Hayes, Hinshaw, Jasper, Joel, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Shragia, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Williams, Wilson, and Wylie—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1182—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California and adding a new section to the Political Code of the State of California to be numbered Section 462, relating to the public schools and creating a fund for their support.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1182 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Robnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Wilson, and Wyllie—52

NOES—None.

TITLE AMENDED.

The following amendment to title was offered by Mr. Wyllie:

Strike out all of the title after the words "An Act", and insert in lieu thereof the following

"To amend Section 443 of the Political Code of the State of California and to add a new section thereto to be numbered 462."

Amendment adopted.

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1571.—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California.

Bill read second time, and ordered to engrossment and third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Assembly Bill No. 1571 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1571, and do now report the same back, and recommend that it do pass.

CATTELL, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Assembly Bill No. 1473.—An Act authorizing and empowering Reclamation District No. 818 to contract for, and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees or other joint works of reclamation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1473 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cunningham, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Rodgers of San Francisco, Rosendale, Rutherford, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, and Wyllie—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1570—An Act to amend Section 1247 of the Code of Civil Procedure of the State of California, relating to the jurisdiction of courts to regulate the mode of making crossings, or of enjoying a common use.

Bill read second time, and ordered to engrossment and third reading.

Committee Substitute for Assembly Bill No. 287—An Act to provide for the purchase by the State of California of the armory building and wharf located on the bay of San Diego, and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Committee Substitute for Assembly Bill No. 287 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Committee Substitute for Assembly Bill No. 287, and do now report the same back, and recommend that it do pass

CATTELL, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Assembly Bill No. 1014—An Act to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same, and the owner or agent of any building used for such purpose.

Mr. Fitzgerald moved that bill be re-referred to Committee on Judiciary.

A vote was taken and motion carried.

POINT OF ORDER.

Mr. Wyllie rose to the following point of order: "That the chair did not recognize him to speak on the motion."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

DECISION APPEALED FROM.

Mr. Wyllie appealed from the decision of the chair.

CHAIR SUSTAINED.

The question being put, "Shall the decision of the chair be the judgment of the Assembly?"

A vote was taken and the decision of the chair sustained.

Assembly Bill No. 1289—An Act amending section two of an Act entitled "An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of such gardener," approved March 21, 1907.

During second reading of bill, the following amendment was submitted by the committee:

In line 2, Section 2, of the printed bill, strike out the word "five", and insert in lieu thereof the word "two".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Assembly Bill No. 1289 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1289, and do now report the same back, and recommend that it do pass.

CATTELL, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Assembly Bill No. 600—An Act to provide for the survey, location and construction of a state highway from Saratoga Gap, on the line between the counties of Santa Clara and Santa Cruz into the California

Redwood Park in Santa Cruz County, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2, of the title, in the printed bill, after the word "survey", strike out "Location".

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 1, of the printed bill, strike out the following: "forty thousand dollars for the location," and insert in lieu thereof "fifteen thousand dollars for the".

Amendment adopted.

AMENDMENT No. 3.

Strike out all of Section 1, of the printed bill, after the period in line 8, and insert in lieu thereof the following:

"The money hereby appropriated shall be available on and after July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 3, Section 1, of the printed bill, strike out the following: "seventy-five thousand dollars (\$75,000)", and insert in lieu thereof the following: "forty thousand dollars".

Amendment adopted.

AMENDMENT No. 2.

After the colon in line 2, Section 1, of the printed bill, strike out the following: "twenty-five thousand dollars (\$25,000) July 1st, 1911, and fifty thousand dollars (\$50,000)", and insert in lieu thereof the following: "fifteen thousand dollars July 1st, 1911, and twenty-five thousand dollars".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 40—An Act to amend Section 8 of an Act entitled "An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act."

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of lines 9 and 10, in Section 1, page 2, of the printed bill, and insert in lieu thereof the following:

3. All that portion of Santa Barbara County lying west of Gaviota and north of Santa Ynez Mountains, and the county of San Luis Obispo shall constitute Agricultural District No. 3.

Amendment adopted.

AMENDMENT No. 2.

At the end of Section 1, on page 2, of the printed bill, add a new subdivision to read as follows:

18. All that portion of Santa Barbara County not included in Agricultural District No. 3 and the county of Ventura shall constitute Agricultural District No. 18.

Amendment adopted.

AMENDMENT No. 3.

Strike out all of lines 9 and 10, of Section 12, on page 7, of the printed bill, and insert in lieu thereof the following:

For aid to Agricultural District No. 3, two thousand (2,000) dollars.

Amendment adopted.

AMENDMENT No. 4.

At the end of Section 12, on page 8, of the printed bill, add a new paragraph to read as follows:

For aid to Agricultural District No. 18, two thousand (2,000) dollars

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 600, 1539, and 40.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Assembly Bills Nos. 1539, 600, and 40 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 600, 1539, and 40, and do now report the same back, and recommend that they do pass.

CATTELL, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried

Assembly Bill No 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

During the third reading of the bill, Mr. Telfer moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all after the enacting clause, and insert the following

SECTION 1 The Governor is hereby authorized and requested to appoint a commission, consisting of five persons, citizens of this State, one of whom he shall designate as chairman, to investigate and consider the various systems of old age insurance or old age pensions or annuities proposed or in operation in this State or elsewhere, and report upon the advisability of establishing an old age insurance or pension system in this State. Said commission shall report also statistics showing the probable expense to the State of the various systems, and of any system that

they may recommend for adoption, together with any bills or other suggestions for legislation relating to this subject that they may deem wise. At least one of said commissioners shall be a prominent representative of employers, and at least one of said commissioners shall be a prominent representative of employees.

SEC. 2 The members of said commission shall serve without pay, but they shall be allowed their necessary expenses while engaged in the investigation. The total expense to be incurred under the provisions of this Act shall not exceed twenty-five hundred dollars.

SEC. 3 There is hereby appropriated out of the general fund not otherwise appropriated, the sum of twenty-five hundred dollars, or so much thereof as may be necessary for the purposes of this Act.

SEC. 4. This Act shall take effect immediately.

POINT OF ORDER.

Mr. Schmitt rose to the following point of order: "That the amendment was not germane to the question."

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

During the further consideration of the bill, Mr. Telfer moved that the Speaker appoint a select committee of one to amend the bill as follows.

On page 1, Section 1, line 2, of the printed bill, strike out the words "public school teachers", and insert in lieu thereof the following "state pension and".

Also On page 1, Section 1, line 2, strike out the word "salary".

Also On page 1, Section 1 line 5, strike out the balance of paragraph following the word "fund", up to and including the word "four" on line 7.

Also On page 1, strike out all of Section 2, and balance of Act up to and including Section 9, and insert in lieu thereof the following:

SEC. 2 Whenever a citizen of this State shall have reached the age of 60 years, having resided herein for a period of not less than twenty-one years immediately prior to reaching such age, shall present evidence to pension board, as hereinafter provided, that he or she has earned or received a less average yearly income than \$900 per year for said period, a pension of \$30 per month shall be paid to said applicant.

SEC. 3 The pension board shall consist of the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, and Attorney General. This board is empowered to select such assistance as may be deemed necessary to carry out the provisions of this Act, and to fix the salaries of such employees subject to the approval of the Legislature.

SEC. 4. This Act shall take effect January 1, 1912."

POINT OF ORDER.

Mr. Schmitt rose to the following point of order: "That the amendment was not germane to the question."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

The question being on the motion to appoint a select committee to amend.

A vote was taken, and motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1188 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Butler, Callaghan, Clark, Coghlan, Cronin, Cunningham, Denegri, Fairwell, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Hall, Harlan, Hayes, Hinkle, Joel, Judson, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowan, Mullally, Nolan, Polsky, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan.

Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, and Young—45.

NOES—Messrs. Benedict, Bohnett, Cattell, Chandler, Held, Jasper, Lamb, Lynch, Mendenhall, Mott, and Wyllie—11.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 982—An Act to make an appropriation for the location, survey and construction of a state highway from the Calaveras Big Tree Grove, located in Calaveras County, to Dorrington, Calaveras County, thence running easterly following what is known as the Big Tree and Carson Valley turnpike, through Calaveras and Alpine counties to Markleeville, Alpine County, California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 982 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Deeney, Farwell, Flint, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Hinkle, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Telfer, Wilson, and Mr. Speaker—49

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At nine o'clock and thirty-five minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

Senate Bill No. 1047—An Act providing for the acquisition by the State of California for the United States of America of the right of way for cut-offs in rectification and improvement of the San Joaquin River, and appropriating fifteen thousand dollars for said purpose.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1047 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cunningham, Farwell, Flint, Gayford, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 625—An Act to amend section two thousand nine hundred eighty-two, of the Political Code, relating to the secretary and the assistant to the secretary of the State Board of Health.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 896—An Act to amend sections one, two, fourteen and fifteen of an Act entitled "An Act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for

the assessment of the costs and expenses thereof upon the property benefited thereby," approved March 21, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 896 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cronin, Cunningham, Farwell, Flint, Gaylord, Gerdes, Guill, Hall, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenor, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 1074—An Act to amend Section 4243 of the Political Code of the State of California, providing for the salaries and fees of public officers in counties of the fifteenth class

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 1074 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cronin, Cunningham, Farwell, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Judson, Lamb, Lynch, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenor, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—48.

NOES—None.

TITLE AMENDED.

The following amendment to title was offered by Mr. Bishop:

In line 2 of title, after the word "of", insert the words "jurors and".

Title, as amended, read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1484—An Act to amend sections eleven and eighteen of an Act entitled "An Act to allow unincorporated towns and villages to establish, equip and maintain systems of street lights on public highways; to provide for the formation, government and operation of highway lighting districts; the calling and holding of elections in such districts; the assessment, collection, custody and disbursement of taxes therein; and the creation of ex officio boards of supervisors," approved March 20, 1909, relating to the duties of supervisors, the fixing of rates to be paid, and the disposition of property on dissolution of district.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1484 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cronin, Cunningham, Farwell, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lyon of Los Angeles, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford,

Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—52
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF BILLS.

Assembly Bill No. 1203—An Act to amend Section 1188 of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1203 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Flint, Gerdes, Guill, Hall, Harlan, Hayes, Hushaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Williams, Wylie, Young, and Mr. Speaker—47
NOES—Mr. Clark—1

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 39—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article, a new section, to be numbered twenty-two *a* (22*a*), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

Assembly constitutional amendment passed on file.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights.

Assembly constitutional amendment passed on file.

Assembly Bill No. 24—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed to foot of file.

Assembly Bill No. 65—An Act to provide an appropriation for the erection of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed on file.

Assembly Bill No. 66—An Act to provide appropriation for the erection of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed to foot of file

Assembly Bill No. 921—An Act to provide an appropriation for the equipment of an instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 921 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Denegri, Farwell, Flint, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—53

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 922—An Act to provide an appropriation for grading, terracing, building drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 922 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Denegri, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Raudall, Rogers of Alameda, Rutherford, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No 923—An Act to provide appropriation for the equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 923 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Denegri, Farwell, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 925 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Clark, Cogulan, Cunningham, Farwell, Flint, Gerdes, Guill, Hall, Harlan,

Hayes, Held, Hinkle, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polesley, Preisker, Randall, Ruthertford, Sbragia, Schmitt, Slater, Smith, Stuckelbruck, Telfer, Williams, Wyllie, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed to foot of file.

Assembly Bill No. 63—An Act to appropriate money for the completion and further equipment of the dining hall and kitchen of the California Polytechnic School.

On motion of Mr. Beckett, bill withdrawn, and ordered stricken from the file.

Assembly Bill No. 722—An Act to provide for a high pressure pumping plant for fighting fire, and the extension of the light, heating, power, water and sewer systems at the University farm and agricultural school at Davis, and appropriating money therefor.

Assembly Bill No. 723—An Act to provide for the purchase of farm machinery, tools, wagons and harness for the University farm and agricultural school at Davis, and appropriating money therefor.

Assembly Bill No. 724—An Act to provide for the purchase of supplies, apparatus, equipment and furnishings of buildings, class rooms and laboratories on the University farm at Davis, and appropriating money therefor.

On motion of Mr. Wilson, Assembly Bills Nos. 722, 723, and 724 withdrawn, and ordered stricken from the file.

Assembly Bill No. 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors respecting roads.

Bill passed to foot of file.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education.

During consideration of Assembly constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out the period in the last line of the caption or title to the resolution, and in lieu thereof insert a comma and the following: "and free text-books"

Amendment adopted.

AMENDMENT No. 2

In line 15 of the resolution, strike out the period, and in lieu thereof insert a comma, and the following: "under such conditions as the Legislature shall prescribe."

Amendment adopted.

AMENDMENT No. 3.

After the word "years", in line 16, of the resolution, insert the words, "without any change whatsoever".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for adoption.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Bill passed on file.

Assembly Bill No. 721—An Act to provide for the purchase of live stock for and for the use of the University farm and agricultural school at Davis, and appropriating money therefor.

On motion of Mr. Wilson, bill withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS.

Assembly Bill No. 47—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road; a state highway.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 627—An Act to provide for the construction of a hospital building or buildings at the Los Angeles department of the college of medicine of the University of California, and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles department of the college of medicine of the University of California, and to make appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In lines 1 and 2, Section 1, of the printed bill, strike out the following: "two hundred and fifty thousand dollars (\$250,000)" and insert in lieu thereof the following "twenty-five thousand dollars".

Amendment adopted.

AMENDMENT No. 2.

Strike out all of Section 2. of the printed bill, and insert in lieu thereof the following:

SEC. 2. The State Controller is hereby authorized and directed to draw his warrants in favor of the person or persons, officer or officers authorized by law to receive the same, and the State Treasurer is hereby authorized and directed to pay said warrants."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Assembly Bill No. 164—An Act making an appropriation of one hundred and fifty thousand dollars (\$150,000.00) to be paid to, and expended by the Adjutant General of the State of California, ex officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and national guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In lines 2 and 3, of the title, in the printed bill, strike out the following: "and fifty thousand dollars (\$150,000.00)" and insert in lieu thereof "thousand dollars."

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 1, of the printed bill, strike out the following "and fifty thousand dollars (\$150,000.00)" and insert in lieu thereof the following: "thousand dollars".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 675—An Act providing for the acquisition of a site for an armory and state arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commission to select and acquire by donation or purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 3, of the title, in the printed bill, strike out the word "for", and insert in lieu thereof the word "for".

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 5, of the title, in the printed bill, strike out the words "or purchase".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 3, of the printed bill, strike out the words "or purchase".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 2, strike out all of line 3, of the printed bill, and insert in lieu thereof the following: "receive by donation a site in".

Amendment adopted.

AMENDMENT No. 5.

On page 2, Section 2, line 8, of the printed bill, strike out the word "one", and insert in lieu thereof the word "two".

Amendment adopted.

AMENDMENT No. 6.

On page 2, Section 2, line 8, of the printed bill; strike out the word "lot", and insert in lieu thereof the word "lots".

Amendment adopted.

AMENDMENT No. 7.

On page 2, Section 3, line 2, of the printed bill, strike out the word "purchased", and insert in lieu thereof the word "received".

Amendment adopted.

AMENDMENT No. 8.

On page 2, Section 3, of the printed bill, strike out all of lines 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13.

Amendment adopted.

AMENDMENT No. 9.

On page 2, Section 4, line 8, of the printed bill, after the word "an", insert the following: "arsenal and".

Amendment adopted.

AMENDMENT No. 10.

On page 3, Section 5, line 1, of the printed bill, strike out the words "and fifty".

Amendment adopted.

AMENDMENT No. 11.

On page 3, Section 5, line 6, of the printed bill, strike out the words, "the purchase of said site and".

Amendment adopted.

Bill read second time, ordered to reprint, engrossment, and third reading.

Assembly Bill No. 268—An Act to appropriate money for the purchase of the Big Oak Flat and Yosemite turnpike toll road, leading from Big Oak Flat, in Tuolumne County, to Yosemite Valley.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 36—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek to the Yosemite Valley Railroad at Bear Creek station, in Mariposa County, California, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out all of Section 1 in the printed bill, after the semicolon in line 7 thereof, and insert in lieu thereof the following: "the money hereby appropriated shall be available on and after July 1, 1912."

Amendment adopted.

AMENDMENT No. 2.

In line 3, Section 3, of the printed bill, after the word "may", insert the following: ", after said amount becomes available,".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1162—An Act to provide for the construction of an exposition building in agricultural district number two on state property to be known as State Agricultural Park at Stockton, which building is to be used by all of the counties of this State, for the purpose of maintaining therein exhibits of their industries, industrial enterprises, resources and products, and to make an appropriation for the construction of such building.

During second reading of bill, the following amendment was submitted by the committee:

Strike out lines 17, 18, 19 and 20, Section 1, of the printed bill, and insert in lieu thereof the following: "The money hereby appropriated shall be available on and after the first day of January, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1176—An Act to prevent the introduction, and

provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

During second reading of bill, the following amendment was submitted by the committee:

In lines 1 and 2, Section 1, of the printed bill, strike out the following: "one hundred thousand dollars (\$100,000.00)", and insert in lieu thereof "sixty-five thousand dollars".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1194—An Act to amend Section 4259 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class.

During second reading of bill, the following amendment was submitted by the committee:

On page 5, strike out all of section "seventeen".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1567—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifteenth class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 579—An Act to prohibit the business of barbering on Sunday and providing a penalty for the violation thereof.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 2, line 2, of the printed bill, after the word "violation", add the word "of".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1509—An Act to amend Section 3106 of the Political Code of the State of California, relating to cemeteries, and defining what constitutes a public cemetery.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 74—An Act to add a new section to the Code of Civil Procedure, to be known as Section 730, relating to the publication of notices of sales by trustees under deeds of trust.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1069—An Act to amend the Penal Code of the State of California by adding thereto a new section to be numbered 643½, relating to the boarding of vessels in the waters of the State of California.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1517—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, Section 1, lines 53 and 54, strike out the comma following the word "plants" in line 53, and also the word "or" in said line, and all of line 54, and insert in lieu thereof a period.

Amendment adopted.

AMENDMENT No. 2.

On page 3, Section 1, line 59, strike out the period following the word "university", and insert in lieu thereof the following: "also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village."

Amendment adopted.

AMENDMENT No. 3

On page 3, Section 1, lines 78, 79 and 80, strike out the following: "() electric light, heat and power lines, and works or plants, or any part of such lines, works or plants," and insert in lieu thereof the following "electric light lines, electric light, heat and power lines, and works or plants,".

Amendment adopted.

AMENDMENT No. 4.

On page 4, Section 1, line 109, strike out the following: ", or any part of works or plants,".

Amendment adopted.

Bill read second time, ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1518—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, line 2, of the title, strike out the words and figures "and 1241", and insert in lieu thereof the following: ", 1241, 1247 and 1248".

Amendment adopted.

AMENDMENT No. 2

On page 2, Subdivision 4, Section 1, strike out all of lines 19 to 25, inclusive, and insert in lieu thereof the following "where any such property has been so appropriated by any individual, firm or private corporation, the use thereof for a public street or highway of a municipal corporation, or the use thereof by a municipal corporation for the same public purpose to which it has been so appropriated, shall be deemed a more necessary use than the public use to which such property has been already appropriated; and provided, further, that where property already appropriated to a public use or purpose, by any person, firm or private corporation, is sought to be taken by a municipal corporation, for another public use or purpose, which is consistent with the continuance of the use of such property, or some portion thereof, for such existing purpose, to the same extent as such property is then used, or to a less or modified extent, then the right to use such property for such proposed public purpose, in common with such other use or purpose, either as then existing, or to a less or modified extent, may be taken by such municipal corporation, and the court may fix the terms and conditions upon which such property may be so taken, and the manner and extent of the use thereof for each of such public purposes, and may order the removal or relocation of any structures or improvements therein or thereon, so far as may be required by such common use."

Amendment adopted.

AMENDMENT No. 3.

On page 2, Subdivision 6, Section 1, line 30, after the word "way", strike out the comma, and the following: "(longitudinally or otherwise),".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Subdivision 6, Section 1, line 37, immediately before the word "use", insert the word "limited".

Amendment adopted.

AMENDMENT No. 5.

On pages 2 and 3, Subdivision 6, Section 1, strike out all of lines 41 to 71, inclusive.

Amendment adopted.

AMENDMENT No. 6.

On page 4, Section 2, strike out all of lines 9 to 15, inclusive, and insert in lieu thereof the following: "use; *provided*, that where such property has been so appropriated by any individual, firm or private corporation, the use thereof for a public street or highway of a municipal corporation, or the use thereof by a municipal corporation for the same public purpose to which it has been so appropriated, shall be deemed more necessary uses than the public use to which such property has been already appropriated."

Amendment adopted.

AMENDMENT No. 7.

On page 4, following line 15, of Section 2, of the printed bill, insert the following: "SEC. 3. Section 1247 of the Code of Civil Procedure is hereby amended to read as follows:

1247. The court shall have power:

1. To regulate and determine the place and manner of making connections and crossings, and of removing or relocating structures or improvements, or of enjoying the common, or modified, or limited use, mentioned in the fourth and sixth subdivisions of section twelve hundred and forty:

2. To hear and determine all adverse or conflicting claims to the property sought to be condemned, and to the damages therefor

3. To determine the respective rights of different parties seeking condemnation of the same property.

SEC. 4. Section 1248 of the Code of Civil Procedure is hereby amended to read as follows:

1248. The court, jury, or referee must hear such legal testimony as may be offered by any of the parties to the proceeding, and thereupon must ascertain and assess:

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed;

2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff;

3. Separately how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, the construction of the improvement proposed by the plaintiff; and if the benefit shall equal to the damages assessed under subdivision two, the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value;

4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of water from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands; and such benefit, if any, shall be deducted from any damages awarded the owner of such property;

5. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences, along the line of such railroad, and the cost of cattle-guards, where fences may cross the line of such railroad;

6. If the removal or relocation of structures or improvements is sought, the cost of such removal or relocation and the damages, if any, which will accrue by reason thereof;

7. As far as practicable, compensation must be passed for each source of damages separately."

AMENDMENT No. 8

On page 4, Section 3, line 1, strike out the figure "3", and insert in lieu thereof the figure "5".

Amendment adopted.

AMENDMENT No. 9.

On page 4, Section 4, line 1, strike out the figure "4", and insert in lieu thereof the figure "6".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 371—An Act to confirm, validate, and legalize the tax levies made by county boards of supervisors for county, school, and other purposes.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2, of the title, after the word "levies", insert the word "heretofore".

Amendment adopted.

AMENDMENT No. 2

In line 1, of Section 1, of the printed bill, after the word "levies", insert the word "heretofore".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 803—An Act entitled an Act to amend Section 594 of the Political Code, relating to the classification of insurance and the capital stock insurance companies are required to have.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 594, line 10, of the printed bill, before the word "as", insert the word "except".

Amendment adopted.

AMENDMENT No. 2

On page 1, Section 594, line 13, of the printed bill, after the word "insurance", insert the word "except".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Subdivision 4, line 18, of the printed bill, strike out the "period", and insert in lieu thereof the following: "provided, that any written contract or instrument issued by any person, firm or corporation purporting to show the title to real property or furnish information relative thereto which shall in express terms purport to insure or guarantee such title, shall be deemed a policy of title insurance".

Amendment adopted.

AMENDMENT No. 4.

On page 3, Subdivision 14, of the printed bill, strike out all of line "39".

Amendment adopted.

AMENDMENT No. 5.

On page 3, line 60, of the printed bill, strike out the figures "15", and insert in lieu thereof the figures "14".

Amendment adopted.

AMENDMENT No. 6.

On page 3, Subdivision 15, line 60, of the printed bill, after the word "including", insert the following: "cyclone, tornado, windstorm and lightning insurance and".

Amendment adopted.

AMENDMENT No. 7.

On page 3, Subdivision 15, line 81 of the printed bill, after the word "third", strike out the word "and", and insert in lieu thereof the following: ", twelfth".

Amendment adopted.

AMENDMENT No. 8

On page 3, Subdivision 15, line 85, of the printed bill, after the word "the", insert the word "twelfth"; also on same line after the word "thirteenth", insert the following: "or fourteenth kinds of insurance".

Amendment adopted.

AMENDMENT No. 9.

On page 3, Subdivision 15, line 87, of the printed bill, after the word "the", insert the word "twelfth", and also on same line after the word "thirteenth", insert the words "or fourteenth".

Amendment adopted.

AMENDMENT No. 10.

On page 3, Subdivision 15, line 90, of the printed bill, after the word "for", insert the words "each of" and also on the same line after the word "such", insert the word "twelfth"; also on the same line after the word "thirteenth", insert the words "and fourteenth", also on the same lines, strike out the word "kind", and in lieu thereof insert the word "kinds".

Amendment adopted.

AMENDMENT No. 11.

On page 3, Subdivision 15, line 90, of the printed bill, after the word "insurance", strike out the rest of the line, also on page 4, Subdivision 15, of the printed bill, strike out all of lines 91, 92 and 92a up to and including the semicolon after the word "insurance".

Amendment adopted.

AMENDMENT No. 12.

On page 4, Subdivision 15, line 120, of the printed bill, strike out the word "authorized", and insert in lieu thereof the word "organized".

Amendment adopted.

AMENDMENT No. 13.

On page 5, Subdivision 15, line 140, of the printed bill, strike out the word "less", and insert in lieu thereof the word "more".

Amendment adopted.

Bill read second time, ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1047—An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies, and assistants.

Bill read second time, and ordered to engrossment, and third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 47, 1165, 627, 164, 675, 268, 36, 1162, and 1176.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 47, 1165, 627, 164, 675, 268, 36, 1162, and 1176 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bills Nos. 47, 627, 164, 675, 268, 36, 1162, 1165, and 1176, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr Bohnett moved the adoption of the report.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 51 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hall, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lyon of San Francisco, McGowen, Mott, Polsley, Preisker, Randall, Rutherford, Ryan, Shragin, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Wylie, and Mr. Speaker—42

NOES—Messrs. Benedict, Harlan, Hinshaw, Lyon of Los Angeles, Maher, Nolan, Rosendale, Schmitt, Stevenot, and Williams—10.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Concurrent Resolution No. 27—Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911—and report that the same have been correctly engrossed.

RANDALL, Chairman.

ADJOURNMENT.

At ten o'clock and forty minutes P. M., on motion of Mr. Schmitt, the Assembly was declared adjourned until ten o'clock A. M. of Friday, March 17, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Friday, March 17, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Gull, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—70.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Randall, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Judson, Mr. Geo. L. Melton was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Gaylord, Mr. J. D. Voss was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Kennedy, Mr. and Mrs. P. Herlick, of New York, were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Jasper, Mr. R. H. Davis and family were granted the privilege of the floor of the Assembly for this day.

LEAVES OF ABSENCE

On motion of Mr. Nolan, leave of absence was granted Mr. Rimlinger for the day.

On motion of Mr. McGowen, leave of absence was granted Mr. Jones for the day.

On motion of Mr. Slater, leave of absence was granted Mr. Hamilton until Monday, March 20, 1911.

On motion of Mr. Slater, leave of absence was granted Mr. Griffiths for the day.

On motion of Mr. Jasper, leave of absence was granted Mr. Tibbits for the day.

Mr. Young asked for, and was granted, leave of absence for Saturday, March 18, 1911.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Senate Bill No. 758—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors and marines, and to provide for the government thereof by the State.

Also Senate Bill No. 1005—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.

Also Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds, to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder, to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act", approved March 20, 1905, and all Acts and parts of Acts in conflict with this Act.

Also Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and providing for a penalty for violation thereof.

Also Assembly Bill No. 395—An Act to amend Section 1f of an Act entitled "An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the state, county, city and county, or incorporated city or town government in this State," approved March 23, 1901, relating to the employment of citizens of the United States.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended.

KEHOE, Chairman.

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER Your Committee on Judiciary, to whom was referred Senate Bill No. 732—An Act to amend Section 241 of the Penal Code, relating to the punishment of the crime of assault.

Also Senate Bill No. 1013—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1203 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation," approved March 13, 1909.

Also Senate Bill No. 1032—An Act to amend the Penal Code of the State of California, by adding thereto a new section to be numbered 515, relating to punishment for the crime of embezzlement.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading

ON CONTINGENT EXPENSES AND ACCOUNTS

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911

MR. SPEAKER Your Committee on Contingent Expenses and Accounts, to whom was referred Assembly Concurrent Resolution No. 26—Relative to the purchase of bas-relief bronzes of President Taft and Governor Johnson—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

STEVENOT, Chairman.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION.

Assembly Concurrent Resolution No. 26—Relative to the purchase of bas-relief bronzes of President Taft and Governor Johnson.

During consideration of Assembly concurrent resolution, the following amendment was submitted by the committee:

Strike out the words "one hundred", in lines 8 and 12, and insert in lieu thereof the word "fifty".

Amendment adopted.

The question being on the adoption of Assembly concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 26 refused adoption by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Callaghan, Cronin, Cunningham, Denegri, Fitzgerald, Flint, Gerdes, Hall, Hamilton, Hayes, Hinkle, Kennedy, Lynch, Lyon of Los Angeles, Malone, March, McGowan, Mott, Nolan, Preisker, Randall, Rosendale, Ryan, Schmitt, Stevenot, Sutherland, Telfer, Williams, and Mr. Speaker—32.

NOES—Messrs. Bliss, Bohnett, Clark, Cogswell, Farwell, Gaylord, Guill, Harlan, Hinshaw, Judson, Kehoe, Lamb, Maher, Mendenhall, Rutherford, Slater, Stuckenbruck, Wilson, and Young—19.

ON COMMISSIONS AND PUBLIC EXPENDITURES

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 1519—An Act to add a new section to the Penal Code to be known and numbered as Section 383b, relating to adulteration and sale of white lead, paint or compound intended to be used as such, providing for its enforcement, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, without recommendation

DENEGRI, Chairman.

The above reported bill ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 534—An Act to add a new section to the Civil Code, to be numbered Section 365 and relating to contributions of corporate funds for political purposes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

YOUNG, Chairman

The above reported bill ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 1477—An Act to amend section six hundred and fifty-three of the Penal Code of the State of California, relating to crimes against employees

Also: Assembly Bill No. 1501—An Act to amend Section 679a of the Penal Code. Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

TELFER, Chairman

The above reported bills ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Senate Bill No. 1255—An Act to create a reclamation district to be called Reclamation District No. 833, and providing for the control and management thereof

Also: Assembly Bill No. 1254—An Act to create a reclamation district to be

called Reclamation District No 832, and providing for the control and management thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LYNCH, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC HEALTH AND QUARANTINE

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 867—An Act to provide for the location, construction and maintenance of public school buildings, rooms and grounds, in such a manner as not to endanger the health of children attending such schools, and specifying the powers and duties of certain boards and officers in relation thereto—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass, as amended.

MALONE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 1374—An Act to add a new section to the Penal Code to be known as section ———, prohibiting the use of a coil box for the purpose of cooling alcoholic liquids—have had the same under consideration, and respectfully report the same back, with recommendation that it do pass.

MALONE, Chairman.

The above reported bill ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No 793—An Act amending section ten of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement, and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Also: Assembly Bill No. 1575—An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard, providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their term of office, and of elections to be held in such districts, and repealing all Acts and parts of Acts in conflict therewith.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CHANDLER, Chairman.

The above reported bills ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation, approved March 14, 1907, as amended March 19, 1909, by amending section one of said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HINSHAW, Chairman.

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 25—An Act to create a "State Bureau of Criminal Identification and Investigation," providing for the appointment of a board of managers of said bureau, defining their qualifications, term of office, duties and powers; providing for the appointment of a director, six clerks and one stenographer, fixing the compensation of said managers, director, clerks and stenographer; providing for the manner of paying the same, and providing for the expense of equipping and maintaining the office of said bureau, and making an appropriation therefor, which was re-referred to us from the Committee on Judiciary—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1313—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann, which was re-referred to us from the Committee on Claims—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred select committee amendment to Assembly Concurrent Resolution No. 21—Relative to adjournment *sine die*—have had the same under consideration, and respectfully recommend that it be not adopted.

COGSWELL, Chairman.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR SPEAKER Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 404—An Act to provide for the improvement of the internal navigation of the State of California by means of canals and the canalization of rivers, their tributaries, and other waterways where necessary, in aid of commerce, to define the duties of the Department of Engineering and of the Governor, in relation thereto, and to make an appropriation to defray the cost of surveys, plans and estimates in connection therewith—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and that it be re-referred to the Committee on Ways and Means.

SCHMITT, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

SENATE MESSAGES.

The following messages from the Senate were taken up and read

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATISON, Assistant Secretary.

The above Assembly constitutional amendment ordered to enrollment.
Also.

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR SPEAKER, I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference on Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of

such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

The above bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 405 read first time, and referred to Committee on Education.

REQUEST FOR PERMISSION TO INTRODUCE ASSEMBLY CONCURRENT RESOLUTION.

The following request for permission to introduce Assembly concurrent resolution was filed.

By Mr. Cogswell:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER. I ask permission to introduce the accompanying Assembly concurrent resolution, which reads as follows, viz: Relative to adjournment *sine die*.

Resolved by the Assembly, the Senate concurring. That the thirty-ninth session of the Legislature of the State of California adjourn *sine die* at twelve o'clock, meridian, Tuesday, March 28, 1911.

COGSWELL,
Member Sixty-eighth District.

Referred to Committee on Introduction of Bills.

MOTION TO AMEND RULES.

In accordance with notice previously given, Mr. Preisker moved to amend the Standing Rules of the Assembly as follows:

Amend Rule 9 thereof, which shall read as follows:

9. When a Senate bill has been received by the House with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee, *provided, however*, that when a Senate bill is received the provisions of which are stated by a member to be identical with those of an Assembly bill which has already been considered and reported by a committee of the Assembly, such Senate bill shall be referred to the Committee on Engrossed and Enrolled Bills for comparison, which committee shall report on the next legislative day whether or not said bill is identical with the Assembly bill, and if reported identical, shall be read the second time, be substituted for the Assembly bill (the latter being considered withdrawn), shall take the latter's place on the Assembly file, and be considered as having received the same recommendation of the Assembly committee *provided*, that the fact that the bills are identical shall be entered in the Journal.

The roll was called

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Preisker moved a call of the House.

Motion carried.

Time, ten o'clock and thirty-five minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Denegri, Farwell, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—60.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and forty-five minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Preisker.

The roll of absentees was called, and motion carried by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Callaghan, Chandler, Clark, Cogswell, Cronin, Denegri, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—57.

NOES—Messrs. Brown, Butler, Cattell, Farwell, Kennedy, Mullally, and Schmitt—7.

RE-REFERENCE OF BILLS.

On motion of Mr. Sutherland, Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers, and providing for a review of its awards—was referred to Committee on Ways and Means.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Clark moved that the vote whereby Assembly Bill No. 471 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Butler, Callaghan, Cattell, Chandler, Clark, Cunningham, Denegri, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kennedy, Lamb, Lynch, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, and Wilson—46.

NOES—Messrs. Bishop, Bohnett, Brown, Cronin, Farwell, Harlan, Judson, Kehoe, and Lyon of Los Angeles—9.

Assembly Bill No. 471—An Act to amend the Political Code by amending Section 1032 thereof, relating to records open to public inspection; exceptions in attachment.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 471 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Callaghan, Cattell, Chandler, Clark, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, and Wilson—47.

NOES—Messrs. Bennink, Bishop, Bohnett, Brown, Cronin, Harlan, Judson, Kehoe, Mott, Randall, and Mr. Speaker—11.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF BILLS.

Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

Bill passed to foot of file.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights.

Assembly constitutional amendment passed to foot of file.

Assembly Bill No. 65—An Act to provide an appropriation for the erection of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed on file.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof, relating to the right of trial by jury by providing that five sixths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

Senate constitutional amendment passed on file.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

Senate constitution amendment passed on file

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

Senate constitutional amendment passed on file.

Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitu-

tion of the State amending Section 16 of Article XIX, relating to term of office.

Senate constitutional amendment passed on file.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Bill passed to foot of file.

Assembly Bill No. 24—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed on file.

Assembly Bill No. 66—An Act to provide appropriation for the erection of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed to foot of file.

Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed on file.

Assembly Bill No. 1087—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors respecting roads

On motion of Mr. Benning, bill withdrawn, and ordered stricken from the file.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills.

Assembly Bill No. 1253—An Act to add a new section to the Penal Code of California to be known as section one hundred and thirty-nine, relating to keeping the hides of animals killed or slaughtered, and providing a penalty for the violation thereof.

Assembly Bill No. 1536—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Assembly Bill No. 47—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County.

Assembly Bill No. 268—An Act to appropriate money for the purchase of the Big Oak Flat and Yosemite turnpike toll road leading from Big Oak Flat in Tuolumne County to Yosemite Valley.

Assembly Bill No. 74—An Act to add a new section to the Code of Civil Procedure, to be known as Section 730, relating to the publication of notices of sales by trustees under deeds of trust.

Assembly Bill No. 1509—An Act to amend Section 3106 of the Political Code of the State of California, relating to cemeteries, and defining what constitutes a public cemetery.

Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road, a state highway.

Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the General Fund in the state treasury.

Committee Substitute for Assembly Bill No. 287—An Act to provide for the purchase by the State of California of the armor building and wharf located on the bay of San Diego and making an appropriation therefor.

Assembly Bill No. 1570—An Act to amend Section 1247 of the Code of Civil Procedure of the State of California, relating to the jurisdiction of courts to regulate the mode of making crossings, or of enjoying a common use.

Assembly Bill No. 1069—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered 643¹, relating to the boarding of vessels in the waters of the State of California

And report that the same have been correctly engrossed.

RANDALL, Chairman.

SPECIAL URGENCY FILE.

Senate Bill No. 1237—An Act to amend section four hundred and ninety-nine of the Civil Code of the State of California, relating to the use of the same streets or tracks by two lines of street railway.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1237 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Paisley, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1324—An Act to amend the Penal Code of California by adding two new sections thereto, to be numbered 326ⁿ and 326^p, and relating to lotteries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1324 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wyllie, and Mr. Speaker—48.

NOES—Messrs. Maher, McDonald, Mullally, Ryan, and Sbragia—5

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 912—An Act to amend Section 499^a of the Penal Code of California, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

During the third reading of the bill, Mr. Benedict moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 8, insert after the word "knowingly", the following: "use or cause to be used any such connection".

Motion carried.

The Speaker appointed Mr. Benedict as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 912, with instructions, do now report that the instructions of the Assembly have been carried out.

BENEDICT, Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 1029—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State, to be held in 1912

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1029 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wylhe, Young, and Mr. Speaker—64.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

ADDRESS.

On motion of Mr. Slater, the following address by Mr. Bennink, on Assembly Bill No. 1029, was ordered printed in the Journal:

MR. SPEAKER AND MEMBERS OF THE ASSEMBLY: This bill appropriating money for the Grand Army Encampment, to be held in this State, is in line with its previous action.

In 1886 some 40,000 survivors of that great conflict of men to whose unfaltering courage and loyal support in the hour of greatest danger, even a Grant, a Farragut, a Sherman, a Sheridan were indebted for their success and without whose courage and loyal support in the hour of greatest danger, even their matchless courage and ability would have been of little avail, at the invitation of the great State of California, crossed this wide continent to hold their national encampment in the city of San Francisco. And I well remember our arrival there. From north to south, from east to west, that magnificent city was one mass of red, white and blue, and the flag of our country—the Stars and Stripes—waved as freely over the home of the poor man as over the palace of the rich.

Two days after, we visited the city of Oakland, and there ten thousand children, each waving a flag, gave us a hearty welcome, and bade us come again.

In 1903 again was that invitation extended and again the scenes of '86 were repeated; and now it is proposed for the third and last time to invite these men to visit this State, and it must be the last, for that step, once buoyant with youth and vigor, at whose tread the continent shook, and whose onward march told Freedom's advance, is hastening by, and soon naught but the echoes of the last retreating footsteps will remind you that these men ever were.

There will be a shake of the hand, a touch of shoulder to shoulder as they march through our streets, and then farewell—a long farewell—for never again can those men visit the hospitable State of California.

I hope this bill will receive your hearty support.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1536—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1536 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rogers of Alameda, Rosendale, Sbragia, Slater, Smith, Stevenot, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1148—An Act to provide for the payment of judgments against school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1148 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—64.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 168—An Act declaring it to be a felony to make false statements regarding the financial condition or liabilities of any person seeking credit, for the purpose of obtaining the same.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 168 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—Mr. Brown—1.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Brown moved that the vote whereby Assembly Bill No. 811 was refused passage, be reconsidered.

On motion of Mr. Brown, the consideration of motion was continued until Monday, March 20, 1911.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 467—An Act to regulate the use of transfers issued by street railroad companies in cities and towns of this State. During the third reading of the bill Mr. Bishop moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 2, after the word "company", insert the following: "or interurban railroad company".

Also, On page 1, Section 1, line 2, after the word "county", insert the following: "county".

Also, On page 1, Section 1, line 3, after the word "company", insert the following: "or interurban railroad company".

Motion carried.

The Speaker appointed Mr. Bishop as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 467, with instructions, do now report that the instructions of the Assembly have been carried out.

BISHOP, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint with a rush order, reëngrossment, and on file for passage.

Assembly Bill No. 702—An Act amending Section 264 of the Penal Code fixing the punishment for rape.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 702 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, Mott, Nolan, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59

NOES—Messrs. Maher, and Rutherford—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1329—An Act to add four new sections to the Political Code of the State of California to be numbered and known as Sections 3224, 3225, 3226, 3227, relating to weights and measures.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1329 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Calaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Lynch, Lyon of Los Angeles, Maher, Malone, March, McDonald, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Williams, Wilson, Wylhe, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1133—An Act to amend Section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class.

During the third reading of the bill Mr. Harlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 4, Section 1, line 106, after the word "the", strike out the word "day", and insert in lieu thereof the following: "Board".

Motion carried.

The Speaker appointed Mr. Harlan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1133, with instructions, do now report that the instructions of the Assembly have been carried out.

HARLAN, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California.

Bill passed temporarily on file.

Assembly Bill No. 704—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

During the third reading of the bill Mr. Farwell moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, lines 2 and 3, of the title, after the word "Los Angeles", strike out the comma and the following: "in confirmation of the charter of said city"

Also: On page 1, strike out all of Section 1, and insert in lieu thereof the following:

"SECTION 1. There is hereby granted to the city of Los Angeles, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said State by virtue of its sovereignty, in and to all tide lands and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific Ocean, or of any harbor, estuary, bay or inlet within said boundaries, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions, following, to wit:

(a) That said lands shall be used by said city, and by its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and said city, or its successors, shall not,

at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor;

(b) That said harbor shall be improved by said city without expense to the State, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, ships, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other water craft, or railroad, owned or operated by the State of California;

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city, or by its successors.

Reserving, however, in the people of the State of California, the absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said lands for said purposes."

Motion carried.

The Speaker appointed Mr. Farwell as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 704, with instructions, do now report that the instructions of the Assembly have been carried out.

FARWELL, Select Committee

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage

GUESTS ANNOUNCED.

The Sergeant-at-Arms announced the presence of the officers of the Oakland, Fremont, and Polytechnic High School classes, at the bar of the Assembly.

The Speaker directed the officers to be escorted to the platform of the Assembly.

MOTION.

Mr. Rogers of Alameda, moved that the names of the visiting students and teachers from the Oakland High Schools be recorded in the Journal.

Motion carried.

HIGH SCHOOL TEACHERS AND STUDENTS

Teachers, Mr. J. R. Sutton, Mr. H. E. Edwards, Mr. N. Riccardi, Miss Annie Brewer, and Miss E. O'Connell. Byron Johnson, president of the Senate of Fremont High School; Wesley Whitaker, president of Junior Class of Fremont High School; Marjorie A. Cutting, president of Low Senior Class; R. H. Chamberlain, Jr., president High Senior Class, of the Oakland High School.

Marion Clark, Viola Rich, Edith Bell, Ada Hanafin, Frances Wetmore, Evelyn Chubb, Edna Stut, Edna Schaner, Ferdinand Claudius, Irving Marvin, Earl Bowen, Howard Dunn, Hugh Fulton Jr., John Wallace Kyte, Francis Carson, Mariquita de Laguna, Nelhe Hermier, Gretchen Vestal, Mabel de Freitas, Mildred Larson, Margaret Croudare, Barbara McKenzie, Lydia Matthews, Anna Keefe, Elta Camper, Ruth Dunning, Evelyn Heyns, Charles Leavitt, Gladys Merrill, Alice Williams, Elsie Connett, Jack Parker; Frank Donegan, O. P. H. S.; Robert Stone, Fremont H. S.; Wm. B. Crump, Fremont H. S.; James Goodnight, Fremont H. S.; Anson Weeks, Jr., Fremont H. S.; Douglas B. Cohen, Fremont H. S.; Ray Phelps, O. H. S.; John August, Wesley Whitaker, Harvey Kirk Taylor, Demetri Moser;

Louis Shade, O. H. S.; John R. McArthur, Fremont H. S.; J. W. Person, Fremont H. S.; Stella Rucker, Benjamin Cravens, Priscilla Hall, Etta Schrock, Marguerite Black, Katherine Allen, Griffith Henshaw, Carlton Derhletsen, Dudley Dexter, Walter Edwards, Herbert Turrell, Ralph Hogan, Lloyd Cobbledick, Lucy Morris, Nina Hoots, Lola Scanlan, Isabella Armstrong, Ethel Kelly, Ruth Armstrong, Jeannette Solomon, Arthur Cunningham, Thomas Judkins, Calder Innes, Anne W. Brewer, Viola Mecum, Ina Emerson, Lotta Koeppe, Edith Hunt, Neville Dukes; Ed Street, O. P. H. S.; Vincent Brown, O. P. H. S.; J. Newton Holden, Martin Goldberg, H. J. Christensen, A. MacDowell, Claire Detels, Harriet Detels, Evalyn Reed, Ethel Kinnear, Mary Ames, Mabel Griffin, Agnes C. Hansen, Robert Gardiner, Fred Lavé, Byron Johnson, Walter Lowell, Adolph de Fremery, Thurlow Baumgartner, Ellery Stone, Rosahe Smith, Ethel Schellhaas, Dora Atwater, Henriette B. Kahn, Alexandria Levy, Louise McRoberts, Grace Mounson, Harry Boge, Ruth Pond, Caroline Ketcham, Ruth Schoen, Hazel Blake, Margaret Potter, Monroe Friedman, Alexandra Damianakes, Elsie Kirsten, Waldo Rucker, Archie P. Howie, Adolph Schaad, Viola Rogers, Clarissa McDonald, Gail Casad, Ruth R. Calden, Ruth Waddell, Irma Zimmerman, Gertrude Van Hovenberg, Louise D. Yee, May W. Chu, Helen Hobert, Gladys Hayes, Evelyn Collins, Ruth Homan, Hester Cooke, E. Evelyn Cost, Irene E. Johnson, Elsie H. Cross, Fama Mouck, Genevieve Owen, Signe Nelson, Alice Shepherd; D. J. Canty Jr., O. H. S.; E. N. Farley, O. P. H. S.; Kenneth G. Hobart, O. H. S.; James A. Miller, O. H. S.; Maybelle Hudson, Bess Pangleven, Alda Zschoegner, Lillian Andrews, Lillian Hausmann, Miriam R. Haines, Frank H. Marvin, Loretta M. C. Kienle, Gladys McKinnon, Irene F. Stratton, D. Sylvia Williams, Mildred Diggs, Alice E. Williams, Leland H. Taylor, May Donovan, Geo. Roeth, Jr., Howard Sargeant, E. B. Calderwood, H. L. Chrysostomo, Ella J. O'Connell, Lucie S. Gibson, Henry Petray, Earle Pedlar, Frank Killam, John Whittton, Rae Wilson, Willie Pedunk, Geo. Sandberg, C. F. Hatch, Benj. E. Tooker, Rose Gibson, F. H. S. '11, Elsa Kower, O. H. S., Martin Benzinger, O. H. S. '11; Marion Gartner, O. H. S. '11, Gladys Boyer, O. H. S. '11; Gladys Furth, O. H. S. '11; Kenneth Marr, Tallant Perkins, Harry H. Stone, Herbert Maier, Wm. Milholland, Ameha M. Wilton, O. H. S., Robert W. Stratton, William A. Houghton, James Gottenberg, John R. McArthur, F. H. S., J. W. Person, Nelda Evers, O. H. S.; Stella Rucker, O. H. S.; Elizabeth Eckert, O. H. S.; Augusta Katz, O. H. S.; Eva Williams, O. H. S.; Alma Rohrbach, O. H. S.; Harold Wadsworth, O. H. S.; William Rea, O. H. S.; Theophilus Thistle, F. H. S.; Lillian van Gelder, O. H. S., Vera Whipple.

MOTION.

Mr. Smith moved that the Chief Clerk of the Assembly be instructed to have printed five hundred extra copies of today's Journal, to be mailed to the visiting students.

Motion carried.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

Mr. Slater moved that bill be made a special order for eleven o'clock a. m. of Monday, March 20, 1911.

Motion lost.

During the third reading of the bill Mr. March moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of Section 7.

Motion carried.

The Speaker appointed Mr. March as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 980, with instructions, do now report that the instructions of the Assembly have been carried out.

MARCH, Select Committee.

Report of select committee, and amendment, adopted.

During the further consideration of the bill Mr. March moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, line 57, strike out the figure "8", and insert in lieu thereof the following: "4".

Motion carried.

The Speaker appointed Mr. March as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 980, with instructions, do now report that the instructions of the Assembly have been carried out.

MARCH, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j and 4225k, and all relating to county boards of health and sanitary inspectors.

Bill passed on file.

Senate Bill No. 359—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752a and 752b, 852a and 852b thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

During the third reading of the bill Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the word "by" in line 5, and the word "ordinance" in line 6, page 1, of the printed bill, and insert in lieu thereof the following: "submit to the electors at any municipal or at any special election to be held for that purpose, an ordinance to".

Also: On page 2, Section 1, line 18, of the printed bill, strike out the words "of not exceeding \$1,500 per annum".

Also: Insert a new paragraph after the word "municipality" in line 28, page 2, of the printed bill, reading as follows: "The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: 'shall the administration of the municipality be divided into five departments as follows: (insert the five departments of government proposed and briefly designate the powers and duties conferred upon each and the compensation each commissioner or head of department shall receive), 'Yes' and 'No' so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections and if it appears that a majority of the votes cast at such election were in favor of the ordinance, such ordinance shall take effect and be in force on the tenth day thereafter

Also: Strike out the word "by" in line 5, and the word "ordinance" in line 6, page 2, of the printed bill, and insert in lieu thereof the following: "submit to the electors

at any municipal or at any special election to be held for that purpose, an ordinance to".

Also: On page 3, Section 3, line 17. of the printed bill, strike out the word "of", and in line 18, strike out the words "not exceeding \$1,500 per annum".

Also: Insert a new paragraph after the word "municipality" in line 28, page 3, of the printed bill, reading as follows. "The substance of the ordinance so proposed shall be printed on the ballots used at such election substantially as follows: "shall the administration of the municipality be divided into five departments as follows: (insert the five departments of government proposed and briefly designate the powers and duties conferred upon each and the compensation each commissioner or head of department shall receive). "Yes" and "No" so printed in connection therewith that the voters may express their choice. The returns of the election shall be canvassed and declared as at other municipal elections and if it appears that a majority of the votes cast at such election were in favor of the ordinance, such ordinance shall take effect and be in force on the tenth day thereafter.

Also: In line 14, on page 4 of the printed bill, strike out the "," after the word "so"

Also: In line 14, on page 4, of the printed bill, insert after the word "No" a ":",

Motion carried.

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 359, with instructions, do now report that the instructions of the Assembly have been carried out.

BOHNETT, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 774—An Act providing for the time of payment of wages.

Bill passed to foot of file.

Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Bill passed to foot of file.

Senate Bill No. 11—An Act establishing a state normal school at Fresno, county of Fresno, California, and making an appropriation therefor.

Mr. Chandler moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 11 considered.

Mr. Chandler moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 11, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 11 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, McDonald, McGowen, Mendenhall, Polsley, Randall, Rosendale, Sbragia, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Bill passed to foot of file.

Senate Bill No. 903—An Act to amend section six hundred and eleven of the Political Code, relative to the publication of statements of insurance companies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 903 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, March, McDonald, McGowen, Mott, Polsley, Randall, Rodgers of San Francisco, Rosendale, Sbragia, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wyllie, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Bill passed to foot of file.

Senate Bill No. 672—An Act to increase the number of judges of the Superior Court of the county of Kern, and to provide for the appointment of an additional judge.

Bill read third time.

The question being on the passage of the bill.

MEMBER EXCUSED FROM VOTING.

Mr Harlan requested that he be excused from voting on the bill.
Request granted.

The roll was called, and Senate Bill No. 672 refused passage by the following vote:

AYES—Messrs. Beatty, Benedict, Bliss, Callaghan, Clark, Coghlan, Cunningham, Farwell, Feeley, Fitzgerald, Joel, Kennedy, Lyon of San Francisco, Mullally, Rodgers of San Francisco, Ryan, Sbragia, and Smith—18.

NOES—Messrs. Beckett, Bennink, Bishop, Bohnett, Brown, Cattell, Chandler, Cronin, Denegri, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, McDonald, McGowan, Mendenhall, Mott, Polsley, Randall, Rosendale, Rutherford, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—43.

Bill ordered transmitted to the Senate.

SPECIAL ORDERS RESET

On motion, the time for the consideration of Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926a, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

Also: Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

Also: Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges—were reset for March 20, 1911, at three o'clock P. M.

Committee Substitute for Senate Bill No. 1010—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 1010 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 28—An Act to provide for the enlargement and alteration of the State Pathological Laboratory building at Whittier, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 28 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel,

Judson, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Polsley, Randall, Rosendale, Ryan, Slater, Stevenot, Sutherland, Telfer, Wilson, Wyllie, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 37—An Act to provide equipment for the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 37 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Hayes, Held, Hinkle, Hinstaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Polsley, Rosendale, Ryan, Slater, Stevenot, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 212—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill passed on file.

Senate Bill No. 649—An Act making an appropriation for furnishing and equipping two buildings at the Agnews State Hospital.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 649 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Mott, Preisker, Randall, Rosendale, Rutherford, Ryan, Slater, Stevenot, Stuckenbruck, Sutherland, Williams, Wilson, Wyllie, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 914—An Act making an appropriation for compiling, publishing and distributing the revenue laws of the State of California.

Bill passed on file.

Senate Bill No. 966—An Act to provide for the purchase of filing cases in the office of the Department of Engineering and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 966 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Gaylord, Griffin of Modesto, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy,

Lynch, Lyon of Los Angeles, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rosendale, Ryan, Stevenot, Stuckenbruck, Sutherland, Wilson, Wyllie, Young, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1018—An Act to add a new section to an Act entitled “An Act to provide for the improvement of public streets, lanes, alleys, courts and places in municipalities in cases where any damages to private property would result from such improvement and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby,” approved April 21, 1909, to be numbered section twenty-one *a*, relating to the proof of posting and publishing notices.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1018 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Denegri, Feeley, Flint, Gaylord, Griffin of Modesto, Harlan, Held, Hinkle, Hinshaw, Jasper, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Polesley, Preisker, Randall, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1019—An Act to add a new section to an Act entitled “An Act to provide for changing or modifying the grade of public streets, lanes, alleys, courts, or other places within municipalities,” approved April 21, 1909, to be numbered section five *a*.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1019 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Cunningham, Flint, Gaylord, Griffin of Modesto, Harlan, Held, Hinkle, Hinshaw, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Mott, Preisker, Randall, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Sutherland, Williams, Wilson, Young, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 1030—An Act to amend an Act entitled “An Act to provide for the sale of an excess of water when owned by a municipality,” approved March 27, 1897.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 1030 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Cunningham, Denegri, Gaylord, Gerdes, Griffin of Modesto, Hayes, Held, Hinkle, Hinshaw, Jasper, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowen, Mott, Polesley, Preisker, Randall, Rosendale, Ruth-

erford, Ryan, Slater, Smith, Stevenot, Stuckeubruck, Sutherland, Williams, Wilson, Wythe, Young, and Mr. Speaker—44.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 720—An Act to promote the better education of practitioners or nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 720 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Feekey, Flint, Gaylord, Gerdes, Griffin of Modesto, Harlan, Hunkle, Hushaw, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Maher, McGowan, Mendenhall, Mott, Pollock, Preisker, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Wilson, Young, and Mr. Speaker—43
 NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following Assembly concurrent resolution, herewith return the same with the recommendation that the author be permitted to introduce it. The title of said Assembly concurrent resolution is as follows: Assembly Concurrent Resolution relating to adjournment *sine die*.

CHANDLER, Chairman.

Mr. Chandler moved the adoption of the report.

On motion of Mr. Cogswell, the consideration of the report was made a special order for Saturday, March 18, 1911, immediately after the reading of the Journal.

CONSIDERATION OF BILLS OUT OF ORDER.

Mr. Maher, asked for, and was granted unanimous consent to have Senate Bill No. 635 taken up out of order.

Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

During the third reading of the bill Mr. Maher moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 1, page 3, line 62, of the printed bill, after the word "feelers", insert "or any abalone".

Also, In Section 3, page 4, of the printed bill, strike out all of line 11 after the word "trout", and all of lines 12, 13 and 14, down to and including the word "caught".

Motion carried.

The Speaker appointed Mr. Maher as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 635, with instructions, do now report that the instructions of the Assembly have been carried out.

M. VIER, Select Committee.

Report of select committee, and amendments, adopted.

During the further consideration of the bill Mr. Held moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 11a, strike out the word "water", and insert the word "waters".

Also, On page 2, Section 1, line 35, strike out the word "ale", and insert the word "sale".

Also, On page 3, Section 4, line 9, before the word "every", insert the following: "every person who, between the twenty-third day of October and the fifteenth day of November of each year, takes, catches or kills, above tide water, or, who has in his possession taken above tide water, more than one salmon during any one calendar day."

Motion carried.

The Speaker appointed Mr. Held as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 635, with instructions, do now report that the instructions of the Assembly have been carried out.

M. HELD, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, with a rush order, and on file for passage.

Senate Bill No. 276—An Act to amend Section 628b of the Political Code of the State of California, relating to the protection and preservation of fish.

During the third reading of the bill Mr. McGowen moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 4, of the printed bill, strike out the word "June", and insert in lieu thereof the word "May".

Motion carried.

The Speaker appointed Mr. McGowen as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 276, with instructions, do now report that the instructions of the Assembly have been carried out.

M. GOWEN, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

MOTION.

Mr. Ryan moved that the Assembly continue the consideration of Senate File.

Motion lost.

THIRD READING OF BILLS.

Assembly Bill No. 794—An Act to amend Section 599e of the Penal Code of California, relating to the subject of cruelty to animals.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Schmitt moved a call of the House.

Motion carried.

Time, three o'clock and fifty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll

The roll was called, and the following answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Gull, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—59.

The Chief Clerk announced the absentees

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Sbragia, Lyon of Los Angeles, Denegri, Young and Fitzgerald were brought before the bar of the House, and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and ten minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Kehoe

The roll of absentees was called, and bill refused passage by the following vote:

AYES—Messrs. Beckett, Bliss, Callaghan, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Hall, Hayes, Hinkle, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, McGowen, Mendenhall, Preisker, Rosendale, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—37

NOES—Messrs. Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Cogswell, Flint, Gaylord, Gull, Harlan, Held, Hinshaw, Jasper, Kehoe, Lyon of Los Angeles, March, Mott, Polsley, Randall, Rutherford, Schmitt, Slater, and Wyllie—25.

NOTICE OF MOTION TO RECONSIDER.

Mr. Schmitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 794 was this day refused passage.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Mr. Sutherland asked for, and was granted, unanimous consent to have Assembly Constitutional Amendment No. 39 taken up for consideration

Assembly Constitutional Amendment No. 39—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article, a new section, to be numbered twenty-two *a* (22*a*), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

During the consideration of the Assembly constitutional amendment, the following amendments were submitted by Mr. Sutherland:

AMENDMENT No. 1.

Before the word "town", in line 45, of the printed resolution, insert the words "city" or".

Amendment adopted.

AMENDMENT No. 2

In line 46, of the printed resolution, strike out the word "electors", and insert in lieu thereof the words "qualified electors voting thereon".

Amendment adopted.

AMENDMENT No. 3.

In line 54, of the printed resolution, strike out the word "electors", and insert in lieu thereof the words "qualified electors voting thereon".

Amendment adopted.

Assembly constitutional amendment ordered to reprint engrossment, and on file for adoption.

MOTION.

Mr. Bohnett moved that the Assembly return to the consideration of Special Urgency File.

Motion carried.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops and bakeries and for the issuance of licenses for such business and for the sanitary conditions of bakeshops and bakeries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 8 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Butler, Callaghan, Chandler, Cronin, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Guill, Hall, Hayes, Hinkle, Jasper, Judson, Keboc, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—47.

NOES—Messrs. Brown, Gaylord, Held, March, and Wyllie—5

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1093—An Act to amend the Political Code of California, by amending subdivisions 1, 7, 12, 13, 13*a*, and 14 of Section 4267, Article XXXVIII, thereof, relating to salaries and fees of officers of counties of the thirty-eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1093 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Butler, Callaghan, Cattell, Chandler, Cronin, Cunningham, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullaly, Polsley, Preisker, Rodgers of San Francisco, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, and Wyllie—52

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At four o'clock and thirty minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Assembly Bill No. 1582—An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of union high school districts.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 1569—An Act to amend section four thousand two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1569 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, and Wyllie—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1568—An Act to amend section four thousand two hundred and sixty-nine of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1568 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Guill, Hall, Harlan, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, Mendenhall, Mott, Mullally, Polsley, Preisker, Rodgers of San Francisco, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, and Wilson—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1572—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

Bill read second time, and ordered to engrossment, and third reading

Assembly Bill No. 1570—An Act to amend Section 1247 of the Code of Civil Procedure of the State of California, relating to the jurisdiction of courts to regulate the mode of making crossings, or of enjoying a common use.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1570 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Farwell, Fitzgerald, Flint, Guill, Harlan, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyach, Lyon of Los Angeles, Maher, Malone, March, Mendenhall, Mott, Mullally, Paisley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, and Wyllie—45.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Committee Substitute for Assembly Bill No. 287—An Act to provide for the purchase by the State of California of the armory building and wharf located on the bay of San Diego, and making an appropriation therefor

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 287 passed by the following vote:

AYES—Messrs Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Farwell, Fitzgerald, Flint, Gaylord, Guill, Harlan, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, March, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Smith, Stevenot, Stuckenbruck, Williams, and Wyllie—41

NOES—Mr Mullally—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 442—An Act to provide for a state exhibit at the Panama-California Exposition to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition and making an appropriation therefor.

Bill read second time, and ordered to engrossment and third reading

Mr Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem Cattell in the chair.

Senate Bill No. 442 considered

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 442, and do now report the same back, and recommend that it do pass.

CATTELL, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried.

Assembly Bill No. 1580—An Act to amend Section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts.

Bill read second time, and ordered to engrossment and third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1584—An Act to amend Section 1736 of the Political Code of the State of California, relating to the disincorporation of a high school district.

Assembly Bill No. 759—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

Assembly Bill No. 1337—An Act to provide for the regulation of smelters and the maintenance and operation thereof in the State of California, and for the licensing and supervision thereof.

Assembly Bill No. 1168—An Act to add a new section to the Penal Code of the State of California, to be numbered 328a, forbidding the advertisement of any misbranded, mislabeled or adulterated food, liquor, drug, medicine or remedy.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 625—An Act to amend section two thousand nine hundred eighty-two, of the Political Code, relating to the secretary and the assistant to the secretary of the State Board of Health.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 625 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Hall, Harlan, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Smith, Stevenot, Stuckenbruck, Telfer and Williams—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1367—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

During the third reading of the bill Mr. Telfer moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, line 5, strike out the words "of the county of Santa Clara", and after the words "San Bernardino," insert the words "Santa Clara".

Motion carried.

The Speaker appointed Mr. Telfer as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1367, with instructions, do now report that the instructions of the Assembly have been carried out.

TELFER, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint with a rush order, reengrossment, and on file for passage.

Assembly Bill No. 256—An Act to establish a state training school for girls, to provide for the maintenance and management of the same, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 256 passed by the following vote:

AYES—Messrs Beckett, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Farwell, Feeley, Freeman, Gaylord, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rosendale, Ruthcford, Ryan, Smith, Stevenot, Stuckenbruck, Telfer, and Williams—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 3, Section 1, line 60*b*, of the printed bill, after the word "Section", insert the following: "or the furnishing thereof".

Amendment adopted.

AMENDMENT No. 2.

On page 3, Section 1, line 69, of the printed bill, after the semicolon following the word "law", insert the following: "*provided, however,* that when a bond election is held, as provided by law, for any of the aforesaid purposes and said bond election carries then the board may proceed at once in accordance with law to carry out the improvement or work called for in said bond election without calling or holding the election provided for in this section; and."

Amendment adopted.

AMENDMENT No. 3.

On page 3, Section 1, line 69, of the printed bill, after the word "emergency", insert the following: "caused by flood, fire, earthquake, or act of God."

Amendment adopted.

AMENDMENT No. 4.

On page 3, Section 1, line 72, of the printed bill, after the word "without", insert the following: "such election or".

Amendment adopted.

AMENDMENT No. 5.

On page 3, Section 1, line 72, of the printed bill, strike out the period and in lieu thereof insert the following: "the work to be done by day labor under direction of the board or by contract or by a combination of the two; if wholly or in part by contract, the contractor to be paid actual cost of material and labor expended by him in doing the work, plus 15 per cent to cover all profit, supervision, use of machinery and tools and other expenses: *provided*, that no more than the lowest current market prices shall be paid for material."

Amendment adopted.

AMENDMENT No. 6.

On page 3, Section 1, line 73, of the printed bill, strike out the word "offices", and in lieu thereof insert the word "officer".

Amendment adopted.

AMENDMENT No. 7.

On page 5, Section 1, line 133, of the printed bill, strike out the letters "audit", and in lieu thereof insert the word "audit".

Amendment adopted.

AMENDMENT No. 8.

On page 6, Section 1, line 182, of the printed bill, strike out the word "townships", and in lieu thereof insert the word "township".

Amendment adopted.

AMENDMENT No. 9.

On page 6, Section 1, line 187, after the word "records", insert the following: "and indices thereto, that may have been lost, or destroyed by conflagration, public calamity, or otherwise, or".

Amendment adopted.

AMENDMENT No. 10.

On page 6, Section 1, line 188, strike out the word "way".

Amendment adopted.

AMENDMENT No. 11.

On page 7, Section 1, line 201, of the printed bill, strike out the word "the", appearing immediately before the word "state".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Assembly Bill No 1317—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of the county and township officers of counties of the twenty-third class.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 191—An Act to amend section six hundred and thirty-seven *a* of an Act entitled "An Act to amend section six hundred and thirty-seven *a* of the Penal Code of California and to add thereto three new sections to be numbered six hundred and thirty-seven *f*, six hundred and thirty-seven *d*, and six hundred and thirty-seven *e*, all relating to protection of wild birds other than game birds and their nests and eggs." approved April 16, 1909.

On motion of Mr. Stuckenbruck, bill made a special order for eleven o'clock A. M. of Monday, March 20, 1911.

Assembly Bill No. 74—An Act to add a new section to the Code of

Civil Procedure, to be known as Section 730, relating to the publication of notices of sales by trustees under deeds of trust.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 74 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Farwell, Feeley, Flint, Freeman, Gaylord, Hall, Harlan, Held, Hinkle, Hushaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, March, Mendenhall, Mott, Mullally, Polesley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, and Williams—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1011—An Act to amend an Act entitled “An Act to establish a Penal Code,” approved February 14, 1872, by amending Section 1191 thereof, concerning appointing time for judgment.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, of the printed bill, amend the title to read as follows: “An Act to amend section eleven hundred and ninety-one of the Penal Code of the State of California, relating to the time for pronouncing judgment.”

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 1, after the word “Code”, insert the following: “of the State of California”.

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 5, insert a comma after the word “acquittal”.

Amendment adopted.

AMENDMENT No. 4.

On page 1, Section 1, strike out the brackets appearing in lines 5, 6 and 7.

Amendment adopted.

AMENDMENT No. 5.

On page 1, Section 1, line 7, strike out the comma appearing after the word “days”.

Amendment adopted.

AMENDMENT No. 6.

On page 1, Section 1, line 14, strike out the word “but”, and in lieu thereof insert the following “*provided, however, that*”.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Assembly Bill No. 1581—An Act to amend Section 1725 of the Political Code of the State of California, relating to the formation of high school districts.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1585—An Act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district or the exclusion of a school district from a high school district.

Bill read second time, and ordered to engrossment and third reading.

CONSIDERATION OF BILL OUT OF ORDER.

Mr. Cronin asked for, and was granted, unanimous consent to have Assembly Bill No. 1337 taken up out of order.

Assembly Bill No. 1337—An Act to provide for the regulation of smelters and the maintenance and operation thereof in the State of California, and for the licensing and supervision thereof.

During the third reading of the bill Mr. Cronin moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "persons", in line 1, Section 9, page 6, of the printed bill, insert the words "authorized by said State Board of Health".

Motion carried.

The Speaker appointed Mr. Cronin as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1337, with instructions, do now report that the instructions of the Assembly have been carried out.

CRONIN, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint with a rush order, reëngrossment, and on file for passage.

CONSIDERATION OF BILL OUT OF ORDER.

Mr. Chandler asked for, and was granted, unanimous consent to have Assembly Bill No. 759 taken up out of order.

Assembly Bill No. 759—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

During the third reading of the bill, Mr. Chandler moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, line 11, strike out the word "and".

Also: On page 2, line 11, after the word "Sacramento" add the following: "and Amador".

Also: On page 3, line 31, after the word "result", add the following: "as such classification".

Also: On page 3, Section 5, lines 1 and 2, after the word "continue", add the following: "in force under the provisions of this Act".

Also: On page 5, Section 9, line 5, after the word "and", add the following: "except to bona fide exhibitors and accredited newspaper correspondents".

Also: On page 5, Section 9, line 5, after the word "and," add the following: "all".

Motion carried.

The Speaker appointed Mr. Chandler as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 759, with instructions, do now report that the instructions of the Assembly have been carried out.

CHANDLER, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, with a rush order, to reëngrossment, and on file for passage.

CONSIDERATION OF BILL OUT OF ORDER.

Mr. Bishop asked for and was granted, unanimous consent to have Assembly Bill No. 1373 taken up out of order.

Assembly Bill No. 1373—An Act to add two new sections to the Penal Code of the State of California, to be numbered Section 626^r and 626^q.

During the third reading of the bill, Mr. Bishop moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 3, of the title, after the figures 626, where they first appear in said line 3, strike out the letter "r", and insert the letter "q", also after the figures "626" where they next appear in said line 3, strike out the letter "q", and insert "r".

Also: In line 2, Section 1, page 1, of said amended bill, after "626", strike out "r", and insert "q".

Also: In line 3, Section 1, page 1, of said amended bill, after the figures "626", strike out "q", and insert "r".

Also: In line 4, page 1, after the figures "626", strike out "r", and insert "q".
Also: In line 11, page 1, of the printed bill, after the figures, "626", strike out the letter "q", and insert "r".

Motion carried.

The Speaker appointed Mr. Bishop as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1373, with instructions, do now report that the instructions of the Assembly have been carried out.

BISHOP, Select Committee.

Report of select committee and amendments adopted.

Bill ordered to reprint, with a rush order, reëngrossment, and on file for passage.

ADJOURNMENT.

At five o'clock and fifteen minutes P. M., on motion of Mr. Cronin, the Assembly was declared adjourned until ten o'clock A. M. of Saturday, March 18, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.)

Saturday, March 18, 1911.)

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghill, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinchshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preiskei, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—73.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Hayes, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Kennedy, Mr. Daniel A. Ryan was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Williams, Mr. M. Scanavino was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Denegri, Messrs. J. Rogers, Chas. Wollow, and Herbert Turner were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Mr. G. C. M. Egan was granted the privilege of the floor of the Assembly for this day.

LEAVES OF ABSENCE.

On motion of Mr. Ryan, leave of absence was granted Messrs. Gerdes, Mullally, and Schmitt for the day.

Mr. Clark asked for, and was granted, leave of absence for the day.

Mr. Butler asked for, and was granted, leave of absence until eleven o'clock A. M. of Monday, March 20, 1911.

SPECIAL ORDER.

The reading of the Journal having been dispensed with, the special order heretofore set for this time was taken up for consideration.

The question being on the adoption of the following report of standing committee:

ON INTRODUCTION OF BILLS

MR. SPEAKER. Your Committee on Introduction of Bills, to whom was referred the following Assembly concurrent resolution, herewith return the same with the recommendation that the author be permitted to introduce it. The title of said Assembly concurrent resolution is as follows: Assembly concurrent resolution relating to adjournment *sine die*

CHANDLER, Chairman.

On motion of Mr. Bohnett, consideration of report continued until three o'clock and thirty minutes P. M. of Monday, March 20, 1911.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Assembly Bill No. 420—An Act appropriating money for the purchase of a stand-pipe and water pipes to repipe grounds and buildings of the Whittier State School.

Also Assembly Bill No. 421—An Act appropriating money to be used in the purchase of a new range and new equipment in kitchen, boys' department of the Whittier State School.

Also Assembly Bill No. 422—An Act to appropriate money to be expended in the erection and equipment of a dairy barn on the grounds of the Whittier State School.

Also Assembly Bill No. 423—An Act appropriating money to be expended in the erection and equipment of a hospital building on the grounds of the Whittier State School.

Also Assembly Bill No. 428—An Act appropriating money for the purpose of building one cottage for the Whittier State School.

Also Assembly Bill No. 430—An Act to appropriate money for repairs on the main building of the Whittier State School.

Also Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Also Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor.

Also Senate Bill No. 347—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Also Senate Bill No. 1160—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park in Santa Cruz County, California, and making an appropriation therefor—which have been re-referred to us from other committees.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 200—An Act to establish the California state reformatory, to provide for purchase of land therefor; and the construction of buildings and other improvements in connection therewith, to provide for the commitment and transfer of prisoners thereto and therefrom, to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Also Assembly Bill No. 742—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Also Assembly Bill No. 1455—An Act to amend sections one, two, three, and four and to repeal sections four and one half and five of an Act entitled "An Act to create a drainage district to be called, Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district," approved April 21, 1909, and to add one new section to said Act to be numbered six—which have been re-referred to us from other committees.

Have had the same under consideration, and respectfully report the same back with amendments, and recommend that they do pass as amended.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 427—An Act to appropriate money to be expended in the purchase of furniture for one cottage of the Whittier State School—have had the same under consideration and respectfully report the same back with amendments, and recommend that it do pass as amended.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. SPEAKER Your Committee on Ways and Means, to whom was referred Assembly Bill No. 424—An Act appropriating money to pay the traveling and necessary expenses and salary of a parole officer for the Whittier State School.

Also Assembly Bill No. 425—An Act appropriating money for the purchase of tools and machinery for the trades of the Whittier State School.

Also Assembly Bill No. 426—An Act to appropriate money for a new electric light plant for the Whittier State School.

Also Assembly Bill No. 429—An Act to appropriate money for the purchase of books and periodicals for the Whittier State School.

Also Assembly Bill No. 431—An Act to appropriate money to be used in the purchase of furniture for the main building of the Whittier State School.

Also Assembly Bill No. 432—An Act appropriating money to be used in the purchase of a boiler for the Whittier State School.

Also Assembly Bill No. 874—An Act making an appropriation of twenty thousand dollars for the purpose of paying the premium on bonds of state officials, as provided to be paid in an Act entitled "An Act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903, and to reimburse those who have paid premiums on surety bonds of state officials since said Act has been in effect.

Also: Senate Bill No. 155—An Act appropriating money for the erection of a hospital building at the Preston School of Industry.

Also: Senate Bill No. 502—An Act authorizing and naming the permanent employees of the State Agricultural Society, fixing their compensation, and providing how extra help may be employed and paid.

Also: Senate Bill No. 1234—An Act to appropriate money for the purchase of standards of weights and measures and to test and correct standards of weights and measures belonging to the State of California.

Also: Senate Bill No. 1243—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

FLINT, Chairman.

The above reported bill ordered on file for second reading.

ON INSURANCE AND INSURANCE LAWS

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Senate Bill No. 887—An Act to amend Section 1551 of the Code of Civil Procedure, relating to the manner of securing the purchase money upon sales of real property by executors or administrators on credit—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

CALLAGHAN, Chairman.

The above reported bill ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 1035—An Act to make appropriations for the continuation of the location, survey and construction of a state highway from a point known as the Mt Pleasant Ranch on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to the Committee on Ways and Means.

CHANDLER, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 1014—An Act to amend Section 4233 of the Political

Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts has had the enclosed matter under consideration, and begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of eight hundred and seventy-four dollars and thirty-two cents (\$874.32) in favor of Ed H. Whyte, Sergeant-at-Arms of the Assembly, the same being for the payment of the following bills attached:

Siller Bros. -----	\$5 00
Capital Paint Co. -----	95
Bradley Carriage and Auto Livery Co. -----	4 20
F. Y. Madely -----	2 50
Western Union Telegraph Co. -----	13 70
Brown & Power -----	388 60
Underwood Typewriter Co. -----	24 25
M. H. Ebel -----	3 00
E. H. Whyte -----	14 60
Walsh, Richardson Co. -----	3 00
Pacific Telephone and Telegraph Co. -----	53 57
John Brenner Co. -----	19 50
Capital Furniture Manufacturing Co. -----	4 75
Whiskey Hill Water Co. -----	72 00
Fred Warren Transfer Co. -----	11 50
Henry E. Sleeper & Co. -----	16 00
Mrs. C. McCall -----	39 00
Wahl Stationery Co. -----	126 20
McDowell & Harding -----	57 00
Ralph A. Sollars -----	3 00
Lyman Hatford -----	3 00
James Price -----	3 00
Grace Loomis -----	3 00
Marian Brown -----	3 00
Total -----	\$874 32

STEVENOT, Chairman

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Cunningham, Denegri, Fairwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Keboe, Kennedy, Lamb, Lynch, Maher, Mott, Randall, Rogers of Alameda, Rosendale, Ryan, Slater, Stevenot, Walker, Wilson, Willie and Mr. Speaker—43

NOES—None.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER, I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

The above bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused to recede from its amendment to Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force, relating to estrays, approved March 23, 1901"—and has appointed a Committee on Conference, consisting of Senators Shannahan, Cutten, and Juhlhard, to consider said amendment.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of Messrs. Stevenot, Wilson, and Kehoe a committee on conference, to meet with a like committee from the Senate to consider Senate amendment to Assembly Bill No. 643.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following

Senate Bill No. 941—An Act to amend Section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class

Also Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the Sonoma State Home, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children and of convicts in the state prisons," approved April 26, 1909.

Also Senate Bill No. 118—An Act to amend section three thousand six hundred and fifty-five of the Political Code, relating to the duties of county assessors.

Also Senate Bill No. 1099—An Act to amend section three hundred and fifty-two of the Political Code, relating to the State Board of Equalization.

Also Senate Bill No. 1138—An Act to amend Sections 1240, 1241, 1247 and 1248 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

Also Senate Bill No. 1101—An Act to amend Section 3570 of the Political Code, relating to the abandonment or relinquishment of state lands embraced in certificates of purchase, by conveyance of title by the owner of the lands, to the State of California.

Also Senate Bill No. 1184—An Act to amend Section 4 of an Act approved March 26, 1895, entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State" as amended March 20, 1897, as amended March 23, 1901, as amended March 20, 1903, as amended March 11, 1909.

Also Senate Bill No. 303—An Act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures or advertisements on or upon property of the State of California, or on or upon property of any city, city and county or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures or advertisements upon property of any person or private corporation without consent in writing therefor having been first obtained, and providing a penalty for the violation of the provisions of this Act, and declaring such signs, mechanical devices, transparencies, pictures and advertisements to be a public nuisance.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

Also, Senate Bill No. 1027—An Act appropriating money to pay the claim of J. W. Kavanaugh against the State of California.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 941 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 959 read first time, and referred to Committee on Medical and Dental Laws.

Senate Bill No. 118 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1099 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 1138 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1101 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1184 read first time, and referred to Committee on Education.

Senate Bill No. 303 read first time, and referred to Committee on Public Buildings and Grounds.

Senate Bill No. 657 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1027 read first time, and referred to Committee on Claims.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 960—An Act creating a bureau of building and loan supervision; providing for the appointment of an administration official therefor to be known as the Building and Loan Commissioner; prescribing his duties, powers and compensation; providing for a secretary, his powers and compensation, providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses of the Bureau of Building and Loan Supervision; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioner, repealing an Act approved March 21, 1905, entitled "An Act creating a bureau of building and loan supervision, providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners; prescribing their duties, powers and compensation, providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the Attorney General, providing for involuntary liquidation by trustees, and proceedings in connection therewith, providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners, providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith; also repealing an Act approved March 23, 1907, entitled "An Act to amend section sixteen (16) of an Act entitled "An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners, prescribing their duties, powers and compensation, providing for a secretary, his powers and compensation, providing for the rental of offices for the use of the bureau and for traveling and office expenses, providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsafe practices are found to exist or are reported by the commissioners to the Attorney Gen-

eral; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to and providing for reports to Building and Loan Commissioners and the publication thereof; also repealing an Act approved March 20, 1909, entitled "An Act to amend Sections 3 and 11 of an Act entitled 'An Act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the Building and Loan Commissioners, prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation, providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting license fees necessary to meet the salaries and other expenses, providing a course of procedure where violations of law, or unsate practices are found to exist or are reported by the commissioner to the Attorney General; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the commissioners; providing for succession in office, and repealing all Acts and parts of Acts in conflict herewith," approved March 21, 1905, relating to the powers and duties and salaries of the State Building and Loan Commissioners

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day receded from its second amendment to Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants on owner's death in certain cases—in which the Assembly refused to concur.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 16, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on March 14, 1911, amended, and on this day adopted as amended Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California, an amendment to section twenty-two of article twelve of the Constitution of the State of California creating a railroad commission and defining its powers and duties—and respectfully request your honorable body to concur in the amendment thereto.

WALTER N. PARRISH, Secretary of Senate
By W. H. WRIGHT, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Constitutional Amendment No. 6?"

On page 4, Section 1, line 81 strike out the period after the word "herewith", and insert in lieu thereof the following: A comma and add the following "except that the three commissioners referred to in said Act, shall be held and continued to be the five commissioners provided for herein"

The roll was called, and Senate amendment to Assembly Constitutional Amendment No. 6 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennuk, Bishop, Bohnett, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Gull, Hall, Harlan, Hayes, Hiickle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Polslev, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—57.

NOES—None.

Assembly constitutional amendment ordered to enrollment.

WITHDRAWAL OF BILLS.

Mr. Beckett asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 154, 155, 157, and 158.

Bills withdrawn and ordered stricken from the file.

SPECIAL ORDER SET.

On motion of Mr. Joel, the consideration of Senate Constitutional Amendment No. 13, was made a special order for Monday, March 20, 1911, at two o'clock P. M.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Coghlan moved that the vote whereby Assembly Bill No. 794 was refused passage be reconsidered.

On motion of Mr. Coghlan, consideration of motion continued until next legislative day.

WITHDRAWAL OF BILLS.

Mr. Cogswell asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, and 432.

Bills withdrawn and ordered stricken from the file.

BILL RECALLED FROM COMMITTEE.

On motion of Mr. Bohnett, Assembly Bill No. 877 was recalled from Committee on Engrossed and Enrolled Bills for the purpose of amendment.

RE-REFERENCE OF BILL.

On motion of Mr. Harlan, Senate Bill No. 941—An Act to amend Section 4258 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-ninth class—was recalled from the Committee on County and Township Governments, and referred to Committee on Engrossed and Enrolled Bills.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENTS.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

Senate constitutional amendment passed to foot of file.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

Senate constitutional amendment passed to foot of file.

Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XIX, relating to term of office.

The question being on the adoption of Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 45 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—55.

NOES—Messrs. Brown, Cunningham, Denegri, Maher, March, McDonald, and Walker—7.

Senate constitutional amendment ordered transmitted to the Senate.

THIRD READING OF BILLS.

Assembly Bill No. 24—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed to foot of file.

Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed to foot of file.

Assembly Bill No. 47—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 47 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hinkle, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Smith, Stevenot, Stuckenbruck, Telfer, Walker, Williams, Wyllie, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road, a state highway.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1165 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Brown, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Harlan, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Shragia, Slater, Smith, Stevenot, Stuckenbruck, Walker, Williams, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

Bill passed on file.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights.

Assembly constitutional amendment passed on file

Assembly Bill No. 65—An Act to provide an appropriation for the erection of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed on file.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital.

Bill passed on file.

Assembly Bill No. 66—An Act to provide appropriation for the erection of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed on file.

SECOND READING OF BILL.

Assembly Bill No. 534—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.

Bill read second time, and ordered to engrossment and third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment, have examined the following Assembly bills:

Assembly Bill No. 1326—An Act to amend Sections 593, 598, 603 and 604 of the Civil Code, and to repeal Section 594, all relating to religious, social and benevolent corporations

Assembly Bill No. 1182—An Act to amend Section 443 of the Political Code of the State of California and to add a new section thereto to be numbered 462

Assembly Bill No. 1179—An Act to amend section twenty-nine hundred and sixty-nine of the Civil Code of the State of California, relating to limitation of rights of officers to levy on mortgaged personal property.

Assembly Bill No. 1589—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof, for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

Assembly Bill No. 1176—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Committee Substitute for Assembly Bill No. 1074—An Act to amend Section 4243

of the Political Code of the State of California, providing for the salaries and fees of jurors and public officers in counties of the fourteenth class.

Assembly Bill No. 111—An Act to amend Section 4242 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirteenth class

Assembly Bill No. 1582—An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of union high school districts

Assembly Bill No. 1572—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of said city.

Assembly Bill No. 1580—An Act to amend Section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts

Assembly Bill No. 1047—An Act to amend Section 4231 of the Political Code of the State of California, relating to the compensation of officers of counties of the first class, their clerks, deputies and assistants

And report that the same have been correctly engrossed

RANDALL, Chairman.

SPECIAL URGENCY FILE.

Assembly Bill No. 822—An Act to regulate the sale of intoxicating liquors in the State of California by the prohibition of treating and to provide a penalty for the violation thereof.

During the third reading of the bill Mr. Polsley moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 1. of the title, strike out the words "to regulate", and insert in lieu thereof the words "Relating to the regulation of".

Also In line 3. of the title, strike out all after the word "thereof", and strike out all of line 4 of the title, and insert in lieu thereof the following "and to amend the Penal Code of the State of California by adding a new section thereto to be known as Section 397c"

Also At the beginning of line 3, Section 1, of the amended printed bill, page 1, before the words "The owner", insert the words "Section 397c".

Also In lines 5 and 6, page 1, of the amended printed bill, strike out the words "within the bar of such saloon", and insert in lieu thereof the word "therein".

Also In line 1, Section 2, page 1, of the amended printed bill, strike out the words "SEC 2."

Also In line 2, Section 2, page 1, of the amended printed bill, strike out the letter "s" after the word "place".

Also In line 1, Section 3, page 2, of the printed bill, strike out the word "SEC. 3."

Also: In line 5, Section 3, page 2, of the amended printed bill, after the word "misdemeanor", insert the words "and upon conviction thereof shall be".

Also In line 7, Section 3, page 2, of the printed bill, strike out the words "for not to exceed", and insert in lieu thereof the word "not exceeding".

Motion carried.

The Speaker appointed Mr. Polsley as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Assembly Bill No 822, with instructions, do now report that the instructions of the Assembly have been carried out.

POLSLEY, Select Committee.

Report of select committee, and amendments, adopted

Bill ordered to reprint, reengrossment, and on file for passage.

Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, structures and equipment of the California Polytechnic School.

Bill read second time, and ordered on file for third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 95 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 95, and do now report the same back, and recommend that it do pass

HEWITT, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried.

Assembly Bill No. 1583—An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1584—An Act to amend Section 1736 of the Political Code of the State of California, relating to the disincorporation of a high school district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1584 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Feeley, Flint, Gaylord, Harlan, Hinkle, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Rosendale, Rutherford, Ryan, Sbragia, Stuckenbruck, Telfer, Walker, Williams, Wilson, Willie, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1123—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 988—An Act to authorize cities of the first and one half class to have and exercise jurisdiction in certain cases outside of their territorial limits.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1326—An Act to amend Sections 593, 598, 603, and 604 of the Civil Code, and to repeal Section 594, all relating to religious, social, and benevolent corporations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1326 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hall, Harlan, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, McGowen, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, and Mr. Speaker—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1179—An Act to amend section twenty-nine hundred and sixty-nine of the Civil Code of the State of California, relating to limitation of rights of officers to levy on mortgaged personal property.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1179 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Feelev, Fitzgerald, Flint, Freeman, Griffiths, Guill, Hall, Harlan, Held, Hinkle, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 990—An Act to add a new section to the Code of Civil Procedure, to be numbered section one thousand two hundred forty-eight *a*, relating to the removal or relocation of railroad, street and interurban railway tracks situated on lands or rights of way taken for road, highway, boulevard, street or alley purposes, under the right of eminent domain, and to compensation for such removal or relocation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Seannell and Dennis Sullivan shall be borne and paid by the State of California.

During the third reading of the bill, Mr. Coghlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 1, line 5, page 1, of the printed bill, after the word "Francisco", insert the following: "which shall not exceed in the aggregate the sum of fifty thousand dollars per annum and"

Also: Strike out all of Section 2, after the word "account", in line 8

Also Add two new sections to the bill, to be numbered Section 3 and Section 4, Section 3 to read as follows:

SEC. 3 There is hereby appropriated out of the General Fund in the state treasury the sum of one hundred thousand dollars to be expended in the manner herein specified.

Section 4 to read as follows.

SEC. 4. The Controller of State is hereby authorized and directed to draw his warrant in favor of the city and county of San Francisco, each month for the amount audited by the State Board of Examiners, and the Treasurer is directed to pay the same.

Also: Amend the title by adding thereto after the words "state treasury", the words "and making an appropriation therefor"

Motion carried.

The Speaker appointed Mr. Coghlan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read :

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1571, with instructions, do now report that the instructions of the Assembly have been carried out.

COGHLAN, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Assembly Bill No. 268—An Act to appropriate money for the purchase of the Big Oak Flat and Yosemite turnpike toll road, leading from Big Oak Flat in Tuolumne County to Yosemite Valley.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 268 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lvuch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wilson, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Benedict gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 45 was this day adopted.

Assembly Bill No. 395—An Act to amend Section 1f of an Act entitled "An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the State, county, city and county, or incorporated city or town government in this State, approved March 23, 1901, relating to the employment of citizens of the United States.

During second reading of bill, the following amendment was submitted by the committee:

After the comma in line 8. of the printed bill, insert the following: "or a person who has declared his intention to become such citizen".

The question being on the adoption of the amendment.

Roll call regularly demanded.

The roll was called, and amendment adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Cattell, Chandler, Clark, Cogswell, Cronin, Flint, Freeman, Griffiths, Guill, Harlan, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Maher, McGowen, Mendenhall, Polsley, Preisker, Rosendale, Slater, Stevenot, Sutherland, Walker, Wilson, Wyllie, and Mr. Speaker—38.

NOES—Messrs. Beatty, Brown, Callaghan, Coghlan, Crosby, Cunningham, Feeley, Fitzgerald, Hall, Hayes, Hinkle, Kennedy, Lyon of San Francisco, Malone, March, McDonald, Mott, Rogers of Alameda, Rutherford, Ryan, Sbragia, Smith, Stuckenbruck, Telfer, and Williams—25.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 802—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4043a, relating to indexes of county records.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 802 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Polsley, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wyllie, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 987—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Bill read second time, and ordered to third reading.

Assembly Bill No. 1582—An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of union high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1582 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Callaghan, Cattell, Chandler, Cronin, Cunningham, Feeley, Flint, Freeman, Gaylord, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lamb, Lynch, Maher, Malone, McDonald, Mendenhall, Mott, Polsley, Preisker, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1012—An Act to prohibit the use of nets, seines, traps, or weirs in Sacramento Slough, in the county of Sutter.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1012 passed by the following vote:

AYES—Messrs. Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Cogswell, Cronin, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Walker, Williams, Wilson, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1572—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

During the third reading of the bill Mr. Hinshaw moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, of the printed bill, strike out all of Section 1, and insert in lieu thereof the following:

"SECTION 1 There is hereby granted to the city of Long Beach, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said State by virtue of its sovereignty, in and to all tide lands and submerged lands, whether filled or unfilled, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific Ocean, or of any harbor, estuary, bay or inlet within said boundaries to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city, and by its successors, solely for the establishment, improvement and conduct of a harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and for such other purposes as by the proper authorities of said city may be adjudged to be to the benefit, advantage and in the interest of the inhabitants of said city, and said city, or its successors, shall not, at any time grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever, *provided*, that said city, or its successors, may grant franchises thereon, for limited periods, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor.

(b) That said harbor shall be improved by said city without expense to the State, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge all wharves, docks, piers, slips, quays and other improvements constructed on said lands or any part thereof, for any vessel or other water craft, or railroad owned or operated by the State of California.

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city, or by its successors:

Reserving, however, in the people of the State of California, the absolute right to fish in the waters of said harbor, with the right of convenient access to said waters over said lands for said purposes."

Motion carried.

The Speaker appointed Mr. Hinshaw as such select committee

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1572, with instructions, do now report that the instructions of the Assembly have been carried out

HINSHAW, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 1176—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1176 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Callaghan, Cattell, Chandler, Cronin, Denegri, Feeley, Fitzgerald, Flint, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, March, McDonald, Mendenhall, Mott, Polesy, Preisker, Rogers of Alameda, Rosen-

dale, Ryan, Slater, Smith, Stevenot, Sutherland, Williams, Wilson, Wyllie, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 442—An Act to provide for a state exhibit at the Panama-California Exposition to be held in San Diego, California in 1915, to celebrate the completion of the Panama Canal and providing for the erection of necessary buildings therefor; creating a commission to have charge and control of said exhibition and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 442 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Callaghan, Cattell, Clark, Cogswell, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Guill, Hall, Hayes, Held, Hinkle, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, Mendenhall, Mott, Preisker, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1580—An Act to amend Section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1580 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Guill, Hayes, Held, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Rosendale, Ryan, Smith, Stevenot, Walker, Wilson, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1333—An Act to amend Section 6260 of the Penal Code, relating to shooting from moving boats.

HOURLY RECESS EXTENDED.

On motion of Mr. Bohnett, the hour of recess was extended until the bill under consideration was disposed of.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1333 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Denegri, Fitzgerald, Freeman, Gaylord, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowan, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan,

Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wilson, and Wylbe—48.

NOES—Messrs Crosby, Cunningham, Feelev, Flint, Griffiths, Harlan, Jasper, Jones, Kehoe, Lynch, March, Mott, Rutherford, and Mr. Speaker—14.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and forty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 774—An Act providing for the time of payment of wages.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 774 passed by the following vote:

AYES—Messrs Beckett, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, McGowen, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Walker, Wilson, and Mr. Speaker—42

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 585 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Clark, Cronin, Crosby, Farwell, Freeman, Gaylord, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Walker, Wilson, and Mr. Speaker—43

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 212—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Bill dropped from file.

Senate Bill No. 914—An Act making an appropriation for compiling, publishing and distributing the revenue laws of the State of California. Bill dropped from file.

Senate Bill No. 251—An Act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 251 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Farwell, Flint, Griffin of Modesto, Griffiths, Guill, Hall, Harlau, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, McDonald, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Sbrazia, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Williams, Wilson, and Mr Speaker—48

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 953—An Act to amend the Penal Code of California by adding new sections thereto, to be numbered 270*d*, 270*e* and 273*h*, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove and the punishment of such offenses

During the third reading of the bill Mr. Rogers of Alameda moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 1, line 16, strike out the word "and" where it last appears in said line.

Also On page 2, Section 1, line 17, strike out the words "compellable witness"; also strike out "relevant", and insert in lieu thereof the word "relevant"

Also On page 2, Section 1, line 29, strike out the word "shall" where it first appears, and insert in lieu thereof the word "may".

Motion carried.

The Speaker appointed Mr Rogers of Alameda as such select committee

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Senate Bill No. 953, with instructions, do now report that the instructions of the Assembly have been carried out.

ROGERS of Alameda, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 490—An Act to amend Section 4305 of the Political Code of the State of California, relating to the salary fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 490 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Farwell, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper,

Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Williams, Wilson, and Mr Speaker—53
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 770—An Act to enable the board of supervisors of any county or city and county in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county or city and county and of all kindred or allied patriotic organizations

Bill passed on file.

Senate Bill No. 940—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, 124 and 121 thereof, and by adding new Sections 12a, 52, 53, and 84 thereto.

Bill passed on file.

Senate Bill No. 688—An Act to amend Section 1550 of the Political Code of the State of California, relating to the compensation of deputy school superintendent of any city, or city and county, as prescribed by the board of education thereof.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 688 passed by the following vote

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Cattell, Cronin, Cunningham, Farwell, Flint, Freeman, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Walker, Williams, Wilson, and Wyllie—43
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and thirty minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Senate Bill No. 372—An Act to amend section six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Bill passed on file

Senate Bill No. 350—An Act to amend Sections 626 and 631 of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

Bill passed on file

Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the

State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof." (approved March 21, 1907).

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 475 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Callaghan, Cattell, Clark, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Harlan, Hayes, Hinkle, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Mott, Preisker, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Stevenot, Sutherland, Telfer, Walker, Williams, Wilson, and Wyllie—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California to be numbered Section 635½, relating to the protection and preservation of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 945 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Callaghan, Cattell, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, McDonald, McGowen, Mott, Polesley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, and Wyllie—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 743—An Act to add three new sections to the Penal Code of the State of California, to be numbered Sections 630, 630a and 630b, regulating the business of wholesale dealers in fish and in wild game and animals and providing for a record of transactions therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 743 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Callaghan, Cattell, Cronin, Crosby, Cunningham, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Harlan, Held, Hinkle, Joel, Judson, Kennedy, Lynch, Maher, McDonald, McGowen, Mendenhall, Mott, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Sutherland, Telfer, Walker, Williams, Wilson, and Wyllie—43.

NOES—Messrs Farwell, Kehoe, Lamb, and Lyon of Los Angeles—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 742—An Act to regulate the vocation of dealing in fish and in wild game and animals by wholesale for profit and to provide therefrom revenue for the propagation and restoration of fish and game in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 742 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Callaghan, Cattell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lynch, Maher, McDonald, McGowen, Mendenhall, Mott, Preisker, Rogers of Alameda, Rutherford, Ryan, Slater, Sutherland, Walker, Williams, Wilson, and Wyllie—41.

NOES—Messrs. Bohnett, Held, Kehoe, Lamb, Lyon of Los Angeles, and Stuckenbruck—6.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches and other places and providing for the punishment for violation of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1063 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Cattell, Cronin, Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Maher, March, McDonald, McGowen, Mendenhall, Mott, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Wilson, and Wyllie—42.

NOES—Messrs. Hinshaw, Lyon of Los Angeles, and Polesley—3.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICES OF MOTION TO RECONSIDER

Mr. Beatty gave notice that on the next legislative day he would move a reconsideration of the votes whereby Senate Bills Nos. 743 and 742 were this day passed.

Mr. Kehoe gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1063 was this day passed.

Senate Bill No. 1176—An Act to amend Section 648a of the Civil Code, relative to building and loan associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1176 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Cattell, Cronin, Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Maher, March, McDonald, McGowen, Mendenhall, Mott, Preisker, Rogers of Alameda, Rutherford, Ryan, Slater, Stevenot, Sutherland, Walker, Williams, and Wyllie—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

Bill passed on file.

Senate Concurrent Resolution No. 18—Inviting the National Encampment of the Grand Army of the United States to hold its forty-sixth annual encampment in the city of Los Angeles, California.

The question being on the adoption of Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 18 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Callaghan, Cattell, Cronin, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, and Wylie—48.

NOES—None

Senate concurrent resolution ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 18

Inviting the National Encampment of the Grand Army of the United States to hold its forty-sixth annual encampment in the city of Los Angeles, California.

WHEREAS, The Grand Army of the Republic, representing and composed of the survivors of the great army of the Union which fought the battles for the integrity of the republic from 1861 to 1865, has, during its forty-five years of existence, held its annual encampments but twice on the Pacific coast, viz. San Francisco in 1886, and again in San Francisco in 1903, and

WHEREAS, The people of the State of California are desirous of again seeing this gallant body of men, once the flower of the youth and manly strength of the country, now well advanced in years, as the guests of the State of California, that its people may be enabled to extend to them the hospitality of highly honored guests, and that the children of the State may have the opportunity of seeing those who have been spared of that grand army, thereby inciting them to an increased reverence to the principles of patriotism which a passing through our streets under the tattered battle flags of a half century ago can not fail to inspire, and

WHEREAS, An invitation was extended by the Governor and the State Legislature to the National Encampment of the Grand Army of the Republic to hold its session in Los Angeles in 1911, but in the wisdom of the National Encampment it was found impossible to accept this invitation for that year; and

WHEREAS, The three Grand Army posts of Los Angeles—Bartlett-Logan No. 6, Stanton No. 55, and Kenesaw No. 106, and the Department of California and Nevada, G. A. R., through its council of administration, have renewed their invitation to the Grand Army to hold its forty-sixth National Encampment in Los Angeles in 1912.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring therein), That the forty-sixth National Encampment of the Grand Army of the Republic be, and is hereby, invited to hold its annual encampment in the year 1912 in the city of Los Angeles, State of California.

Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act, which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto.

Bill passed on file.

Senate Bill No. 97—An Act to amend Section 848 of the Code of Civil Procedure of the State of California.

Bill passed on file.

NOTICE OF MOTION TO RECONSIDER.

Mr. Fitzgerald gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1176 was this day passed.

Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure to be known and designated as Section 604, relating to the payment of juror's and reporter's fees in actions other than criminal.

Bill passed on file.

Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Bill passed on file.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Bill passed on file.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill passed on file.

Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489, and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475, and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Bill passed on file.

Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j, and 4225k, all relating to county boards of health and sanitary inspectors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 182 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Cronin, Farwell, Flint, Freeman, Griffiths, Guill, Hayes, Held, Hinkle, Joel, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGoewn, Mendenhall, Polsley, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, and Wyllie—43.

NOES—Messrs. Cunningham and Hinshaw—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrances for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Bill passed on file.

Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Bill passed on file.

SPEAKER HEWITT IN THE CHAIR.

At three o'clock and twenty minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

SECOND READING OF SENATE BILLS.

Senate Bill No. 1031—An Act appropriating money for the display in the State Capitol of certain colors, flags, guidons, and standards carried by California soldiers in certain wars and active service.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 4, Section 2, line 10, of the printed bill as amended, strike out the words "Railroad Young Men's Christian Associations", and insert in lieu thereof the following: "railroad men's religious associations, to executive officers, organizers or agents of railroad employees' mutual benefit associations giving the greater portion of their time to the work of any such association,".

Amendment adopted.

AMENDMENT No. 2.

On page 4, Section 2, line 14, of the printed bill, as amended, after the word "research" insert a comma.

Amendment adopted.

AMENDMENT No. 3.

On page 4, Section 2, line 18, of the printed bill as amended, after the word "business" insert a comma.

Amendment adopted.

AMENDMENT No. 4.

On page 4, Section 2, line 19, of the printed bill as amended, after the word "State" insert a comma.

Amendment adopted.

AMENDMENT No. 5.

On page 4, Section 2, line 19, of the printed bill as amended, after the semicolon following the word "commission", insert the following: "to hotel employees of season resort hotels, when authorized by the commission";.

Amendment adopted.

AMENDMENT No. 6.

On page 4, Section 2, line 29, of the printed bill as amended, after the word "customs", insert the following: "officers and".

Amendment adopted.

AMENDMENT No. 7.

On page 5, Section 2, lines 40, 41, and 42, of the printed bill as amended, strike out the following: "subject to this Act or to the Acts of the Congress of the United States regulating interstate commerce."

Amendment adopted.

AMENDMENT No. 8.

On page 6, Section 2, line 92, of the printed bill as amended, strike out after the word "proprietors" the comma, and the word "stockholders".

Amendment adopted.

Also:

By Mr. Bohnett:

AMENDMENT No. 1.

Amend by inserting in Section 37, page 4, line 16, after the word "mercantile", the following: "or promotion".

Amendment adopted.

AMENDMENT No. 2.

On line 16, page 4, after the word "bodies", insert a comma and the words "to managers of hotels and resorts".

Amendment lost.

Bill read second time, ordered to reprint, and on file for third reading
Senate Bill No. 401—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal Section 17 of an Act approved March 4, 1897, entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all Acts and parts of Acts inconsistent with this Act.

Bill passed on file.

Senate Bill No. 1250—An Act to regulate the public service of stallions and jacks in the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 439—An Act to amend Section 4238 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the ninth class, and to the number, appointment and salaries of their assistants and deputies.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 416—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 502—An Act to add a new section to the Penal Code of the State of California to be numbered Section 367*d*, defining certain misdemeanors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 589—An Act to amend Section 292 of the Code of Civil Procedure of the State of California so as to provide for service by publication of a citation requiring the accused to answer in proceedings for the removal or suspension of attorneys and counselors at law.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 590—An Act to amend Section 287 of the Code of Civil Procedure of the State of California, relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1194—An Act to amend Section 199 of the Penal Code of the State of California, relating to the competency of jurors.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 2, line 2, of the printed bill, strike out the words "one year", and insert in lieu thereof the following: "sixty days".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 563—An Act providing for the erection of a grand stand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 566—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California,

a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 599—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 626—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the state registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California, to be known as number two thousand nine hundred eighty-two, providing for an engineer inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 933—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522a, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1235—An Act making an appropriation for furnishing and equipping the Exposition building at Los Angeles.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 61—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof: and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, of the printed bill, in the first line of the title, strike out number "3", and add after the number "4", the numbers "5" and "6", and also insert between the numbers "7" and "13", the numbers "8" and "9", and also strike out the number "15".

Amendment adopted.

AMENDMENT No. 2.

On pages 1 and 2. of the printed bill, strike out all of Section 1, from line 1 to line 34, inclusive, and insert in lieu thereof the following:

"SECTION 1. Section 5 of an Act entitled 'An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy,' approved March 20, 1905, as the title of said Act was amended March 21, 1907, is hereby amended to read as follows:

"5. The Governor shall appoint seven competent registered pharmacists, residing in different parts of the State, to serve as a board of pharmacy. The members of the board shall, within thirty (30) days after their appointment, individually take and subscribe before the county clerk in the county in which they individually reside, an oath faithfully and impartially to discharge the duties prescribed by this Act. They shall hold office at the pleasure of the Governor and until their successors are appointed and qualified. The office of the board shall be located in Sacramento. The board shall organize by electing a president and secretary. The secretary shall not be a member of the board. The secretary shall give a satisfactory bond, running to the State of California, in the sum of five thousand dollars, for the faithful discharge of his duties."

Amendment adopted.

AMENDMENT No. 3.

On pages 4, 5 and 6. Section 3, of the printed bill, strike out the lines 15 to 89, inclusive, and in lieu thereof insert the following:

"(d) To employ inspectors of pharmacy and to inspect during business hours all pharmacies, dispensaries, stores or places in which drugs, medicines and poisons are compounded, dispensed or retailed and to cause the prosecution of all persons whenever there appears to the board to be reasonable ground for such action

"(e) To examine and register as pharmacists and assistant pharmacists all applicants whom it shall deem qualified to be such. All persons applying for registration other than that of an apprentice, shall pay a fee of five dollars on filing his or her application, and if the board finds that any applicant for registration on experience and credentials is entitled to be registered, then he or she shall pay an additional fee of fifteen dollars upon the issuance of certificate of such registration, and any licensee found by the board upon examination to be entitled to a certificate shall pay the additional sum of fifteen dollars upon the issuance of certificate; all applicants for examination as assistants, if found satisfactory by the board, shall be entitled to their certificate without further fee; and *provided further*, that an applicant for registration on experience and credentials may at his or her option be examined as a licensee without further fee for application

"(f) In the event that any person having registered shall have lost his or her certificate, or the same has been destroyed, or if he or she desires the renewal of the same, a new certificate may be issued by said board upon the applicant paying therefor the sum of three dollars; *provided further*, that where the original certificate is not lost or destroyed, then the certificate shall be surrendered before a renewal of the same shall be issued; and *provided further*, that the board shall have power to acquire satisfactory evidence from the applicant of the loss or destruction of the certificate; and *provided further*, that where the applicant is delinquent for the annual dues required by this Act then he or she shall be required to pay to said board sufficient fees to cover the delinquency in that behalf before he or she shall be entitled to a reissue of the certificate in this subdivision provided for

"(g) To provide proper rules and regulations for the revocation of and restoration by said board of certificates issued under the provisions of this Act when the holder of such certificate shall in the judgment of the board be guilty of unprofessional conduct, or of habitual intemperance or addicted to the use of narcotic drugs or shall have been convicted of a felony, restoration of such certificates may be made by the board in its discretion in cases where in the judgment of the board the circumstances justify, and the causes leading to the revocation of the certificate have been removed or in the case of a conviction of a felony, where the sentence of conviction has been served, or the penalty paid; and *provided further* that the paying or offering to pay by any pharmacist to physicians of any consideration, monetary or otherwise (commonly known as the payment of commissions) upon prescriptions shall be deemed as unprofessional conduct."

Amendment adopted.

AMENDMENT No. 4.

On page 7. Section 5. lines 28 and 29. of the printed bill, strike out the words "for the use and benefit of the Board of Pharmacy", and substitute in lieu thereof the words "and accounted for as other moneys coming into the hands of the secretary."

Amendment adopted.

AMENDMENT No. 5.

On pages 7 and 8, Section 6, of the printed bill, strike out all of lines 1 to 36, inclusive, and in lieu thereof insert the following:

SECTION 6. Section 6 of said Act is hereby amended to read as follows:

"6. It shall be the duty of the secretary to keep a book of registration open at the city of Sacramento, in which shall be entered under the supervision of the board the names, titles, qualifications and places of business of all persons coming under the provisions of this Act. The secretary shall give receipts for all moneys received by him, and at the close of each month he shall report to the State Controller and at the same time shall pay all collections made during the preceding month to the State Treasurer. Such moneys shall be placed to the credit of the contingent fund of the State Board of Pharmacy, which fund is hereby created. Claims against this fund shall be approved by the State Board of Pharmacy, and the same shall be paid only on warrant of the State Controller. It shall be the duty of the secretary of the board to erase from the register the name of any registered pharmacist or assistant pharmacist who has died, or who has forfeited his right under the law to do business in this State. Besides the duties required by this Act, it shall be the duty of the secretary to perform such other reasonable duties appertaining to his office as may be required of him by the Board of Pharmacy. The secretary shall receive such compensation as may be fixed by the Board of Pharmacy, and not exceeding twenty-four hundred dollars per annum, to be paid out of the fund created by this Act, and at the same time and in the same manner as other salaries are paid."

Amendment adopted.

AMENDMENT No. 6.

On page 10, line 60, Section 7, of the printed bill, after the word "sulphur", insert the following: "quinine, epsom salts, extract of witch hazel, moth balls, salt-petre, and all proprietary medicines manufactured under the supervision of a registered pharmacist in the State of California for which trade-marks have been filed in the office of the Secretary of State."

Amendment adopted.

AMENDMENT No. 7.

On page 10, line 64, of the printed bill, after the word "label", insert the following:

"Section 8. Section 8 of said Act is hereby amended to read as follows:

"8. No member of the board shall teach pharmacy in any of its branches. The members of the board shall each be paid the sum of eight dollars for each day they are in attendance at a meeting of the board, together with their necessary expenses. All salaries and other expenses of the board shall be paid from the moneys received under this Act.

"Section 9. Section 9 of said Act is hereby amended to read as follows:

"9. Every person holding a certificate from said board shall renew annually their registration with said board and every registered pharmacist and every assistant registered pharmacist who desires to retain his registration on the books of the Board of Pharmacy in this State shall annually, after the expiration of the first year's registration and on or before the first day of July of each succeeding year, pay to the secretary of the Board of Pharmacy a renewal fee, to be fixed by the board, which shall not exceed two dollars for registered pharmacist and one dollar for assistant registered pharmacist in return for which fee a renewal certificate of registration shall be issued. In case any person defaults in payment of said fee, his or her registration may be revoked by the Board of Pharmacy on sixty days' notice, in writing from the secretary, unless within said time the fee is paid. Upon payment of said fee the board must reinstate the delinquent's registration. No person having received, or who may hereafter receive a certificate of registration as a pharmacist or assistant pharmacist shall engage in business as a pharmacist or assistant pharmacist in any county of this State in which he or she shall locate, or into which he or she shall afterwards remove, until he or she shall have had such certificate recorded in the office of the county clerk of such county, and it is hereby made the duty of the county clerk to record such certificate in a book to be provided and kept for that purpose, and the county clerk is authorized to charge a fee of fifty cents for the recording of such certificate to be paid by the person offering such certificate for record. Each pharmacist or assistant pharmacist holding a certificate of registration as a pharmacist, or assistant pharmacist, and being engaged in business as a pharmacist or assistant pharmacist shall, unless the same has been previously made a matter of record as herein provided, have such certificate recorded as is in this section provided, within thirty days after the taking effect of this Act. The record of the certificate required by this section, or a certified copy thereof, shall be evidence in all courts that the person holding it was registered as evidenced by said certificate on the date of the same. Any registered pharmacist or assistant registered pharmacist failing to comply with any of the foregoing provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less

than five dollars nor more than twenty-five dollars. Upon the certificate being recorded as herein provided, it shall be the duty of the county clerk to notify the secretary of the Board of Pharmacy of the name of the party and the date of such record."

Amendment adopted.

AMENDMENT No. 8.

On page 2, line 3, in Section 2, of the printed bill, strike out the word "Section"

Amendment adopted.

AMENDMENT No. 9.

On page 4, line 3, in Section 3, of the printed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No. 10.

On page 6, line 3, in Section 4, of the printed bill, strike out the word "Section".

Amendment adopted.

AMENDMENT No. 11.

On page 6, line 3, Section 5, of the printed bill, strike out the word "Section."

Amendment adopted.

AMENDMENT No. 12.

On page 8, line 3, in Section 7, of the printed bill, strike out the word "Section".

Amendment adopted.

Bill read second time, ordered to reprint, and on file for third reading
Senate Bill No. 609—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections 8a and 8b to, an Act entitled "An Act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 64—An Act to provide for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 60—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 61—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 63—An Act to provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 964—An Act to add a new section to the Penal Code, to be known as section three hundred and eleven a, relating to moving pictures, moving picture shows, nickelodeons, and penny arcades, and fixing the penalty for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, line 10, Section 1, of the printed bill, before the word "impure", insert the word "or".

Amendment lost.

AMENDMENT No. 2.

On page 2, Section 1, line 10, of the printed bill, strike out the following: "or crime depicting".

Amendment lost.

AMENDMENT No. 3.

On page 2, Section 1, line 17, of the printed bill, after the word "or" insert the word "an", same line strike out the word "guardian"; same line strike out the word "such" and in lieu thereof insert the word "any".

Amendment lost.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 119—An Act to amend section three thousand seven hundred and seventy-six and repeal section three thousand seven hundred and seventy-seven of the Political Code, relating to tax sales.

Bill read second time, and ordered to engrossment, and third reading.

Senate Bill No. 202—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred ninety-eight *a*, relating to the creation of a bonded indebtedness upon personal property by corporations organized for purposes other than pecuniary profit.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 910—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to the appointment of guardians of insane and other incompetent persons.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 911—An Act to amend Section 1765 of the Code of Civil Procedure of the State of California, relating to the powers and duties of guardians of insane and other incompetent persons.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1155—An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to confidential communications.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61, and 68 thereof, and by adding a new section to be numbered Section 684.

During second reading of bill, the following amendment was submitted by the committee:

In line 102, on page 4, strike out beginning with the word "school", down to and including the word "county", in line 102*d* on the same page and insert in lieu thereof the following: "or school district of this State, bonds of the permanent road division in any county issued in pursuance of the provisions of part three, title six, article nine of the Political Code, bonds issued by irrigation districts which are permitted to be invested in as provided for in an Act of the thirty-ninth session of the Legislature entitled "An Act relating to the bonds of irrigation districts, providing under what circumstances such bonds may become legal investments for the funds of banks, banking associations, trust companies, insurance companies, and for the state school funds and providing that such bonds may be deposited as security, and providing for a commission for approving such bonds, for a report thereon, for the filing of such report and for the registration of such bonds in the office of the State Controller," approved March 9, 1911, bonds of any sewer district, drainage district, protection district, or sanitary district, in any county in this State, provided that the total amount of bonds of any sewer district, drainage district, protection district,

or sanitary district so issued shall not exceed fifteen per cent of the taxable property of said district as shown by the last equalized assessment book of the county.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 980—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

During second reading of bill, the following amendment was submitted by the committee:

On page 7, after line 216, insert the following "Section 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 982—An Act to amend Section 1613 of the Political Code of the State of California, fixing the term of office of school trustees.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, after line 4, insert the following "Section 2 This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 981—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of boards of school trustees and city boards of education.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1.

In line 40, on page 2, of the printed bill, strike out the word "next".

Amendment adopted.

AMENDMENT No 2.

In line 41, on page 2, of the printed bill, strike out the word "June", and insert in lieu thereof the word "May".

Amendment adopted.

AMENDMENT No 3

On page 2, of the printed bill, strike out all of line 42, after the word "year", and lines 43 to 53, both inclusive, and all of line 54 up to and including the word "same".

Amendment adopted.

AMENDMENT No 4.

At the end of the printed bill, add the following section. "Sec. 2 This Act shall take effect immediately."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 16—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system and

to that end amending Section 1760 of the Political Code of the State of California, relating to the State High School Fund.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 6—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the said Political Code, to be numbered 461, all relating to the State School Fund.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In Section 1, page 1, of the printed bill, strike out all of line 7, and lines 8, 9, 10, 11, and 12, on page 2, and insert in lieu thereof the following:

443. On or before the first Monday in January and the first Monday in July of the year 1912 and on or before the first Monday in January and the first Monday in July of each succeeding year, the State Controller shall transfer from the General Fund of the State to the State School Fund such sums as will be equivalent to \$13.00 for each pupil in average daily attendance in the elementary schools of the State as reported by the Superintendent of Public Instruction for the school year ending June 30th preceding.

Amendment adopted.

AMENDMENT No. 2.

In Section 2, page 2, of the printed bill, strike out all of lines 3, 4, 5, 6, 7, 8, and 9, and insert in lieu thereof the following:

461. The State Treasurer shall transfer from the General Fund to the State School Fund such sums as shall be certified to him by the State Controller under the provisions of Section 443 of the Political Code.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 643—An Act regarding irrigation and declaring the same to be a public use.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Add the following section

Section — This Act shall not repeal or modify an Act entitled "An Act to regulate and control the sale, rental and distribution of appropriated water in this State, other than in any city, county and town therein, and to secure the rights of way for the conveyance of such water to the places of use", approved March 12, 1885, and other Acts and supplemental thereto and amendatory thereof, or shall the same be construed to alter or change the law of the State of California as to the duty of any person, firm or corporation in charge of a public use to furnish water

Amendment adopted.

AMENDMENT No. 2.

Add the following after line 6, of the Act.

Provided, that any person, firm or corporation, exercising the power of eminent domain and in control of water appropriated for sale, rental or distribution, shall not, by this Act, be relieved from the duty of furnishing water to irrigate the lands over which any right of way is obtained by condemnation for irrigation purposes as required by an Act entitled "An Act to regulate and control the sale, rental and distribution of appropriated water in this State, other than in any city, county and town therein and to secure the rights of way for the conveyance of such water to the places of use", approved March 12, 1885, or any other law now in force in this State

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 504—An Act to amend Section 4052*b* of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park, library or playground purposes by county boards of supervisors.

During second reading of bill, the following amendments were submitted by Mr. Randall:

On page 1, Section 1, line 3, after the word "county", insert the following "of the first class".

Amendment adopted.

On page 1, Section 1, line 12, strike out the words after the word "fail", and insert the following "within three years".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 1152—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1150—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto, relating to the property and indebtedness of territory annexed to incorporated towns and cities.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No 1

The city or town clerk of the city or town to which such territory is annexed shall be, and he is hereby, authorized to act as the redemption officer for the purpose of effecting redemption of property sold for delinquent sanitary taxes prior to such annexation in any such sanitary districts within the territory so annexed, in accordance with the provisions of section twelve, Act 3349, approved March 20, 1909.

Amendment adopted.

AMENDMENT No 2

On page 2, Section 1, lines 16, 17 and 18, strike out the following "and all such taxes so uncollected shall be and become the property of the town or city to which said territory is annexed."

Amendment adopted.

AMENDMENT No. 3

On page 2, Section 1, line 23, strike out the word "have", and insert in lieu thereof the word "are".

Amendment adopted.

AMENDMENT No. 4.

On page 2, Section 1, line 24, strike out the words "been collected", and insert in lieu thereof the following "in the county treasury".

Amendment adopted.

AMENDMENT No. 5

On page 3, Section 1, line 47, after the period, insert the following

"Provided, however if any such taxes shall have been illegally collected within the meaning of Section 3804 of the Political Code of the State of California, such illegally collected taxes shall remain in the county treasury until after the time for the repayment of such taxes as provided by Section 3804 of the Political Code of the State of California shall have expired, after which time such taxes, if any, remaining shall be and become the property of the town or city to which said territory is annexed, as in this Act provided."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 466—An Act relating to the acquisition, construction and operation of public utilities by municipal corporations.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 952—An Act to amend Section 5 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all Acts amendatory thereof, by amending section five of said Act, relating to contracts for work to be done.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1173—An Act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1217—An Act to amend Sections 2, 7, 13, 35 and 53 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said Act certain sections to be numbered Sections 54 and 55, relating to proceedings to effect local improvements, and to repeal Section 20 of said Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1159—An Act to amend section one thousand seven hundred fifty-one of the Political Code, relating to the admission of pupils to high schools.

During second reading of bill, the following amendments were submitted by Mr Bohnett:

On page 4, lines 42 and 43, of the printed bill as amended in the Senate, March 10, 1911, strike out "by the total number of new", and insert in lieu thereof the following "by the average daily attendance of".

Amendment adopted.

Also:

On page 4, lines 46 and 47, of the printed bill, strike out "by the total number of new", and insert in lieu thereof the following: "by the average daily attendance of".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 758—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and provide for the government thereof by the State.

During second reading of bill, the following amendment was submitted by the committee:

On page 3, of the printed bill, strike out all of lines 78 and 79.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Senate Bill No. 1005—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, line 6, after the word "law", insert a "(".

Amendment adopted.

AMENDMENT No. 2

On page 1, Section 1, after the word "Act", insert a ")".

Amendment adopted.

AMENDMENT No. 3.

On page 1, Section 1, line 10, strike out the words "five dollars per day", and insert in lieu thereof the words "two and one half dollars per day."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all Acts and parts of Acts in conflict with this Act.

Bill passed on file.

Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and providing for a penalty for violation thereof.

During second reading of bill, the following amendment was submitted by the committee:

After the word "material", in line 2, of the title, insert the following, "and food stuffs or fuel or other merchandise or commodities"

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 732—An Act to amend Section 241 of the Penal Code, relating to the punishment of the crime of assault.

Bill read second time, and ordered on file for third reading

Senate Bill No. 1013—An Act to amend section twelve hundred and three of the Penal Code of the State of California, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Bill read second time, and ordered on file for third reading

Senate Bill No. 1032—An Act to amend the Penal Code of the State of California, by adding thereto a new section to be numbered 515, relating to punishment for the crime of embezzlement.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1255—An Act to create a reclamation district to be called "Reclamation District No. 833," and providing for the control and management thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1254—An Act to create a reclamation district to be called "Reclamation District No. 832," and providing for the control and management thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 793—An Act amending section ten of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commisison to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 875—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven and thirteen of said Act

Bill read second time, and ordered on file for third reading.

Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents, and to provide for the compensation and expenses thereof.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 25—An Act to create a state bureau of criminal identification and investigation.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all of Section 14, page 6, of the printed bill, and insert in lieu thereof the following

SEC. 14. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of thirty-one thousand six hundred dollars, or so much thereof as may be necessary, to be used by said board of managers in furnishing, equipping and maintaining the said bureau in accordance with the provisions of this Act, and for the payment of the salaries herein provided for, for the fiscal year ending June thirtieth, nineteen hundred and twelve, and the fiscal year ending June thirtieth, nineteen hundred and thirteen.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 292, 401, 403, 548, 563, 565, 566, 559, 933, 1235, 64, 60, 61, 63, and 25.

Motion carried

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bills Nos. 292, 401, 403, 548, 563, 565, 566, 559, 933, 1235, 64, 60, 61, 63, and 25 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911

GENTLEMEN The Committee of the Whole have had under consideration Senate Bills Nos. 292, 401, 403, 548, 563, 565, 566, 559, 933, 1235, 64, 60, 61, 63, and 25, and do now report the same back, and recommend that they do pass

HEWITT, Chairman

Mr. Bohnett moved the adoption of the report.

Motion carried.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Assembly Bill No. 1539 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Cattell, Chandler, Coghlan, Cronin, Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Gull, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Preisker, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1175—An Act to amend Sections 637 and 638 of the Civil Code, relating to building and loan associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1175 passed by the following vote:

AYES—Messrs. Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Chandler, Coghlan, Cronin, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Gull, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Lynch, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, Wilson, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1140—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and to provide for officers of said courts, and to fix the compensation of certain officers thereof," which Act became a law under the constitutional provision, without the Governor's approval, March 5, 1901, relating to the prosecuting attorney, and to the service of applications for writs of habeas corpus in cases arising in said courts, and to the imprisonment of persons convicted in said courts, and to add a new section to said Act to be numbered section five and one half, relating to the presiding judge of such courts.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 996—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 996 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Chandler, Coghlan, Cronin, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Griffiths, Hall, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lynch, Lyon of San Francisco, Maher, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, Wilson, Wyllie, and Mr. Speaker—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, strike out line 11, and insert in lieu thereof the following: "and is for the purpose of constructing, equipping, using, maintaining or operating any works, road, railroad, tramway, power plant, telephone line, or other necessary works or structures, for the preparation, manufacture, handling or transporting of any material or supplies required in the construction or completion by such municipal corporation of any public work, improvement, or utility, a".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

NOTICES OF MOTION TO RECONSIDER.

Mr. Bishop gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 996 was this day passed.

Mr. Fitzgerald gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1175 was this day passed.

Assembly Bill No. 466—An Act to regulate the organization of fraternal insurance associations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 466 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Chandler, Coghlan, Cronin, Denegri, Farwell, Fitzgerald, Flint, Freeman, Griffiths, Hall, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Ryan, Slater, Stuckenbruck, Sutherland, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION.

Mr. Bohnett moved that the Assembly take up Assembly Second-Reading File.

Motion carried.

SECOND READING OF BILLS.

Assembly Bill No. 1313—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1519—An Act to add a new section to the Penal Code to be known and numbered as Section 383b, relating to adulteration and sale of white lead, paint or compound intended to be used as such, providing for its enforcement, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Strike out all after the words, "An Act", and insert the following:

To add a new section to the Penal Code to be known and numbered as Section 383b, relating to adulteration, misbranding, mislabeling and sale of white lead,

pigments, varnishes, house, shingle or wood stains of all kinds, kalsomines for walls and ceilings, house paints, roof or floor paints, paint mixtures of all kinds, turpentine, paints, oils or compounds used as such, and linseed oil or compound intended to be used as such, and the proper labeling thereof; charging the California State Board of Health with the duty thereof, charging the district attorneys of the different counties of the State with the enforcement hereof; and to repeal an Act entitled "An Act to prevent the adulteration of paints, oils, varnishes and pigments," approved March 22, 1907.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be unlawful for any person by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, to sell, offer or expose for sale, or to dispose of or to have in possession with intent to sell or dispose of, any white lead, pigments, varnishes, stains, kalsomines, roof or floor paints, paint mixtures, turpentine, paint oils or compounds used as such, and linseed oil or compound intended to be used as such, either in liquid or dry state, in cans, packages or containers of any kind or description or of any size or quantity, which are not labeled by printing, engraving or lithographic process in black ink upon a white background, in plain English language, and in clear, distinct 10-point small capital roman type letters, and showing thereon the analysis thereof and the true percentage of each mineral constituent, or proportion thereof for pigments and the true proportion of the liquids containing said pigments, together with the total net weight avoirdupois thereof if dry measure is used, or in the case of liquids and mixed paints then to be designated in United States standard gallons or fractions thereof, as contained in said can, package or container of any sort or description; *provided, however*, that any person by himself, his servant or agent or as the servant or agent of any firm or corporation, can or may sell, offer or expose for sale, use or dispose of any white leads (either in the basic carbonate or basic sulphate state) any pigments, varnishes, stains, kalsomines, paint mixtures, turpentine, paint oils as such, linseed oil or compound intended to be used as such, either in liquid or dry state, in cans, packages or containers of any sort or description in any quantity up to five gallons of the liquids, pastes or semi-pastes of the materials hereinabove enumerated, or one hundred pounds of the dry materials hereinabove enumerated, without such labeling or publication of analysis upon such said cans, packages or containers of any sort, when such said specially exempted quantities are taken from larger cans, packages, kegs, barrels, bins or containers of any sort or description as hereinabove described, which are so properly labeled, as per provisions of this Act and in the presence of the purchaser thereof. The purchaser of said exempted liquids, paints, pigments, etc., as hereinabove mentioned may waive his right of inspection or of witnessing the preparation and mixing of the same at the time purchase is made only by signing and dating a blank form to that effect and giving the same to the vendor at the time sale is made.

SEC. 2. For the purposes, intentions, requirements and definitions of the numerous terms, items, compounds, etc., used in the phraseology of this Act and for the fixing of proper standardization and qualities thereof so that the terms "pure," "unadulterated," "first-class," "standard," or variations thereof as prescribed in the following sections hereof, relating to the proportions, percentages and component parts thereof, the term

(a) "Pure mixed paint," as used in this Act, is declared to be, and it shall include white leads, either as basic carbonate or basic sulphate, oxide of zinc, dry or ground, and mixed in any kind of oil or varnish or other vehicle, or any compound intended for the same, or color ground in oil, or japan or paste or semi-paste, paint, and liquid dry or mixed paint ready for use.

(b) The term "pure white lead," as a pigment, is hereby defined chemically as consisting of not less than sixty-eight per cent carbonate of lead (PbCO_3) nor more than thirty-two per cent of lead hydroxide (PbH_2O_2) specific gravity 6.323 to 6.492.

(c) The term "pure zinc oxide" is hereby defined chemically as ZnO , specific gravity 5.2, and which does not contain more than three per cent of any other ingredients, such as lead or zinc sulphates.

(d) The term "pure lead pigments" is hereby defined as consisting chemically (1) of not less than seventy-five per cent ferric oxide (Fe_2O_3) nor more than twenty-five per cent of silica (SiO_2) and known as iron oxide and Indian red (2) or a combination of twenty to forty per cent ferric oxide (Fe_2O_3), and sixty to eighty per cent of calcium sulphate (CaSO_4) and known as Venetian red.

(e) The term "pure turpentine" is hereby described as the light oil obtained from coniferous trees and chemically defined as $\text{C}_{10}\text{H}_{16}$, or in which ten atoms of carbon are chemically joined with sixteen atoms of hydrogen and in whose composition not more than one per cent of impurities exist, the flash point at sixty degrees F. is ninety-eight degrees F.; and the specific gravity is from .865 to .90, depending on the age thereof.

(f) The term "pure linseed oil" is hereby defined as the oil that comes from the seeds of the full grown *Linum usitatissimum* Linnaeus, or otherwise known as the flax plant; having a range of specific gravity of from .935 to .945 and an iodine

value varying from 160 to 195, with a saponification value the same, or in excess thereof of 200.

(g) The term "pure boiled linseed oil" must conform to all the requirements above enumerated for pure linseed oil and must have been put in its manufacture either with or without the addition of not to exceed four per cent of drier to a temperature of two hundred and twenty-five degrees F. (225° F.).

(h) The term "pure varnish" is hereby defined as the solution of pure rosin in pure alcohol, pure turpentine or pure linseed oil said rosin must be the pure unadulterated exudations or sap from pine trees which have been mixed with an essential oil and known in the arts as a "balsam." The residual of the distillation of this unadulterated "balsam" is the pure colophony or "rosin," as defined for this Act.

(i) The term "pure kalsomine" is hereby defined as consisting of a solution of glue, casein and finely powdered carbonate of lime (CaCO_3) or chalk or other mineral compounds such as zinc white held in suspension in liquid state; or such said compounds ready mixed and prepared in dry, paste or semi-paste ready for admixture of water and usage thereafter. A "sizing" coat for any kalsomine work can consist of a solution of pure glue, alum or soap when all of such said ingredients are properly labeled on containers, cans or packages.

(j) The term "pure stains" is hereby defined as consisting of any of the pure oils or turpentines described in this section and the Act, and holding in solution therein any of the pure pigments described herein, or any other pure pigments when such said pigments and oils are fully analyzed and published on the label as herein provided.

(k) For the further purposes of this Act and the definition, specification or description of "pure" pigments, compounds, coloring materials and ingredients, oils of any kind or description used in the manufacture of any of the articles described under the provisions of this Act and not contained in preceding list of items, are herewith declared to be the same as defined, specified or chemically described in the eighth decennial revision of the United States Pharmacopœia, or subsequent revisions thereof.

Sec. 3. It shall be unlawful as prescribed within the provisions of this Act for any person by himself, his servant or agent, or as the servant of any other person, or as the servant or agent of any firm or corporation, to sell or offer or expose for sale or to dispose of or to have in possession with intent to sell or dispose of, any manufactured or otherwise prepared mixed paints, roof or floor paints, or especially made-up or "exempted" paints as described and provided for in the latter part of Section 1 hereof, and designed to be used for exterior or interior "house paints," for buildings of any sort or description, or barns, sheds, fences and constructions of any description whatsoever, and which said paints are to be known, described, labeled, marked or advertised as "first-class," "standard grade," "unadulterated" or "pure paints" or any classification thereof, and which said paints are for the purposes of this Act declared to be standard house paints unless such said paints contain not less than sixty per cent of pigments and not more than forty per cent of fluids or liquids otherwise known as "vehicles", it being further understood that as to the proportion of pigments contained therein that not less than two thirds of said pigments shall be basic carbonate or basic sulphate of lead (and so stated), and, the remainder shall be not more than one third oxide of zinc, the latter one third proportion including any or all inert materials or coloring matters used in the secret process of manufacture of said paints or compounds, but that in no case of any analysis of any of the aforesaid paints shall there be not more than ten per cent of said inert materials and coloring matter, nor two per cent of total mixed paint compound so included as water and it must be so stated in the analysis, thereby giving that amount of margin for purposes of not disclosing "formula" or other "secret" processes of manufacturing and of covering any such organic ingredients as lamp black, carbon, coal tar dyes, etc., that enter into the manufacturing processes of said paints. For the further classification of "roof" and "floor" paints it is hereby defined that the proportions of pigments to liquids can be as forty per cent to sixty per cent, thus reversing the proportion so used for "house paints", otherwise all conditions and provisions described for house paints to cover these two latter classifications. It being further provided that nothing in the province or limits of this Act is to prevent any person, firm or corporation from manufacturing, disposing of or dealing in or selling such above mentioned articles as are described in Section 1 hereof, or their servants or agents, from preparing, making, mixing, compounding or manufacturing or offering or exposing for sale, or having in possession with intent to sell, any prepared, mixed "house paints" other than those brands described in this section as "first-class," "standard," "unadulterated" or "pure paints", except that said person, firm or corporation, their servants or agents, so making, mixing, compounding or manufacturing or selling or exposing for sale, or having in possession with intent to sell, use or dispose of such said white leads, pigments, varnishes, stains, kalsomines, paint mixtures, turpentines, paint oils, or compounds used as such, or colors ground in oil or japan, or in paste or semi-paste state, and linseed oil intended to be used as such, either in liquid or dry state, in cans, packages or

containers of any size, quantity, sort or description whatsoever, provided they do not misbrand or mislabel them as "first-class," "standard," "unadulterated" or "pure", or any combination or qualification of those words, and that the analysis showing the exact percentage of each mineral constituent or proportion thereof for pigments and vehicles (or liquids containing such pigments) be printed as a label on each and every can, package or container of any sort or description as is hereinabove provided in Section 1 hereof, and that the same ten per cent of total analysis be allowed if the person, firm or corporation, their agent or servant, who makes, mixes, prepares, sells or offers for sale, disposes of or uses for another, or has in his possession with intent to sell, and so desires it, for "inert" materials, "coloring" matters, or other "mysterious" compounds used in the preparation of the "secret" process of manufacturing so as to "protect" said person, firm or corporation, their servant or agent, from "exposing" their "formula." Whatever water is used in such paints, mixtures, compounds, stains, kalsomines, liquids, etc., as above enumerated, must be published on label in extra black-faced type and labeled "water" and not its chemical equivalent or atomic formula. The public or purchaser must know exactly what percentage of water is used in the composition of the article purchased.

SEC 4. The having in possession by any person, firm or corporation dealing in said articles, or all the liquids, pigments, compounds or mixed paints mentioned in the preceding paragraphs as coming within the province of this Act, or by their servants or agents of any article or substance within the limits of this Act or as hereinabove designated and marked or labeled contrary to the provisions hereof, shall be prima facie evidence that the same is kept by such person, firm or corporation or their said servants or agents, in violation of the provisions hereof, *provided, however*, that no article of paint shall be deemed adulterated, mislabeled or misbranded within the provisions of this Act when prepared for export beyond the jurisdiction of the State of California and prepared or packed according to specifications or directions of the foreign purchaser and when those substances used in the preparation or packing thereof in conflict with the laws of the foreign country or adjoining or any other state or possession of this country, to which said article is intended to be shipped, but if such paint shall be in fact sold or kept or offered for sale for domestic local or state uses and consumption, then this proviso shall not exempt said articles or the makers, their agents or servants, or the vendors thereof from the operation of any of the provisions of this Act.

SEC 5. No person by himself, his agent or servant, or as the servant or agent of any other person or as the servant or agent of any firm or corporation, shall sell, offer or expose for sale, or have in possession with intent to sell as and for "pure raw flaxseed oil" or "pure raw linseed oil" any oil unless the same is obtained from the seeds of the full grown and matured flax plant, and unless it be thoroughly strained, settled, transparent, free from suspended matter, and have the properties of well-aged oil; flash point (open cup) not less than 280 C; viscosity twenty degrees (°) as determined by Engler viscosimeter (water being 100), not less than 770, and unless same fulfils all the requirements for linseed oil laid down in the eighth decennial revision of the United States Pharmacopœia, or subsequent edition thereof, or as and for "boiled linseed oil" or "boiled flaxseed oil," any oil unless the same shall have been prepared by heating pure raw linseed oil, with or without the addition of not to exceed four per cent of drier, to a temperature not less than two hundred and twenty-five degrees Fahrenheit, and for the purpose of this Act, it shall also be deemed a violation of this Act if said boiled linseed oil does not conform to the following requirements:

First—Its specific gravity at sixty degrees Fahrenheit must be not less than nine hundred thirty-five thousandths (0.935) and not greater than nine hundred forty-five thousandths (0.945).

Second—Its saponification value (Koettstorfer figure) must be not less than one hundred eighty-six (186).

Third—Its iodine number must not be less than one hundred sixty (160).

Fourth—Its acid value must not exceed ten (10).

Fifth—The volatile matter expelled at two hundred twelve (112) degrees Fahrenheit must not exceed one half of one per cent.

Sixth—No mineral or other foreign oil or fresh rosin shall be present, and the amount of unsaponifiable matter as determined by standard methods shall not exceed two and five tenths (2.5) per cent.

Seventh—The film left after flowing the oil over glass and allowing it to drain in a vertical position, must dry free from tackiness in not to exceed twenty hours, at a temperature of about seventy degrees Fahrenheit. Nor shall any person, by himself, his servant or agent, or as the servant or agent of any other person, or as the servant or agent of any firm or corporation, sell, expose or offer for sale, or have in possession with intent to sell, any raw or boiled linseed oil, unless it is so done under its true name, and each tank can, tank, barrel, keg, can or vessel of such oil has distinctly and durably painted, stamped, stenciled or marked thereon the true name of such oil in ordinary bold-faced roman capital letters not less than 5-line pica in size, in the words "Pure Linseed Oil—Raw" or "Pure Linseed Oil—Boiled," as the case may be, and the name and address of the manufacturer and distributor

thereof. The word "linseed" or "flaxseed," or any compounding of the word "linseed" or "flaxseed" shall not be used on any other than the above described pure linseed oil.

SEC. 6. No person, firm or corporation, either directly or indirectly, through a servant or agent, shall manufacture, mix for sale, sell, or offer for sale or dispose of or use for another person or persons under the name of turpentine, or spirits of turpentine, or any compounding of the word turpentine, or under any name or device illustrating or suggesting turpentine, or spirits of turpentine, any article which is not wholly distilled from pure rosins, turpentine gum, or scrape from pine or coniferous trees, and unmixed and unadulterated with oil, petroleum products, or hydrocarbon of that kind or description, or any other foreign substance of any kind whatsoever. (See definition of this term in Section 2 hereof.)

SEC. 7. Nor shall any person by himself, his agent or servant, or as the servant or agent of any other person, firm or corporation sell or expose for sale or have in his possession with intent to sell as and for dry white lead, any substance which is labeled or branded dry white lead other than carbonate of lead or sulphate of lead, nor offer or expose for sale or have in possession with intent to sell as and for white lead in oil any product which is labeled or branded white lead in oil other than carbonate of lead ground in pure linseed oil, or sulphate of lead ground in pure linseed oil, and that has "aged" for at least six months from date of first grinding thereof, or sell, offer or expose for sale, or have in possession with intent to sell, any carbonate of lead, ground in linseed oil, unless each keg, can or other receptacle containing the same has distinctly and durably painted, printed, stamped, stenciled or marked thereon in letters not smaller than 24-point black faced roman capital letters in plain English language on white background, the words "Carbonate of White Lead in Oil" or "Sulphate of White Lead in Oil"

SEC. 8. Any person, agent, firm or corporation who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall, for each offense, be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars, with costs, or by imprisonment in the county jail not exceeding sixty days, or both, for second and subsequent offenses.

SEC. 9. The State Board of Health, together with its assistants and deputies, are charged with the proper enforcement of all the provisions of this Act. They are to assist in the analysis of white leads, pigments, varnishes, stains, kalsomines or floor paints, paint mixtures of any kind, turpentines, paint, oils or compounds used as such, and linseed oil or compound intended to be used as such, and the State Board of Health may, with the advice and consent of the Governor, appoint an expert chemist and two inspectors if it is found that the present help in this department is insufficient to attend to this work, or unless the help and assistance provided for by other statutes enacted by this or subsequent legislatures is insufficient to carry on the work provided for under this Act. Said chemist and deputies shall be paid in the same manner as is provided by law for the payment of salaries of other state officials and employees. The salary of the expert chemist shall be two thousand dollars per annum, and the salary of the inspectors shall be twelve hundred dollars each per annum. There shall also be paid to said chemist and inspectors their necessary and actual expenses incurred in the discharge of their official duties, on the approval and recommendations of the State Board of Health, and the State Controller is herewith authorized and empowered to issue his warrants upon the State Treasurer for payment of said salaries, so provided, out of any funds in the state treasury not otherwise appropriated.

SEC. 10. The State Board of Health, its assistants, experts, chemist, analysts, agents and inspectors shall be duly authorized and empowered for the purpose and shall have access and ingress to all places of business, salesrooms, storage rooms, factories, stores and buildings used in the manufacture or sale of white lead pigments, varnishes, stains, kalsomines, roof or floor paints, paint mixtures of any kind, turpentine, paint, oils or compounds used as such and linseed oil or compounds intended to be used as such. They shall also have power and authority to open any package, can, jar, tank or tank car, tub or other container or receptacle of any kind or description whatsoever, containing white lead or other compounded or manufactured paints, pigments or liquids as above enumerated and that may be sold, used or disposed of or offered for sale or intended for sale or manufactured or exposed for sale in violation of any of the provisions of this Act.

SEC. 11. The district attorneys of the several counties of the State are hereby authorized and required to prosecute all persons, firms or corporations when complaints are duly filed against any or all persons, firms and corporations or their servants or agents, against whom complaint is made by the State Board of Health or any of its agents or its deputies.

SEC. 12. An Act entitled "An Act to prevent the adulteration of paints, oils, varnishes and pigments," approved March 22, 1907, is hereby repealed.

SEC. 13. This Act shall take effect and be in force from and after June 30, 1911.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1483—An Act to establish a standard for evaporated milk and condensed milk.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1459—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty and one thousand two hundred forty-two, of the Penal Code, all relating to appeals to the Supreme Court.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, Section 1, lines 4 and 5, strike out the words "from a judgment upon appeal from an inferior court," and insert in lieu thereof the following, "in a criminal proceeding on appeal from an inferior court to the Superior Court".

Amendment adopted.

AMENDMENT No. 2

On page 2, Section 4, line 4, strike out the words "in favor of the defendant", and all of lines 5, 6, 7, 8 and 9, and insert in lieu thereof a comma after the word "judgment", and the following "determination or decision in favor of the defendant, until such judgment, determination or decision is reversed".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1352—An Act to amend section sixty-seven *a* of the Code of Civil Procedure, relating to the number of Superior Court judges and providing for the appointment of two additional Superior Court judges in and for counties of the first class, and providing for their compensation.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 3, of the printed bill, strike out the word "second", and insert in lieu thereof the word "first".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 364—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to commissions of executors and administrators.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1077—An Act to amend an Act entitled "An Act to amend section fourteen hundred and forty-four of the Code of Civil Procedure of the State of California, relating to appraisement of estates and pay of appraisers."

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 391—An Act to amend Section 1874 of the Political Code, relative to the duties of the Text-Book Committee.

Bill read second time, and ordered to engrossment and third reading.

Committee Substitute for Assembly Bill No. 1449—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts.

Bill read second time, and ordered to engrossment and third reading.

Committee Substitute for Assembly Bill No. 1448—An Act to amend

section one hundred thirty of the Political Code, relating to the division of the State into railroad districts.

Bill read second time, and ordered to engrossment and third reading.

Committee Substitute for Assembly Bill No. 1447—An Act to amend section one hundred twenty-five of the Political Code, relating to the division of the State into equalization districts.

Bill read second time, and ordered to engrossment and third reading.

Committee Substitute for Assembly Bill No. 1177—An Act to provide for the division of municipalities into sewer districts, and for the acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such sewer acquisition, and also for the payment of such bonds.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1477—An Act to amend section six hundred and fifty-three c of the Penal Code of the State of California, relating to crimes against employees

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1507—An Act to amend Section 679a of the Penal Code.

During second reading of bill, the following amendment was submitted by Mr. Sbragia:

Add a new section to Assembly Bill No. 1507, to be known as "Section J" to read as follows:

SEC. J. The provisions of this Act shall apply to articles manufactured by convict or prison labor in this State, and such other articles manufactured by convict or prison labor outside of this State as shall, according to law, become subject to regulation by this State unless Congress shall pass a law permitting articles manufactured by convict or prison labor now subject to exclusive regulation by Congress to be subject to regulation by the several states in which case or contingency the provisions of this Act shall extend and apply to articles manufactured by convict or prison labor irrespective of their origin or place of manufacture

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading

Assembly Bill No. 1374—An Act to add a new section to the Penal Code to be known as Section —, prohibiting the use of a coil box for the purpose of cooling alcoholic liquids.

Bill read second time, and ordered to engrossment and third reading

Assembly Bill No. 1575—An Act to provide for the formation and establishment of boulevard districts.

Bill read second time, and ordered to engrossment and third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Assembly Bills Nos. 1313 and 1519

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 1313 and 1519 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bills Nos 1313 and 1519, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried.

THIRD READING OF BILLS.

Assembly Bill No. 1193—An Act to add a new section to the Political Code of the State of California, to be designated and numbered three hundred and thirty-one, relating to the appointment to office of relatives by state officers and judges; and fixing the penalty for making such appointments.

During the third reading of the bill, Mr. Ryan moved that the Speaker appoint a select committee of one to amend the bill as follows:

After the word "office" in line 10, of the printed bill, insert the following: "and no member of the Legislature shall appoint, or cause to be appointed as a legislative attaché"

Also, After the word "State" in line 9, of the printed bill, insert the word "county".

Motion carried.

The Speaker appointed Mr. Ryan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No 1193, with instructions, do now report that the instructions of the Assembly have been carried out.

RYAN, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

CONSIDERATION OF BILL OUT OF ORDER.

Mr. Randall asked for, and was granted, unanimous consent to have Assembly Bill No. 887 taken up out of order.

Assembly Bill No. 887—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four, of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict herewith.

During the third reading of the bill, Mr. Randall moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 1, Subdivision 4, line 10, page 1, of the printed bill, strike out the word "Yolo" and the comma thereafter.

Also In Section 1, Subdivision 6, line 14, page 2, of the printed bill, insert after the word "Yuba", a comma and the word "Yolo".

Also In Section 2, Subdivision 7, line 17, page 8, of the printed bill, strike out the words "Colusa and Lake", and insert in lieu thereof the words "and Colusa".

Also In Section 2, Subdivision 13, line 36, page 8, strike out the word "Yolo".

Also In Section 2, Subdivision 21, line 56, page 9, of the printed bill, strike out the words "Amador, Calaveras, Tuolumne and Alpine", and insert in lieu thereof the words "Yolo and Lake".

Also In Section 2, Subdivision 49, line 25, page 16, of the printed bill, strike out the words "and Inyo", and insert in lieu thereof a comma and the words "Amador, Calaveras, Tuolumne and Alpine".

Also In Section 2, Subdivision 59, line 56, page 17, of the printed bill, after the word "Kern", insert the words "and Inyo".

Roll call regularly demanded

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Bishop moved a call of the House

Motion carried.

Time, four o'clock and fifty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohuett, Brown, Coghlan, Cronin, Cunningham, Farwell, Flint, Freeman, Griffiths, Hall, Hinshaw, Jasper, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowan, Mendenhall, Mott, Polsley, Preisker, Randall, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Walker, Williams, Wilson, and Mr. Speaker—38.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Kehoe, Rutherford, Sutherland, Hinkle, Cogswell, Harlan, Held, Cattell, Guill, Chandler, and Denegri were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At five o'clock P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Bishop.

The roll of absentees was called, and motion carried by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohuett, Brown, Cattell, Chandler, Cronin, Farwell, Flint, Freeman, Griffiths, Guill, Hall, Harlan, Held, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, March, McGowan, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Slater, Smith, Stuckenbruck, Sutherland, Walker, Wilson, and Mr. Speaker—41.

NOES—Messrs. Coghlan, Cunningham, Denegri, Kennedy, Lyon of San Francisco, Ryan, Stevenot, and Williams—8

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No 887, with instructions, do now report that the instructions of the Assembly have been carried out.

RANDALL, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly Bills:

Assembly Bill No. 1567—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifteenth class.

Assembly Bill No. 675—An Act providing for the acquisition of a site for an armory and state arsenal for the National Guard, at the city of Sacramento, California, providing for the appointment of a commission to select and acquire by donation said site and providing for the election of an armory and arsenal on said site, and appropriating money therefor.

Assembly Bill No. 1190—An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards, defining the term boulevard, providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, and the Act amendatory thereof, approved April 15, 1909.

Assembly Bill No. 1585—An Act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district to a high school district or the exclusion of a school district from a high school district.

Assembly Bill No. 1581—An Act to amend Section 1725 of the Political Code of the State of California, relating to the formation of high school districts.

Assembly Bill No. 1317—An Act to amend Section 4252 of the Political Code of the State of California, relating to county and township governments and the compensation of the county and township officers of counties of the twenty-third class.

Assembly Bill No. 534—An Act to add a new section to the Civil Code, to be numbered Section 365 and relating to contributions of corporate funds for political purposes.

Assembly Bill No. 1583—An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

And report that the same have been correctly engrossed.

RANDALL, Chairman

EXPLANATION OF VOTES

The following were sent to the desk and ordered printed in the Journal:

MR. SPEAKER: I take this occasion to protest against amendments Nos. 5, 6, and 7 to Assembly Bill No. 887, on the ground that these amendments are unfair to Mono and Inyo counties, which, owing to their geographical position, should in my opinion, have separate representation in the Legislature.

F. G. STEVENOT,

Eleventh Assembly District

MR. SPEAKER: In explanation of my vote, I desire to state I voted "No" because I believe Inyo and Mono counties are entitled to representation in the Assembly in a more fitting manner than the present bill provides, and also that no possible warrantable reasoning can be deduced whereby counties that are dissimilar in industries should be amalgamated in a common district.

DAN E. WILLIAMS

COMMUNICATION.

The following communication was filed and ordered printed in the Journal:

SACRAMENTO, CAL., March 18, 1911.

Hon. A. H. Hewitt, Speaker of the Assembly.

DEAR SIR: I desire to inform you that the names of the following persons have been dropped from the roll, for the reason that both have gone home and do not expect to return. Their names are C. P. Foster, committee clerk, and Miss Helen Talbot, stenographer.

I desire to further inform you that the name of H. W. Zagoren, page, has been stricken from the roll. All of the above suspensions date from March 19, 1911.

L. B. MALLORY, Chief Clerk

ADJOURNMENT.

At five o'clock and five minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Monday, March 20, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL. }
Monday, March 20, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feelev, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutheford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—78.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Joel, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion of Mr. Nolan, leave of absence was granted Mr. Gerdes for the day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Assembly Bill No. 1578—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 944—An Act to create a reservation for fish, shellfish, shrimp and crabs, within the sloughs, rivers, streams and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps, or seines.

Also Senate Bill No. 47—An Act to amend Section 628 of the Penal Code, relating to the protection and preservation of fish and game.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 423—An Act to amend an Act entitled "An Act to create a "Fish and Game Preservation Fund" and unite the "Fish Commission Fund" and the "Game Preservation Fund" into a common fund to be known as "Fish and Game Preservation Fund," approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in said Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals and the fishing for salmon or trout with rod and line and to provide revenue therefrom for game and fish preservation and restoration; and to repeal an Act entitled "An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

GRIFFITHS, Chairman.

The above reported bills ordered on file for second reading.

ON AGRICULTURE, FRUIT AND VINE INTERESTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Ways and Means.

JUDSON, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 1305—An Act to amend "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1907—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that the same do pass as amended.

TELFER, Chairman.

The above reported bill ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 17, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Committee Substitute for Senate Bill No. 1010—An Act defining certain classes of contracts for the exchange of indemnity, prescribing regulations therefor and fixing a license fee.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTHEW, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1911

MR SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to the following Senate bills:

Senate Bill No 11—An Act establishing a state normal school at Fresno, county of Fresno, State of California, and making an appropriation for the maintenance of said school

Also Senate Bill No 720—An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof; "and repealing an Act entitled 'An Act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the Board of Regents of the University of California, and to provide penalties for violation hereof, approved March 20, 1905.'"

Also Senate Bill No 903—An Act to amend section six hundred and eleven of the Political Code, relative to the publication of statements of insurance companies

WALTER N. PARRISII, Secretary of Senate.

By FRANK MATISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1911

MR SPEAKER I am directed to inform your honorable body that the Senate on March 16, 1911, adopted Senate Concurrent Resolution No 19—Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the sixth day of March, 1911.

WALTER N. PARRISII, Secretary of Senate

By FRANK MATISON, Assistant Secretary.

The above Senate constitutional amendment referred to Committee on Engrossed and Enrolled Bills.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed the following

Assembly Bill No. 841—An Act to amend sections twelve hundred and forty-five, twelve hundred and forty-six, and twelve hundred and forty-eight of the Civil Code of the State of California, relating to proceedings on execution against homesteads.

Also Assembly Bill No. 944—An Act to amend Section 1548 of the Political Code relating to binding of school documents, postage, expressage, printing, etc. for school superintendents.

Also Assembly Bill No 945—An Act to amend Section 1532 of the Political Code, relating to the traveling expenses of the county superintendent of schools

Also Assembly Bill No. 904—An Act to amend Section 1521 of the Political Code of California, relating to the powers and duties of the State Board of Education.

Also Assembly Bill No. 1553—An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants

Also Assembly Bill No. 1284—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Also Assembly Bill No. 1555—An Act to amend section four thousand two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class

Also Assembly Bill No 1560—An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class

Also Assembly Bill No 1557—An Act to amend Section 4250 of the Political Code of the State of California, relating to fees and salaries, and fees of officers, in counties of the twenty-first class

Also Assembly Bill No. 1302—An Act to amend section four thousand two hundred and sixty-three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fourth class, and adding a new section thereto to be numbered 4263a.

Also Assembly Bill No 1295—An Act to amend Section 4273 of the Political Code of the State of California, relating to the salaries and fees of the county officers of the forty-fourth class.

Also Assembly Bill No. 312—An Act regulating the placing, erection, use and maintenance of electric poles, wires, cables and appliances, and providing the punishment for the violation thereof.

Also Assembly Bill No. 1475—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Also Assembly Bill No. 1476—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Also Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Also Assembly Bill No. 1349—An Act providing for the conveyance by quitclaim deed from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said government.

Also Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof.

Also Assembly Bill No. 927—An Act to amend Section 1729 of the Political Code of the State of California, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

Also Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Also Assembly Bill No. 27—An Act making an appropriation for the care and custody of the custom house at Monterey, California.

Also Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano of the city of Sonoma, California.

Also Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public.

Also Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the members of the Assembly for the thirty-ninth session of the Legislature of the State of California during the sixty-second fiscal year.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1911

MR. SPEAKER, I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 680—An Act to amend Section 4236 of the Political Code, relating to officers and salaries in counties of the seventh class, and to amend Section 4267 of the Political Code, relating to officers and salaries in counties of the thirty-sixth class.

Also Senate Bill No. 1256—An Act to authorize certain cities and cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors and for the construction of wharves and piers, seawall, state or municipal railroad and spurs therealong, betterments, appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction or any part thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purposes.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 18, 1911.

MR. SPEAKER, I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 1043—An Act to amend Section 4258 of the Political Code, relating to salaries and fees of officers of counties of the twenty-ninth class.

Also Senate Bill No. 1042—An Act to amend Section 4278 of the Political Code, relating to salaries and fees of officers of counties of the forty-ninth class.

Also Senate Bill No. 1253—An Act to amend section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty-second class.

Also: Senate Bill No. 948—An Act to amend Section 4241 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the twelfth class.

Also: Senate Bill No. 1278—An Act to amend section four thousand two hundred thirty-seven of the Political Code of the State of California, relating to counties of the eighth class.

Also: Senate Bill No. 974—An Act to amend section four thousand two hundred and seventy-five of the Political Code, relating to the compensation of officers of counties of the forty-sixth class.

Also: Senate Bill No. 1083—An Act to amend section sixty-seven *a* of the Code of Civil Procedure of the State of California, relating to the number of superior court judges and providing for the appointment of two additional Superior Court judges in Los Angeles County, and providing for their compensation.

Also: Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University, and also to provide for the permanent support and improvement of the University of California, and to that end making a continuing appropriation and creating an annual fund therefor and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance and for the acquisition of necessary property and improvement of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1909.

Also: Senate Bill No. 430—An Act to amend Section 925 of the Penal Code of California, relating to grand juries.

Also: Senate Bill No. 1279—An Act to amend Section 4266 of the Political Code of California, relating to salaries of officers of counties of the thirty-seventh class.

Also: Senate Bill No. 450—An Act to provide for the repair of the hospital building at the Los Angeles department of the college of medicine of the University of California, and the construction of an addition thereto, and the purchase of such equipment as is necessary for the operation of the same and for the expense of moving, improving and changing the present buildings on the property of the said Los Angeles department of the college of medicine of the University of California, and making an appropriation therefor.

Also: Senate Bill No. 137—An Act to amend an Act entitled "An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school, to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school, to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings" approved March 4, 1907, and making an appropriation of \$100,000.00 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

Also: Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and improving the navigability of such streams and for acquiring land for necessary rights of way.

Also: Senate Bill No. 1049—An Act to establish a standard for evaporated milk and condensed milk.

Also: Senate Bill No. 1250—An Act to amend Section 4248 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks and assistants.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTHEW, Assistant Secretary.

Senate Bill No. 680 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1256 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 1043 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1042 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1283 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 948 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1278 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 974 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1083 read first time, and referred to Committee on Judiciary.

Senate Bill No. 217 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 430 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1279 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 450 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 137 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 197 read first time, and referred to Committee on Swamp and Overflowed Lands, Levees, and River Improvements.

Senate Bill No. 1049 read first time, and referred to Committee on Engrossed and Enrolled Bills.

Senate Bill No. 1280 read first time, and referred to Committee on County and Township Governments.

Also:

SENATE CHAMBER SACRAMENTO, March 18, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 40853, authorizing the board of supervisors of the several counties of this State to declare unnavigable streams highways for the purpose of fishing, and providing for the use of the same.

Also Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

Also Assembly Bill No. 798—An Act to amend Section 292 of the Civil Code of the State of California, relating to the subscription and acknowledgment of articles of incorporation.

Also Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18 and 19, and by adding a new section thereto, to be numbered 26.

Also Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Also Assembly Bill No. 162—An Act to amend an Act entitled "An Act to create a fireman's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Also Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Also Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers, and excavations, used to contain, encase, cover, or conduct wires, cables, or appliances, to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Also Assembly Bill No. 1150—An Act to amend section four thousand two

hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers and fees and mileage of jurors in counties of the sixteenth class.

Also Assembly Bill No 1207—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers in counties of the twenty-fourth class.

Also Assembly Bill No. 159—An Act to appropriate money for the purchase of dormitory and school furniture for the California Polytechnic School.

And we respectfully request your honorable body to concur in the Senate amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 28?"

On page 1, Section 1, line 7, after the word "county", insert the following "which is stocked, or supplied, in whole or in part with fish, by the state or counties and".

Also On page 1, Section 1, line 7, strike out the words after the word "stream", and insert the following, "which does lie within or run through cultivated land".

The roll was called, and Senate amendments to Assembly Bill No 28 were concurred in by the following vote.

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rinalinger, Rosendale, Rutherford, Slater, Stevenot, Sutherland, Telfer, Tibbits, Williams, Wilson, Willie, and Mr Speaker—54

NOES—Mr Brown—1

Bill ordered to enrollment

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 883?"

In Section 1, line 4 strike out the period after the word "property", and insert in lieu thereof a comma

Also By striking out the comma after the word "property" in line 4, of Section 1, page 1, of printed bill, and inserting in lieu thereof a period, also strike out the balance of line 4, all of line 5, and the words "shall any" in line 6, and insert in lieu thereof and before the word "officer" in line 6, the word "No".

Also By inserting after the comma following the word "property" in line 8, of Section 1, page 1, the word "shall".

Also By striking out the period after the word "danger" in line 20, of Section 1, page 2, of printed bill and inserting in lieu thereof a comma and the following "but in all such cases damage may be recovered against the county, city, or city and county, as in ordinary actions for damages and in cases of judgment recovered against the county the amount thereof and cost shall be paid out of the road district fund of the district where the accident occurred, and in all other cases the judgment must be paid out of the general fund of such county, city, or city and county."

Also On page 2, Sections 2 and 3, lines 1 and 2, strike out all of Sections 2 and 3

The roll was called, and Senate amendments to Assembly Bill No 883 were concurred in by the following vote.

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rinalinger, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Sutherland, Telfer, Williams, Wilson, Willie, Young, and Mr. Speaker—50

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 798?"

Strike out all of title after the words "An Act", and insert in lieu thereof the following, "to amend Section 292 of the Civil Code of the State of California, relating to the subscription and acknowledgment of articles of incorporation."

Also Strike out in line 1, on page 1, of the printed bill, all after the words "Section 1," down to and including the figures and letter "292a", in line 4, and insert in lieu thereof the following: "Section 292 of the Civil Code of the State of California is hereby amended to read as follows

292 The articles of incorporation must be subscribed by three or more persons, a majority of whom must be residents of this State, and acknowledged by each before some officer authorized to take and certify acknowledgments or conveyances of real property."

Also By adding to Section 1, line 7, after the "period", the following "The signature of each person named in said articles of incorporation as directors of such corporation shall be affixed to said articles of incorporation and acknowledged by each before some officer authorized to take and certify acknowledgments of conveyances of real property"

The roll was called, and Senate amendments to Assembly Bill No. 798 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1089?"

Strike out all of Section 10, on page 10, of the printed bill

The roll was called, and Senate amendment to Assembly Bill No. 1089 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Callaghan, Cattell, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Schmitt, Smith, Stevenot, Sutherland, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 70?"

Strike out of Section 1, line 23, the word "this"

The roll was called, and Senate amendment to Assembly Bill No. 70 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Callaghan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mott, Nolan, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Shragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—49

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 162?"

On page 1, of the printed bill, strike out all of Section 1.

Also On page 1, of the printed bill, strike out the words "SEC. 2", and insert in lieu thereof "Section 1".

Also On page 1, of the printed bill, line 6, strike out the figure "3", and insert in lieu thereof the figure "2"

Also On page 3, of the printed bill, strike out the words "Sec. 4", and insert in lieu thereof the words "Section 3".

Also On page 3, of the printed bill, strike out the words "Sec. 5", and insert in lieu thereof the words "Section 4".

Also On page 5, of the printed bill, strike out the words "Sec. 6", and insert in lieu thereof the words "Section 5".

Also On page 6, of the printed bill, strike out the words "Sec. 7", and insert in lieu thereof the words "Section 6".

Also On page 6, of the printed bill, strike out the words "Sec. 8", and insert in lieu thereof the words "Section 7".

The roll was called, and Senate amendments to Assembly Bill No 162 were concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Griffiths, Guill, Harlan, Held, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rosendale, Sbragia, Schmitt, Smith, Stevenot, Sutherland, Williams, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No 1195?"

Strike out the period at the end of line 21, page 2, of the printed bill, and insert in lieu thereof a semicolon and the following "provided, that such traveling expenses shall not, in any one year, exceed the sum of three hundred dollars".

The roll was called, and Senate amendment to Assembly Bill No 1195 was concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 313?"

Insert a comma after the word "concrete" in line 48, page 2 of the printed bill.

Also Strike out all of Section 3, on page 3, of the printed bill, and insert in lieu thereof a new section to be numbered Section 3, and to read as follows:

SEC. 3 None of the provisions of subdivisions *a*, *b*, *c* and *d* of Section 1 of this Act shall be so construed as to be retroactive or apply to works already constructed, and all Acts or parts of Acts which are in conflict with this Act, are hereby repealed."

Also Amend the title by inserting in the first line thereof, after the word "construction" the words "and maintenance".

Also By inserting on page 3 line 54, after the word "or", and before the word "and", the word "maintain".

Also Amend the title of the printed bill, by striking from line 2 thereof the words "and maintenance".

The roll was called, and Senate amendments to Assembly Bill No 313 were concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyne, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Preisker, Rimlinger, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1180?"

In line 4 of title, after the word "officers", insert the following: "and fees and mileage of jurors".

Also: On page 8, line 247, strike out the word "one", and insert in lieu thereof the following: "each".

Also: On page 8, line 248, after the word "traveling", insert the following "to and".

The roll was called, and Senate amendments to Assembly Bill No. 1180 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Coghlan, Cogswell, Crown, Cunningham, Farwell, Freeman, Griffin of Modesto, Guill, Hall, Hayes, Held, Jones, Joel, Judson, Kehor, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowan, Mendenhall, Mott, Mullally, Polslev, Preisker, Randall, Rimplinger, Rosendale, Ryan, Sbracia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Williams, Wyllie, and Mr. Speaker—54

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1207?"

On page 5, after line 151, of the printed bill, add a new Section No. 17, to read as follows:

"17. This Act shall take effect immediately and shall apply to present incumbents."

Also: On page 4, line 93, of the printed bill, strike out the words "six hundred dollars per annum", and insert instead thereof at the same place the following: "The sum of one hundred dollars for each regular meeting of said board actually attended by him, and in case of his failure to attend any such meeting he shall receive no compensation for such meeting; provided, that he shall not receive compensation for more than one regular meeting during the same calendar month except the meeting at which the tax rate is fixed".

Also: On page 3, line 57, of the printed bill, strike out the word "seven", and insert instead thereof at the same place, the word "five".

Also: On line 58, of the same page, after the comma after the word "annum", insert the following: "and he shall also receive the sum of twenty-five dollars for each preliminary examination conducted by him or his deputy, on any felony charge, and the sum of fifty dollars for every felony case prosecuted by him or his deputy in the superior court, and the sum of twenty dollars for every misdemeanor case actually tried by him or his deputy in any justice or recorder's court outside of the township of the county seat."

Also: On page 2, line 23, of the printed bill, strike out the word "four", and insert instead thereof at the same place, the word "three", and after the word "thousand", on said line 23, insert the words "nine hundred".

Also: On page 2, line 43, of the printed bill, after the word "process", and before the semicolon, add the following words: "in civil actions and proceedings"; and in said line 43, of the printed bill, after the word "process", strike out the semicolon and the words "provided that".

Also: Strike out all of lines 44 and 44a.

Also: Strike out the words "more than ten miles", in line 45, of said page.

Also: On page 3, line 54, of the printed bill, strike out the word "two", where it occurs the second time, and in the following line strike out the word "hundred"; and after the period after the word "annum", in said line 55, add the following: "He shall also receive twenty per cent of all licenses collected by him".

Also: On page 3, line 53, of the printed bill, after the period after the word "annum", in said line 53, add the following: "He shall also receive six per cent of all money collected from the State on account of orphans, half orphans and abandoned children, in order to cover the expense incurred by him in securing the necessary data for the performance of his duties under Section 4090a of the Political Code."

Also: On page 2, lines 48-50, of the printed bill, strike out the words "two thousand one hundred dollars per", and on line 51, of said page, strike out the word "annum" and the period following the same.

Also: In lines 48-50, on page 2, of the printed bill, after the comma, after the word "recorder", add the following: "seventy per cent of all fees collected by him as recorder. He shall pay the remaining thirty per cent of such fees into the county treasury".

The roll was called, and Senate amendments to Assembly Bill No. 1207 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bolnett, Butler, Callaghan, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McGowan, Mullally, Polsley, Preisker, Randall, Rimlinger, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, and Mr. Speaker—50

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 159?"

Strike out all of the title, and insert in lieu thereof the following: "An Act to appropriate money for the purchase of dormitory and school furniture for the California Polytechnic School."

Also Strike out all of Sections 1, 2 and 3, of the printed bill, and insert in lieu thereof the following: "Section 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of eight thousand dollars, or so much thereof as may be necessary, to be paid to the order of the Board of Trustees of the California Polytechnic School for the purpose of purchasing dormitory and school furniture for said school."

"SEC. 2. The State Controller is hereby authorized and directed to draw his warrant for the amount herein made payable in such amounts and at such times as may be approved by the State Board of Examiners, and the Treasurer is directed to pay the same. Of the amount here appropriated, one thousand dollars shall be available on and after the passage and approval of this Act. Four thousand dollars of the money hereby appropriated shall be available on and after July 1, 1911, and the remaining three thousand dollars shall be available on and after July 1, 1912."

The roll was called, and Senate amendments to Assembly Bill No. 159 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bolnett, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lynch, Lyon of San Francisco, Maher, McGowan, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rosendale, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Wilson, and Mr. Speaker—47.

NOES—None.

Bill ordered to enrollment.

THIRD READING OF BILLS.

Assembly Bill No. 24—An Act to provide an appropriation for the erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed to foot of file.

Assembly Bill No. 64—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill passed to foot of file.

Assembly Bill No. 707—An Act making an appropriation for furnishing and equipping seven buildings at the Agnews State Hospital

On motion of Mr. Hayes, bill withdrawn and ordered stricken from the file.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

During consideration of Senate constitutional amendment, the following amendments were submitted:

By Mr. Stevenot:

In line 15, of the printed resolution, strike out the word "ninety", and insert in lieu thereof the word "thirty".

Amendment adopted.

By Mr. Young:

At the end of line 17, strike out the period, and insert in lieu thereof a comma and the following "nor shall more than two bills be introduced by any one member after such re-assembling".

Amendment adopted.

By Mr. Held:

On page 1, after the amendment by Mr. Young, insert the following. "The members of the Legislature shall be entitled to receive mileage at the rate fixed by law for their attendance on said session after said recess".

Amendment adopted.

Senate constitutional amendment ordered to reprint, and on file for adoption.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 191—An Act to amend section six hundred and thirty-seven *a* of an Act entitled "An Act to amend section six hundred and thirty-seven *a* of the Penal Code of California and to add thereto three new sections to be numbered six hundred and thirty-seven *f*, six hundred and thirty-seven *d*, and six hundred and thirty-seven *e*, all relating to protection of wild birds other than game birds and their nests and eggs, approved April 16, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 191 refused passage by the following vote:

AYES—Messrs. Bliss, Brown, Cronin, Griffin of Modesto, Guill, Hall, Held, Lynch, Maher, McDonald, McGowan, Mendenhall, Polsky, Rimplinger, Rosendale, Rutherford, Shragia, Slater, Stuckenbruck, Walker, Williams, Wyllie, and Mr. Speaker—23.

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Harlan, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, Mott, Mullally, Nolan, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Schmitt, Smith, Stevenot, Sutherland, Telfer, and Young—49.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Beckett rose to a question of personal privilege and made a statement relative to the debate on Assembly Bill No. 191.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Benedict moved that the vote whereby Senate Constitutional Amendment No. 45 was adopted be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Catell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Guill, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—Messrs. Cunningham, Maher, Mullally, Polsley, and Walker—5.

Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XIX, relating to term of office.

During the consideration of Senate constitutional amendment, the following amendments were submitted by Mr. Benedict:

AMENDMENT No. 1

Amend title by striking out the roman numerals "XIX", and inserting in lieu thereof the roman numerals "XX".

Amendment adopted.

AMENDMENT No. 2

On page 1, line 6, strike out the roman numerals "XIX", and insert in lieu thereof the roman numerals "XX".

Amendment adopted

Senate constitutional amendment ordered to reprint, and on file for adoption.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

Senate constitutional amendment passed on file.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. March asked for, and was granted, unanimous consent to have Assembly Bill No. 1406 taken up out of order.

Assembly Bill No. 1406—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violation of any such rules and regulations, all such regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing

that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published as the case may be, in the manual or guide published for the guidance or information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed," approved March 23, 1907, by amending the title of said Act, and making said Act applicable to cities of the second and one half class.

During the third reading of the bill, Mr. March moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 5, omit lines 99 and 100, of the printed bill, and in lieu thereof insert the following "Section 1. In any city of the first class, or in any city of the second and one half class containing a population of over 42,000 by the federal census of 1910, or in any city and county in this State, where by general law, or".

Also On page 2, line 18, of the title, before the word "cities", insert the word "certain".

Motion carried.

The Speaker appointed Mr. March as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Assembly Bill No. 1406, with instructions, do now report that the instructions of the Assembly have been carried out.

MARCH, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, recugrossment, and on file for passage.

Mr. Young asked for, and was granted, unanimous consent to have Assembly Bill No. 1305 taken up out of order.

Assembly Bill No. 1305—An Act to amend "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 2, Section 1, line 16, of the printed bill, strike out the word "fifty", and insert in lieu thereof the word "fifty-four".

Amendment adopted.

AMENDMENT No. 2.

On page 2, of the printed bill, strike out all of Section 2, and insert in lieu thereof the following

"SEC 2 No minor under the age of eighteen years shall be employed or permitted to work between the hours of ten o'clock in the evening and five o'clock in the morning

No child under fifteen years of age shall be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages; *provided*, that the judge of the juvenile court of the county, or city and county, or in any county or city and county in which there is no juvenile court, then any judge of the superior court of the county or city and county in which such child resides shall have authority to issue a permit to work to any such child over the age of twelve years, upon a sworn statement being made to him by the parent of such child that such child is past the age of twelve years, that the parents or parent of such child are incapacitated for labor, through illness, and after investigation by a probation officer or attendance officer of the city, or city and county, in which such child resides, or in cities and counties where there are no probation or attendance officers, then by such other competent person as the judge may designate for this purpose. The permit so issued shall specify the kind of labor and the time for which it is issued, and shall in no case be issued for a longer period than shall seem necessary to the judge issuing such permit. Such permit shall be kept on file by the person, firm or corporation employing the child therein designated, during the term of said employment, and shall be given up to the child upon his quitting such employment. Such certificate shall be always open to the inspection of the attendance and probation officers of the city and county, city or county, in which the place of employment is situated, or of the officers of the State Bureau of Labor Statistics.

And provided, that the attendance officer of any county, city and county, or school district in which any place of employment, in this section named, is situated, shall have the right and authority, at all times to enter into any such place of employment for the purpose of investigating violations of the provisions of this Act, or violations of the provisions of an Act entitled "An Act to enforce the educational rights of children and providing penalties for the violation of the Act," approved March 24, 1903, and amended March 20, 1905, *provided, however*, that if such attendance or probation officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by such attendance or probation officer setting forth the fact that he has good cause to believe that the provisions of this Act, or the Act hereinbefore referred to, are being violated in such place of employment, issue an order directing such attendance or probation officer to enter said place of employment for the purpose of making such investigations.

And provided, that any such child over the age of twelve years may be employed at any of the occupations mentioned in this Act during the regular vacation of the public schools of the city, county, or city and county, in which the place of employment is situated, upon the production of a permit signed by the principal, vice-principal of the school, or secretary of the board of school trustees or board of education of the school which such child attended during the term next preceding any such vacation. Such permit shall contain the name and age of the child to whom it is issued, and the date of the termination of the vacation for which it is issued, and shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the child to whom it was issued.

No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the city, town or school district in which his place of employment is situated are in session, unless he or she can read English at sight and can write legibly and correctly simple English sentences, or unless he or she is a regular attendant for the then current term at a regularly conducted night school. A certificate of the principal of such school shall be held to be sufficient evidence of such attendance.

Amendment adopted

AMENDMENT NO. 3

On page 5, Section 3, line 9, strike out the word "fourteen", and insert in lieu thereof the word "fifteen"

Amendment adopted.

AMENDMENT NO. 4.

On page 5, Section 3, strike out lines 21 to 32, both inclusive, and insert in lieu thereof the following "an age and schooling certificate shall be approved only by the superintendent of schools of the city or city and county, or by a person authorized by him in writing, or where there is no city or city and county superintendent of schools, by a person authorized by the local school trustees, *provided*, that the superintendent or principal of any school of recognized standing shall have the right to approve an age and schooling certificate, and shall have the same rights and powers as the superintendent of public schools to issue the certificate herein provided for children attending such schools. The persons authorized to issue age and schooling certificates shall have the authority to administer the oaths necessary for carrying out the provisions of this Act, but no fees shall be charged for issuing such certificates."

Amendment adopted.

AMENDMENT No. 5.

On page 6, Section 6, line 67, after the word "language", in said line 67, strike out all of lines 67, 68, 69, 70, 71 and line 72 including the word "with", and insert in lieu thereof the following "there is hereto attached".

Amendment adopted.

AMENDMENT No. 6.

On page 7, Section 3, line 83, strike out the word "fourteen", and insert in lieu thereof the word "fifteen".

Amendment adopted.

AMENDMENT No. 7.

On page 7, Section 3, line 97, strike out the words "fourteen years and".

Amendment adopted.

AMENDMENT No. 8

At the end of Section 3, page 7, of the printed bill, add a new section, to be known as Section 3a, and to read as follows:

"Section 3a. Provided, however, that no child having a permit to work, as described in Section 2 of this Act, and no child having an age and schooling certificate, as described in Section 3 of this Act, and no other child, between the ages of fifteen and sixteen years, who, if between the ages of eight and fifteen years, would by law be required to attend school, shall, while the public schools are in session, be and remain idle and unemployed for a period longer than two weeks, but must enroll and attend school; *provided*, that within one week after any child having such permit to work or such age and schooling certificate shall have ceased to be employed by any employer, such employer shall, in writing, giving the latest correct address of such child known to such employer, notify, in the case of a child having a permit to work, the judge of the juvenile court in the county of said child's residence, or the probation officer of such juvenile court, or in the case of a child having an age and schooling certificate, the county superintendent of schools of such county, that such child is no longer employed by such employer; and such judge of the juvenile court, or such probation officer, or such county superintendent of schools, shall thereupon immediately notify the attendance officer having jurisdiction in the place of such child's residence, giving the said latest correct address of such child, that such child is neither at work nor in school; and *provided, further*, that no such child shall be permitted to cease school attendance, without securing a permit to work or an age and schooling certificate as provided in this Act".

Amendment adopted.

By Mr. Schmitt:

AMENDMENT No. 1.

On page 8, Section 5, line 4, of the printed bill, after the words "school hours," insert the words "Nor shall anything in this Act be construed to prohibit any child between the ages of fifteen and eighteen years, who is by any statute or statutes of the State of California, now or hereafter in force, permitted to be employed as an actor, or actress, or performer, in a theatre, or other place of amusement, previous to the hour of ten o'clock P. M. in the presentation of a performance, play, or drama, continuing from an earlier hour till after the hour of ten o'clock P. M. from performing his or her part in such presentation as such employee between the hours of ten and twelve o'clock P. M.

Amendment adopted.

AMENDMENT No. 2.

On page 7, Section 3, line 87, of the printed bill, after the words "the same", insert the following "Every child applying for and receiving such age and schooling certificate shall provide two copies of the 'true photograph of said child' herein above referred to, one of which shall be attached to the age and schooling certificate granted to such child, and one of which shall be attached to the duplicate copy to be filed with the county superintendent of schools, such photographs shall be not less than one square inch in size, and shall be sufficiently clear to serve for purposes of identification."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RECESS.

At twelve o'clock and thirty minutes P. M. the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

ACTION RESCINDED.

Mr. Schmitt moved that the action of the Assembly, in adopting Amendment No. 2, proposed by him, to Assembly Bill No. 1305, be rescinded.

Motion carried.

LEAVE OF ABSENCE.

Mr. Smith asked for, and was granted, leave of absence for the remainder of the day.

THIRD READING OF SENATE BILLS.

Senate Bill No. 953—An Act to amend the Penal Code of California by adding new sections thereto, to be numbered 270*d*, 270*e*, and 273*h*, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove and the punishment of such offenses

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 953 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bohnett, Callaghan, Cattell, Chandler, Coghlan, Cronin, Denegri, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Jasper, Judson, Lamb, Lynch, Maher, McDonald, McGowen, Mendenhall, Polsley, Preisker, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Williams, Wilson, Young, and Mr. Speaker—41.

NOES—Messrs. Mullally, and Nolan—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 359—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752*a* and 752*b*, 852*a* and 852*b* thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 359 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bohnett, Callaghan, Cattell, Chandler, Coghlan, Cronin, Farwell, Flint, Gaylord, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Maher, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Wilson, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and twenty-five minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Senate Bill No. 770—An Act to enable the board of supervisors of any county or city and county in the State of California to acquire the necessary land and to erect thereon a memorial hall in honor of all those persons who have honorably served the nation at any period of its existence under arms on land or at sea, and for the use of all patriotic organizations of such persons resident in said county or city and county and of all kindred or allied patriotic organizations.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 770 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Mott, Palsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Stevenot, Sutherland, Tibbitts, Wilson, and Wylie—50.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Kehoe moved that the vote whereby Senate Bill No. 1063 was passed be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Callaghan, Cattell, Cronin, Denegri, Farwell, Feeley, Freeman, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Palsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Stevenot, Telfer, Tibbitts, Williams, and Wylie—44

NOES—None.

Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches and other places, and providing for the punishment for violation of this Act.

During the consideration of the bill, Mr. Kehoe moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 3, line 3, strike out the word 'furnish', and insert in lieu thereof the following "cause all".

Also, On page 2, Section 3, line 7, strike out the period, and insert in lieu thereof a comma and the following, "before the same shall be served to another customer".

Motion carried.

The Speaker appointed Mr. Kehoe as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Senate Bill No. 1063, with instructions, do now report that the instructions of the Assembly have been carried out.

KEHOE, Select Committee.

Report of select committee, and amendments, adopted.
Bill ordered to reprint, and on file for passage.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents, and to provide for the compensation and expenses thereof.

Bill passed on file.

Senate Bill No. 372—An Act to amend sections six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Bill passed to foot of file.

Senate Bill No. 350—An Act to amend Sections 626 and 631 of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

Bill passed to foot of file.

Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

Bill passed to foot of file

Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish

During the third reading of the bill Mr. Harlan moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 6, in Section 5, line 14, strike out the word "shellfish", and insert in lieu thereof the word "or".

Also: On page 6, in Section 5 line 15, strike out the words "or crabs".

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 635 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowan, Mendenhall, Nolan, Polsley, Preisker, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Slater, Stevenot, Sutherland, Telfer, Tibbitts, Williams, and Wylie—54.

NOES—Mr. Mullally—1.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Harlan gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 635 was this day passed

Senate Bill No. 276—An Act to amend Section 628*b* of the Political Code of the State of California, relating to the protection and preservation of fish.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 276 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Farwell, Feeley, Flint, Griffiths, Guill, Hall, Harlan, Hayes, Hinkle, Jasper, Jones, Judson, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Nolan, Polsley, Randall, Rumliger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Stevenot, Tibbits, Williams, and Wyllie—43.

NOES—Messrs. Denegri, Mullally, and Sbragia—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act, which section shall be numbered 13*a*, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13*a* hereby added thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Jasper moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Bennink, Bliss, Callaghan, Cattell, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mullally, Nolan, Polsley, Randall, Rumliger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Stevenot, Sutherland, Tibbits, Williams, and Wyllie—42.

NOES—Messrs. Bishop, Bohnett, Butler, Chandler, Cogswell, Gaylord, Guill, Hamilton, Harlan, Lamb, Malone, Mott, Preisket, Rogers of Alameda, Slater, Wilson, and Young—17.

Time, three o'clock and ten minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—68.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Stuckenbruck, Beckett, March, Griffiths, Walker, and Rosendale were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At three o'clock and twenty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Jasper.

The roll of absentees was called, and bill passed by the following vote:

AYES—Messrs. Bliss, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Griffiths, Hamilton, Held, Hinshaw, Jasper, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, and Williams—44.

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Cogswell, Gaylord, Guill, Hall, Harlan, Hayes, Hinkle, Jones, Joel, Kehoe, Malone, March, McDonald, McGowen, Mendenhall, Mott, Preisker, Rogers of Alameda, Rosendale, Rutherford, Sutherland, Wilson, Wyllie, and Young—31

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

Senate Bill No. 940—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, 124, and 121 thereof and by adding new Sections 12a, 52, 53, and 84 thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 940 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Flint, Gaylord, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—55.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDERS.

The hour of three o'clock and thirty minutes P. M. having arrived, the special orders heretofore set for this hour were taken up for consideration.

Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926a, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

On motion of Mr. Rogers of Alameda, above special orders continued until two o'clock and thirty minutes P. M. of Tuesday, March 21, 1911

The following special order heretofore set for this hour was taken up.

REPORT OF COMMITTEE ON INTRODUCTION OF BILLS.

MR. SPEAKER, Your Committee on Introduction of Bills, to whom was referred the following Assembly concurrent resolution, herewith return the same with the recommendation that the author be permitted to introduce it. The title of said Assembly concurrent resolution is as follows: Assembly concurrent resolution relating to adjournment *sine die*.

CHANDLER, Chairman.

The question being on the adoption of the report.

The roll was called and report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Fairwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Stuckenbruck, Sutherland, Tibbits, Wilson, and Mr. Speaker—43

NOES—Messrs. Bishop, Freeman, Slater, Williams, and Wyllie—5.

INTRODUCTION OF ASSEMBLY CONCURRENT RESOLUTION.

The following was introduced and referred as indicated:

By Mr. Cogswell:

Assembly Concurrent Resolution No. 28—Relative to adjournment *sine die*.

Read and referred to Committee on Ways and Means.

NOTICE OF MOTION TO RECONSIDER CONTINUED.

On motion of Mr. Schmitt, the notice of motion to reconsider the vote whereby Assembly Bill No. 794 was refused passage, continued until next legislative day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER, Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1337—An Act to provide for the regulation of smelters and the maintenance and operation thereof in the State of California, and for the licensing and supervision thereof.

Assembly Bill No. 759—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

Assembly Bill No. 1373—An Act to add two new sections to the Penal Code of the State of California, to be numbered Sections 626*q* and 626*r*.

Assembly Bill No. 1162—An Act to provide for the construction of an exposition building in Agricultural District Number Two on state property, to be known as State Agricultural Park at Stockton, which building is to be used by all of the counties of this State, for the purpose of maintaining therein exhibits of their industries, industrial enterprises, resources and products, and to make an appropriation for the construction of such building.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section seven of article nine thereof, relating to boards of education, and free textbooks.

Assembly Bill No. 40—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, and making an appropriation therefor, and repealing all Acts in conflict herewith.

And report that the same have been correctly engrossed.

RANDALL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 1133—An Act to amend Section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class, with Senate Bill No. 941—and report that the same are identical.

RANDALL, Chairman

Senate Bill No. 941 read second time, and ordered on file for third reading.

Assembly Bill No. 1133 withdrawn.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Senate Concurrent Resolution No. 19—Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911, with Assembly Concurrent Resolution No. 27—and report that the same are identical.

RANDALL, Chairman

Senate Concurrent Resolution No. 19 ordered on file for passage

Assembly Concurrent Resolution No. 27 withdrawn.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION—(OUT OF ORDER).

Mr. Benedict asked for, and was granted, unanimous consent to have Senate Concurrent Resolution No. 19 taken up out of order.

Senate Concurrent Resolution No. 19—Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911.

The question being on the adoption of Senate concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 19 adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Griffin of Modesto, Griffiths, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles,

Maher, McDonald, McGowen, Mendenhall, Polslev, Preisker, Randall, Rosendale, Ryan, Schmitt, Slater, Stevenot, Tibbitts, Wilson, Wyllie, and Mr. Speaker—49
 NOES—None.

Senate concurrent resolution ordered transmitted to the Senate.

SENATE CONCURRENT RESOLUTION No. 19,

Approving fourteen certain amendments to the charter of the city of Los Angeles, in the county of Los Angeles, State of California, voted for and ratified by the qualified electors of said city of Los Angeles at a special municipal election held therein on the 6th day of March, 1911.

WHEREAS, The city of Los Angeles in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants and has been ever since the year 1889 and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889 (Statutes of 1889, p. 455), and,

WHEREAS, The city council of said city of Los Angeles did, by ordinance designated as Ordinance No. 21,557 (new series), adopted by said city council on the 30th day of December, 1910, and approved by the mayor of said city on the 30th day of December, 1910, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles fourteen certain amendments, hereinafter set forth, to the charter of said city, to be submitted to said qualified electors at a special municipal election to be held in said city on the 6th day of March, 1911; and,

WHEREAS, Said fourteen proposed amendments hereinafter set forth were and each of them was published for twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit, "The Los Angeles Daily Journal", said publication ending on the 23d day of January, 1911; and,

WHEREAS, Thereafter the city council of said city did, by an ordinance designated as Ordinance No. 21,755 (new series), which was duly adopted on the 31st day of January, 1911, order the holding of a special municipal election in said city of Los Angeles on the 6th day of March, 1911, which last mentioned date was at least forty days after the publication of said fourteen proposed amendments hereinafter set forth, for twenty days in said daily newspaper of general circulation in said city of Los Angeles, to wit, "The Los Angeles Daily Journal", and did provide in said ordinance for the submission of said fourteen proposed amendments to the said charter to the qualified electors of said city for their ratification at said special municipal election, which said ordinance was approved by the mayor of said city on the 31st day of January, 1911, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal", a daily newspaper printed and published in said city; and,

WHEREAS, At said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said fourteen proposed amendments hereinafter set forth to said charter; and,

WHEREAS, The city council of said city of Los Angeles, at a regular meeting thereof held within ten days after said election, duly canvassed the returns of said special election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said fourteen proposed amendments to said charter; and,

WHEREAS, The mayor and city clerk of said city of Los Angeles did, on the 7th day of March, 1911, duly certify to the submission to the electors of said city of Los Angeles of said fourteen proposed amendments to said charter and to the ratification of said fourteen amendments and did further certify to a copy of said proposed amendments, authenticated by the seal of the said city of Los Angeles, which said certificate is in words and figures following, to wit:

STATE OF CALIFORNIA,	} ss.
COUNTY OF LOS ANGELES,	
CITY OF LOS ANGELES.	

CERTIFICATE OF RATIFICATION OF PROPOSED CHARTER AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES.

We, the undersigned, Geo. Alexander, mayor of the city of Los Angeles, State of California, and Lorin A. Handley, city clerk of said city, do hereby certify as follows, to wit:

That the city of Los Angeles, in the county of Los Angeles, State of California, contains a population of over one hundred thousand (100,000) inhabitants and has been ever since the year 1889 and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th

day of October, 1888, and approved by the Legislature of the State of California on the 31st day of January, 1889. (Statutes of 1889, p. 455) ;

That the city council of said city of Los Angeles did, by Ordinance No. 21,557 (new series), adopted by said council on the 30th day of December, 1910, approved by the mayor of said city on the 30th day of December, 1910, and pursuant to Section 8 of Article XI of the Constitution of the State of California, duly propose to the qualified electors of said city of Los Angeles certain amendments to the charter of said city, to be submitted to the qualified electors at a special municipal election to be held in said city on the 6th day of March, 1911, which said amendments were and are in words and figures as follows, to wit :

CHARTER AMENDMENT NUMBER ONE.

That Article I of the charter be amended to read as follows :

ARTICLE I.

INCORPORATION AND POWERS.

Section 1. The municipal corporation now existing and known as "The City of Los Angeles", shall continue to be a municipal corporation under the same name and with the same boundaries that it now has, to wit :

Beginning at the northwest corner of section 2, township 1 south, range 14 west, S. B. M. ; thence south along the west line of said section to the south line of lot 46 of Hollywood Heights, as shown on a map recorded in book 1, page 48, of maps, records of Los Angeles County, State of California, thence westerly, northerly, westerly, southerly and westerly along the southerly line of said lot 46, to the west line of said lot ; thence west along the east and west center line of section 3 of the township and range hereinbefore mentioned, to the west line of said section 3 ; thence south along the said west line to the northwesterly line of the Rancho La Brea ; thence southwesterly along the northwesterly line of said rancho to the north line of section 9 of the township and range hereinbefore mentioned ; thence west along the north line of said section 9 to the northeast corner of section 8 of said township and range ; thence west along the north line of said section 8 a distance of eight chains, thence southerly and parallel to and distant eight chains west of the east line of said section 8 to the south line of the northeast quarter of said section 8, thence easterly along said line to the west line of Crescent avenue, as said avenue is shown on a map recorded in book 54, page 52, of miscellaneous records of said county ; thence south along the west line of said Crescent avenue to the north line of Fountain avenue, as shown on said map, produced westerly ; thence easterly along said prolongation and the north line of said Fountain avenue to its intersection with the easterly line of La Brea avenue (formerly Plummer street), as shown on map of Towner and Garbutt's subdivision of the S. W. Little Tract, as recorded in book 19, page 30, of miscellaneous records of said county ; thence south along the easterly line of said La Brea avenue to the north line of Fountain avenue, as shown on map of Hollywood square recorded in book 9, page 77, of maps, records of said county ; thence easterly along the present north line of Fountain avenue to a point distant 225 feet westerly of the center line of Seward street, as shown on the map of Colegrove recorded in book 53, page 10, of miscellaneous records of said county ; thence south 6 minutes east parallel to that portion of said Seward street lying north of Santa Monica avenue and its southerly prolongation, to an intersection with the northerly prolongation of the westerly line of Victoria Park, as recorded in book 12, page 2, of maps, records of said county ; thence southerly along said prolongation and the westerly line of said Victoria Park and its southerly prolongation, to its intersection with the westerly prolongation of the southerly line of that portion of the right of way of the Los Angeles Pacific Railway Company lying southerly of said Victoria Park and easterly of Sherman drive, as shown on the map of said Victoria Park, thence easterly along the said production and the southerly line of the right of way of said railway company, to the northwest corner of lot 24 of the Crenshaw Boulevard Tract, as recorded in book 8, page 68, of maps, records of said county ; thence southerly along the westerly line of said Crenshaw Boulevard Tract and the westerly line of Jackins Arlington Heights Tract, as recorded in book 8, page 22, of maps, records of said county, and the southerly prolongation of the last mentioned line, to an iron pipe in the center line of Washington street, as shown on the county surveyor's map No. 5330, on file in the office of the county surveyor of said county ; thence southerly in a direct line to the northwest corner of lot 1 of Harry Jackins Tract No. 2, as recorded in book 9, page 133, of maps, records of said county ; thence southerly along the westerly line of said last mentioned tract to the southwest corner of lot 50 of said tract ; thence southeasterly in a direct line to the southeast corner of lot 61 of said tract ; thence southeasterly in a direct line to the southeast corner of lot 14 of the Home Villa Tract, as recorded in book 72, page 25, of miscellaneous records of said county ; thence southerly in a direct line to a point in the southerly line of Adams street, said point being distant 47.30 feet easterly from the north common corner of lots 12 and 13 of said Home Villa Tract ; thence easterly along the south line of Adams street, 65.15 feet to its intersection with the southerly line of Montclair street ; thence south 37° 3' east along the southerly line of Montclair street and its southerly prolongation, a distance of 1216.60 feet to an iron pipe ;

thence south $63^{\circ} 38'$ east parallel to and distant 2013 feet from the center line of a portion of Montclair street, a distance of 5963 feet to an iron pipe in the line between lots 3 and 5 of the hereinbefore mentioned Home Villa Tract; thence south $89^{\circ} 58'$ east, parallel to and distant 180 feet from the center line of the third portion of Montclair street, a distance of 270 feet to an iron pipe; thence south $4'$ west, parallel to Eighth avenue, in the West Jefferson and Seventh Avenue Tract, as recorded in book 11, page 133, of maps, records of said county, to the intersection of the center line of West Jefferson street with the westerly line of said West Jefferson and Seventh Avenue Tract, thence southerly along the westerly line of said tract and its southerly prolongation to the southeast corner of lot 4 of the hereinbefore mentioned Home Villa Tract, thence south $15^{\circ} 37'$ west, parallel to the west line of the depot grounds of the Southern Pacific Railroad as inclosed, a distance of 465 feet to an iron pipe set 40 inches in the ground; thence south $74^{\circ} 23'$ east a distance of 3064 75 feet to an intersection with the easterly boundary line of the Rancho Cienega ó Paso De La Tijera, thence northerly along the easterly line of said rancho a distance of 40 feet to the north line of section 11, township 2 south, range 14 west, S. B. M., thence east along the north line of said section to the northwest corner of the northeast quarter of said section; thence south along the north and south center line of sections 11, 14, 23 and 26, township 2 south, range 14 west, S. B. M. to the south line of said section 26; thence east along the south line of sections 26 and 25 of said township and range, and of section 30, township 2 south, range 13 west, S. B. M., to a point 10 feet distant east of the range line dividing said ranges 13 and 14, thence south running parallel to and 10 feet distant east of said range line, to its intersection with the northerly line of the Gardena Tract of the Rancho San Pedro, as recorded in book 8, page 89, of maps, records of said county, and in book 43, page 5, of miscellaneous records of said county thence southwesterly along the northerly line of said tract to its intersection with a line parallel to and 10 feet distant east of the center line of Orange avenue, as shown on the map of the said Gardena Tract; thence southerly along a line parallel to and 10 feet distant east of the center line of said Orange avenue, to its intersection with the northerly line of lot 4 of the partition of the estate of J. B. Ducaza, recorded in book 59, pages 15 and 16, of miscellaneous records of said county, thence southerly in a direct line to the northeast corner of block 107 of the McDonald Tract of Rancho San Pedro, recorded in book 15, pages 21 and 22, of miscellaneous records of said county; thence southwesterly and westerly along the northerly line of said block 107 and of block 105 of said tract, to the northwest corner of said block 105; thence northwesterly in a direct line to the southeast corner of lot 1 of the townsite of Avery, as recorded in book 2, page 61, of maps, records of said county; thence westerly in a direct line to the southeast corner of block 72 of the hereinbefore mentioned McDonald Tract; thence southerly in a direct line to the southeast corner of block 70 of said McDonald Tract; thence southerly in a direct line to the northeast corner of lot 14 of Peck's subdivision of lot J and a portion of lot II of the partition of Rancho Los Palos Verdes, as per recorder's filed map No 141, and as shown on map found in book 4, page 48, of licensed surveys, records of said county, thence southerly along the easterly line of said lot 14 to the southeast corner of said lot; thence southeasterly in a direct line to the point of intersection of the northerly prolongation of the westerly line of Meyler street of the city of San Pedro, as said city existed prior to its consolidation with the city of Los Angeles, with the southerly line of lot 1 of the subdivision of lot M of the original partition of Rancho Los Palos Verdes, as shown on map found in book 1, page 47, of licensed surveys, records of said county; thence westerly along the southerly line of said lot 1 to its intersection with the northerly prolongation of the westerly line of that portion of Meyler street lying between First street and Seventh street in the said city of San Pedro; thence southerly along said prolongation and the westerly line of said Meyler street to its intersection with the northerly line of said Seventh street; thence southerly in a direct line to the northeast corner of block 22 of Peck's Grand View Tract, as recorded in book 8, page 79, of maps, records of said county; thence westerly along the northerly line of said Peck's Grand View Tract, to the northwest corner of said tract, being in the westerly line of Leland street of said tract; thence southerly along the westerly line of said Leland street to its intersection with the northerly line of Hamilton avenue; thence northeasterly along the northerly line of Hamilton avenue to its intersection with the westerly line of Gaffey street from the north (formerly Helena street of said city of San Pedro); thence due south to the southerly boundary line of the county of Los Angeles, thence easterly along the southerly boundary line of the said county, to a point due south of the northwest corner of block 10 of the townsite of East San Pedro, as recorded in book 52, pages 13 to 18, inclusive, of miscellaneous records of said county, thence due north to the northwest corner of said block 10, thence northeasterly across intervening streets by straight lines, and along the northerly line of blocks 10, 11, 12 and 13 of said townsite, to the northwest corner of block 14 of said townsite; thence northwesterly in a direct line to the southeast corner of lot 2 of Terminal Island, as shown on recorder's filed map No. 133, records of said county; thence northwesterly along the northeasterly line

of said lot 2, to the northeast corner of said lot; thence northeasterly in a direct line to a point, said point being the most easterly point of the city of Wilmington as incorporated on December 26, 1905; thence northwesterly in a direct line to a point in the east line of the right of way of the San Pedro branch of the Southern Pacific Railroad Company, said point being the intersection of the easterly line of said right of way with the easterly prolongation of the northerly line of New San Pedro or Wilmington, as recorded in book 6, pages 66 and 67 of deeds, records of said county; thence westerly along the said prolongation and the northerly line of the said New San Pedro and the westerly prolongation of said northerly line, to the easterly line of the Rancho Los Palos Verdes, as recorded in book 2, pages 544 and 545 of patents, records of said county; thence southerly along the easterly line of said rancho to the southerly line of the Wilmington and Salt Works road, as shown on map of Peck's subdivision of lot J and a portion of lot H of the partition of Rancho Los Palos Verdes, hereinbefore mentioned; thence westerly along the southerly line of the said Wilmington and Salt Works road, to the northwest corner of lot 3 of the last mentioned Peck's subdivision; thence northerly in a direct line to the intersection of the easterly line of Tomlinson road with the northerly line of Ocean street, as both are shown on a map filed in case No 3284, in the Superior Court of Los Angeles County, State of California, entitled "In the matter of the petition of Ana Josefa de Dominguez et al., for partition real property"; said point of intersection being the southwest corner of the real property allotted to Victoria Dominguez de Carson by decree of said court made and filed on June 26, 1885, in the above entitled matter; thence northerly along the easterly line of said Tomlinson road to the northwest corner of the real property allotted to Maria de Los Reyes Dominguez by the aforesaid decree; thence easterly and northeasterly along the northerly line of the last mentioned property to its intersection with the prolongation of the easterly line of Olive street, as shown on the map of the South Gardena Tract recorded in book 43, page 30, miscellaneous records of said county; thence northerly in a direct line to the northwest corner of lot 14 of said tract; thence westerly in a direct line to the southwest corner of lot 7 of the Ducazau Tract, recorded in book 53, page 12, also in book 59, pages 15 and 16, both of miscellaneous records of said county; thence northerly in a direct line to the northwest corner of lot 2 of the Gardena Tract, as recorded in book 99, pages 85 and 86, miscellaneous records of said county; thence northeasterly along the northwesterly line of said lot 2 to a point distant 150 feet east of the north and south center line of section 19, township 3 south, range 13 west, S. B. M., thence north and parallel to and 150 feet distant easterly of the center line of sections 19, 18, 7 and 6 of township 3 south, range 13 west, S. B. M., and of section 31, township 2 south, range 13 west, S. B. M., to south line of section 30 of said township and range, thence east along the south lines of sections 30, 29 and 28 of last mentioned township and range, to a point 40 feet distant easterly of the west line of said section 28; thence north, parallel with and 40 feet distant easterly of the west line of sections 28, 21 and 16, said last mentioned township and range, to a point 50 feet distant northerly of the south line of said section 16; thence east through sections 16 and 15 of said last mentioned township and range, parallel with and 50 feet northerly of the south line of said sections to the westerly line of the street along which the Southern Pacific Railroad tracks are laid (commonly known as Alameda street); thence northerly along the westerly line of said street to the southerly boundary line of the city of Los Angeles, as same is described in charter granted by the Legislature of the State of California to said city in the year 1880; thence east along the said south charter boundary line to the southeast corner of said city, thence north to the southeast corner of the patent boundary of the city lands of the city of Los Angeles, as recorded in book 2, pages 38 and 39 of patents, records of said county; thence north along the east patent boundary of said city to the northeast corner of said boundary; thence due north to the southerly line of Highland Park Tract as recorded in book 5, page 145, and in book 6, pages 392 and 393, both of miscellaneous records of said county; thence easterly along said southerly line to its intersection with the center line of Avenue 57 (formerly Garvanza street); thence northerly along the center line of said Avenue 57 to an intersection with the southeasterly line of the right of way of the San Pedro, Los Angeles and Salt Lake Railway Company (formerly the Los Angeles Terminal Railway Company); thence northeasterly along the southeasterly line of said right of way to its intersection with the southerly line of block 55 of Ralph Rogers subdivision of part of Garvanza Tract, as recorded in book 12, page 61, of miscellaneous records of said county; thence easterly and northerly along the southerly and easterly line of blocks 55 and 50 of the last mentioned subdivision, to its intersection with the northerly line of the right of way of the Atchison, Topeka and Santa Fe Railway Company (formerly the Southern California Railway Company); thence easterly along the northerly line of said right of way to an intersection with the easterly line of the Rancho San Rafael, as recorded in book 3, pages 220 to 223, inclusive, of patents, records of said county; thence easterly, northeasterly, northerly along the said rancho line to its intersection with the center line of San Pasqual avenue; thence northeasterly along the center line of San Pasqual avenue to its intersection with the easterly prolongation of the southerly line of lot 63, block 17, of the Garvanza Addition No. 1, as

recorded in book 9, page 45, of miscellaneous records of said county; thence westerly along said prolongation and the south line of lot 63 and its westerly prolongation, to its intersection with the center line of the alley through said block 17; thence northerly along the center line of said alley to its intersection with the easterly prolongation of the northerly line of lot 43 of said block 17; thence westerly along the said prolongation and the northerly line of said lot 43 and its westerly prolongation, to its intersection with the center line of Avenue 66 (formerly Cooper avenue); thence northerly along the center line of said Avenue 66 to its intersection with the San Bernardino base line; thence westerly along the said base line to its intersection with the center line of Avenue 57 (formerly Chicago street), as shown on the map of the New York Tract as recorded in book 19, pages 85 and 86 of miscellaneous records of said county; thence southerly along the center line of said Avenue 57 to its intersection with the center line of Aldama street (formerly Aliso avenue), as shown on the last mentioned map; thence westerly along the center line of said Aldama street to the center line of Avenue 54 (formerly Central avenue), thence northerly along the center line of said Avenue 54 to the center line of Aldama street from the west; thence westerly along and following the various courses of the center line of said Aldama street to its intersection with the center line of Avenue 50 (formerly Highland avenue), as shown upon the diagram of the subdivision of the Highland Park Tract as recorded in book 5, page 145, of miscellaneous records of said county; thence southerly along the center line of said Avenue 50 to its intersection with the easterly prolongation of the northerly line of lot 24 of the said subdivision of the Highland Park Tract; thence westerly along the said prolongation and the northerly line of the said lot 24, to the west corner of said lot; thence southerly in a direct line to the north corner of lot 16 of the subdivision of the Hunter Highland View Tract, as recorded in book 4, page 570, of miscellaneous records of said county; thence southerly to the west corner of said lot 16; thence southwesterly to the west corner of lot 15 of the last mentioned subdivision, thence due south to the north patent boundary line of the city of Los Angeles, hereinbefore mentioned; thence west along said patent boundary line to the southwesterly line of the right of way of the Southern Pacific Railroad Company, thence northwesterly along the southwesterly line of said right of way, following the various courses and curves thereof, to its intersection with the easterly prolongation of the northerly line of a strip of land conveyed by A. J. HANEY to G. J. Griffith by deed recorded in book 155, page 357, of deeds, records of said county, thence westerly along said prolongation and the northerly line of said strip of land or its westerly prolongation, to its intersection with the easterly boundary line of the land conveyed to the city of Los Angeles by Griffith Jenkins Griffith and Mary Agnes Christina Griffith, his wife, by deed dated March 5, 1898, and recorded March 5, 1898, in book 1226, page 40, of deeds, records of said county; thence northerly, westerly, northwesterly, westerly, southwesterly and southerly following the various courses of the easterly, northerly, northeasterly, northerly, northwesterly and westerly boundary lines of the land conveyed by said deed, to a point in the San Bernardino base line, said point being an angle point in the boundary line of the city of Hollywood, as said city existed prior to its consolidation with the city of Los Angeles; thence westerly along the said base line to the point of beginning.

SEC. 2. The city of Los Angeles, in addition to any other powers now held by, or that may hereafter be granted to it under the Constitution or laws of the State, shall have the right and power

- (1) To provide and use a corporate seal, and to alter the same at pleasure.
- (2) To sue and be sued in all actions and proceedings.
- (3) To have perpetual succession.
- (4) To provide, by purchase, lease, condemnation, construction or otherwise, and to establish, own, equip, maintain, conduct and operate libraries, reading rooms, art galleries, museums, assembly or convention halls, schools, kindergartens, parks, playgrounds, gymnasiums, baths, public toilets and comfort stations, markets, market houses, abattoirs, municipal lodging houses and tenement houses, dispensaries, infirmaries, hospitals, charitable institutions, free employment bureaus, almshouses, jails, houses of correction, workhouses, farm schools, municipal farms, work farms, detention homes, cemeteries, crematories, morgues, garbage collection and garbage disposal and reduction works, street cleaning and sprinkling plants, quarries, works or plants for the preparation, manufacture, handling or transportation of materials required in the construction, completion, maintenance or repair of any public building, work, improvement or utility, also any and all buildings, establishments, institutions and places, whether situated inside or outside of the city limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education or welfare of the inhabitants of the city, or for their amusement, recreation, entertainment or benefit.
- (5) To provide for the care of the sick, the indigent and the helpless.
- (6) To make and enforce all regulations which may be necessary and expedient for the preservation of health, and the prevention of the spread, or of the introduction into the city, of contagious, malignant, infectious, or other diseases.
- (7) To provide for supplying the city and its inhabitants with water, gas and electricity, or any thereof, or with other means of heat, illumination, power or

refrigeration, and to acquire, by purchase, lease, condemnation or otherwise, or construct, and to own, maintain, equip and operate, within or without the city, water works, and works or plants for the production, transmission or distribution of gas, electricity, heat, refrigeration or power, in any of their forms.

(8) To provide for supplying surplus water, gas or electricity, belonging to the city, or the surplus product of any public utility conducted or operated by the city, to other municipal corporations, and to consumers and users outside of the city limits.

(9) To acquire by purchase, lease, condemnation or otherwise, or construct, and to own, maintain, equip and operate, telephone systems and telegraph systems, or other means of communication; also street railways, railroads and interurban railroads, steamships, steamboats, sailing vessels, ferries, or other means of conveyance, by land or water, between points within the city limits, or from points within to points without the city limits, either within or without the State of California, for the purpose of transporting passengers and freight, or either.

(10) To improve, maintain and control the waterfront and harbors of the city; to acquire by purchase, lease, condemnation or otherwise, or construct, and to maintain, deepen, widen, cover, wall, or alter waterways, channels, slips and canals; and to provide, by purchase, lease, condemnation or otherwise or construct, and to own, maintain, equip and operate elevators, warehouses, bunkers, wharves, docks, dry docks, piers, marine ways, levees, seawalls, moles, drawbridges, and other structures and appliances for facilitating or accommodating commerce or navigation in waters within the limits of the city.

To license, regulate and control or restrain the landing, anchorage, moorage, and loading and unloading of steamships, steamboats, sailing vessels, tug boats, rafts, and all other water craft, within the jurisdiction of the city; to provide for the appointment of pilots, and to fix the rates of wharfage, dockage, towage, pilotage and tolls, and provide for the collection thereof, and to make and enforce regulations governing the use of harbors and other navigable waters, and the opening and passing of bridges within the city.

(11) To acquire, by purchase, lease, condemnation or otherwise, or to construct, and to own, maintain, equip and operate tunnels, conduits, viaducts and subways; to regulate and control the use thereof, and to fix and collect charges for such use.

(12) To fix and collect rates or charges for the use of and for all products of, or service by, any public utility conducted or operated by the city.

(13) To establish, lay out, open, extend, widen, narrow, or vacate, pave or repave, or otherwise improve streets, lanes, alleys, boulevards, crossings, courts, and other highways and public places.

(14) To contribute, whenever the public interest or convenience of the city may require, toward the cost and expense of the construction, by any other municipality, or by any county, of any bridge, viaduct, tunnel, or other public work or improvement, situated without, or partly within and partly without, the city, upon such terms and conditions as may be prescribed by ordinance.

(15) To provide, by purchase, lease, condemnation, construction, or otherwise, and to establish, own, equip, maintain and operate sewers, drains, sewage farms, and any other works or plants, within or without the city, for the collection, disposition or purification of the sewage or the storm waters of the city.

(16) To acquire, by purchase, condemnation or otherwise or to lease and to hold, manage and control property, both real and personal, within or without the city, necessary or convenient for municipal purposes, or for the exercise of the powers of the corporation.

To acquire, hold and own stock in any corporation owning, controlling or operating any street or interurban railway situated in whole or in part within the limits of the city.

To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise handle or dispose of the same, in accordance with the terms of the bequest, gift or donation.

(17) To sell, lease, convey or otherwise dispose of any or all the property of the city, subject to the limitations and exceptions elsewhere in this charter prescribed, and provided that the city shall have no power to mortgage or pledge its property for any purpose.

To sell water, gas, electric current and all products of any public utility operated by the city.

(18) To levy and collect taxes upon real and personal property for municipal purposes, provided, that the tax levied for any one year for all municipal purposes, other than the payment of interest on the municipal debt and the redemption of bonds, shall not exceed one dollar on each one hundred dollar's worth of taxable property.

(19) To levy and collect, or cause to be levied and collected, assessments upon property according to frontage, or upon property in districts according to benefits, to pay for the improvement of streets, or for the construction in any public street, alley or other public place, or in any right of way owned by the city, of sewers, drains, water or gas mains, and lines and conduits for transmitting electric current, and other pipes, mains, lines and conduits, or for other public improvements.

(20) To levy and collect annually a water assessment upon any lot or parcel of land which abuts on any street, alley or other public place, or portion thereof, in which distributing mains of the municipal water system are laid in front of such lot or parcel of land, and which property is not supplied with water therefrom, for the purpose of defraying the necessary expenses of conducting the department of the city government having charge of the distribution of water, of operating the municipal water works, and of making extensions, betterments and repairs of said works. Said assessments, as collected, shall be deposited in the treasury of the city to the credit of the fund known as the water revenue fund and shall be subject to control and expenditure as in the case of other moneys in said fund.

(21) To license and regulate the carrying on of any and all professions, trades, callings and occupations not prohibited by law; to fix the amount of license tax thereon, and prescribe the manner of enforcing the payment of the same, *provided* that no discrimination shall be made between persons engaged in the same business, otherwise than by proportioning the tax to the amount of business done.

To license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse corrals, slaughterhouses, butcher shops, brick yards, dance halls or academies, public billiard or pool halls or tables, bowling and tenpin alleys, boxing contests, sparring or other exhibitions, shows, circuses, games and amusements.

To license, regulate or prohibit the construction and use of billboards, signs and fences.

(22) To suppress and prohibit prize fights, any and all forms of gambling, or fraudulent devices or practices, and all games of chance and gambling houses or places, and to authorize the confiscation and destruction of all instruments used for gambling, and all articles or goods held, or kept or offered for sale, contrary to law; also to suppress and prohibit any and all obnoxious, offensive, immoral, indecent, disreputable or disorderly houses, practices or places of business.

(23) To provide for the election or appointment of officers other than those designated in this charter, whenever the public necessity or convenience may require, and prescribe their duties and fix their compensation, *provided*, that such duties shall not include any of the duties of any officer designated in this charter, or of his deputies or assistants.

(24) To fix the salaries of all municipal officers, except those whose salaries are fixed by this charter.

(25) To provide and maintain a proper and efficient fire department, and to prescribe and enforce such measures, rules and regulations as may be necessary and expedient for the prevention and extinguishment of fires, and for the protection and preservation of property endangered thereby.

(26) To protect the property of the inhabitants of the city against inundations.

(27) To provide for the collection and disposal of garbage, animal and vegetable refuse, dead animals, ashes, rubbish and waste matter, and all other injurious and inconvenient matter.

(28) To provide for the use, government and control of all property, buildings, institutions and public places of the city.

(29) To incur indebtedness, by the issuance of bonds, for any of the purposes for which the city is authorized to provide, or for carrying out any of the powers possessed by the city, *provided* that, in the procedure for the creation of such bonded indebtedness, and for the issuance of such bonds, the general laws of the State of California in force at the time such proceedings are taken, shall, so far as applicable, be observed and followed.

(30) To fix and determine the rates or compensation to be collected by any person, firm or corporation, for water, gas, electric current, refrigeration, heat, light, power, telephones, telephone service or connections, or the conveyance of passengers or freight, by means of street railway cars, hacks, cabs, or other cars or vehicles for hire, or for the products of, or service by, any other public utility operated or conducted within the city limits, and to prescribe the character and quality of any public utility service.

To regulate, subject to the provisions of the Constitution of the State of California, the construction and operation of railroads, interurban railroads, street railways, or other means of transportation, conduits, water works, and works or plants for the production, transmission or distribution of gas, electricity, heat, refrigeration or power, and the works or plants of any other public service utility.

(31) To make the violation of its ordinances a misdemeanor and to prescribe the punishment therefor by fine not to exceed five hundred dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment; *provided, however*, that any person sentenced to imprisonment for any such violation may, upon the order of the court or magistrate before whom the conviction is had, be committed to the city jail, branch city jail, work house, work farm, house of correction, detention home or other place provided by the city for the confinement, detention or reformation of offenders, and that any person, upon whom a fine or penalty for any such violation shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had be so committed, until such fine or penalty shall be fully paid, such payment to be made in such manner as shall be provided by ordinance; *and provided further*, that, in the case of any minor, judgment of fine or imprisonment

for any such violation may be suspended upon any conviction had before such court or magistrate upon such terms and conditions as may be prescribed by ordinance.

(32) To provide for the confinement and reformation of vagrants, disorderly persons and persons convicted of violating any city ordinance, or of committing any misdemeanor, to make provision for housing or confining female offenders separately from male offenders, and provision shall be made for confining or housing minor offenders separately from adults, also to provide for the care, training and reformation of minor offenders, delinquents or dependents

(33) To provide the places at which elections shall be held, and to appoint the officers of election.

(34) To make and enforce within its limits such local, police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals and to preserve the health of its inhabitants.

(35) To have and exercise jurisdiction outside of the city, as follows, to wit: Whenever it shall be authorized by the laws of the State of California, the city of Los Angeles shall have jurisdiction outside of its territorial limits, to be exercised by ordinance, for the following purposes:

First—To enforce the health and quarantine regulations of the city in and over all places within one mile beyond its limits, and to make such regulations applicable to such outside territory.

Second—To control or prohibit the erection or maintenance of crematories, or of any offensive or unwholesome business or establishment within one mile outside of the city limits, and to provide for the prevention, suppression or abatement of nuisances in such outside territory.

Third—To suppress or prohibit houses of ill fame or assignation.

Fourth—To control commerce and navigation in or upon navigable waters to the extent of three miles outside of the limits of the city, and to regulate the use of such waters.

Provided, however, that none of the foregoing powers shall ever be exercised over any territory or waters within the limits of any other municipal corporation

(36) To exercise all municipal powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers be expressly enumerated herein or not.

(37) To do all such acts and exercise all such powers as conduce to the public welfare

(38) To permit the construction of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories or other business industries and enterprises with any line of railroad or railway within the city, upon such terms and subject to such regulations and conditions as may be prescribed from time to time by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating or filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer. Such tracks must be laid and operated in such manner and under such restrictions as not to interfere with the use of the streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the council

(39) The powers conferred by this article shall be exercised by ordinance, except as otherwise provided in this charter

(40) Except as otherwise provided in this article, no franchise, right or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct, subway or other public place, and no other franchise whatever granted by the city to any corporation, association or individual, shall be granted except by an ordinance passed by a vote of two thirds of the whole council, nor for a longer period than twenty-one years, and such grant and any contract in pursuance thereof shall provide that at the option of the city, declared not more than three years, nor less than six months, before the termination of such grant, the plant and property, if any, belonging to or used by the grantee, or his or its successors in interest, in the streets, avenues and other public places shall, at the termination of said grant, upon the payment of a fair valuation thereof, be and become the property of the city; but the grantee shall be entitled to no payment because of any value derived from the franchise. *Provided, however,* that such option shall not be exercised unless at the time of exercising the same the city shall be authorized and empowered to acquire and operate such plant and property. Every grant shall specify the mode of determining any valuation therein provided for and the time and mode of payment, and shall make adequate provision by way of forfeiture of the grant or otherwise, to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant.

In all cases in which a franchise for a railroad, street railway or interurban railway, either surface, elevated or underground, shall be granted for a line which would be an extension of or would connect directly with an existing line of railroad, street railway or interurban railway, such franchise shall in no case be granted for a longer period than the unexpired term of the franchise of the said existing line of which it will be an extension, or with which it will directly connect.

(41) No wharf, dock, seawall, pier, mole, warehouse, dry dock, marine way,

railroad, interurban railroad, street railway, electric road, traction road, steamship or vessel, or other means of transportation, or telephone system, telegraph system, canal, conduit, subway, water system, gas or electric plant or system, light or power works or plant, or any property used in connection therewith, or any public utility, now or hereafter owned or controlled by the city of Los Angeles, or the right to generate or develop electric or other power by means of any water or water right now or hereafter owned or controlled by said city, shall ever be sold, conveyed, transferred, leased, or otherwise disposed of, in whole or in part, without the assent of two thirds of the qualified voters of said city voting on the proposition at a general or special election at which such proposition shall be lawfully submitted. And no electric power now or hereafter owned or controlled by the city shall ever be sold, transferred, leased or disposed of to any person or corporation for resale, rental, disposal or distribution to consumers, or other persons, without the assent of two thirds of the qualified voters of said city given as aforesaid; *provided*, that nothing in this subdivision contained shall be construed to prevent the ordinary sale and distribution by the city of electric power, belonging to the city, to the inhabitants thereof, or persons doing business therein, for their own use, or to prevent the distribution or supplying, by the city, of surplus electric power not required by the city for distribution to consumers within its limits, to consumers outside of the limits of the city, for their own use, or to other municipal corporations for municipal use, or for resale and disposal by such municipal corporations to consumers within such municipalities, respectively.

(42) The bed of the Los Angeles River, as now defined and located, shall not, nor shall any part thereof, ever be sold, granted, leased, transferred or alienated in any way, but the whole thereof shall be kept at all times for municipal purposes, and no franchise or right to use the same, or any part thereof, shall ever be granted, sold, leased or given away; *provided*, this shall not prevent the granting by ordinance of franchises or rights to cross said river bed, or to take sand or gravel therefrom.

That Section 12 of the charter be amended to read as follows:

Sec. 12. All legislative power of the city, except as hereinafter otherwise provided, is vested in the council, subject to the power of veto and approval by the mayor, as hereinafter given, and shall be exercised by ordinance, other action of the council may be by order upon motion.

That Section 17 of the charter be amended to read as follows:

Sec. 17. All bonds of officers must be approved by the council, as also the bonds of any contractors with the city, except as otherwise provided in this charter. The city clerk shall indorse upon bonds approved by the council the date of their approval, which indorsement shall be signed by the presiding officer of the council and the city clerk.

No officer of the city shall be a surety on any bond given to, or for the benefit of, the city.

That Section 18 of the charter be amended to read as follows:

Sec. 18. No member of the council, or other city officer, shall be interested, directly or indirectly, in any contract to which the city is a party, or made by any board or officer of the city in behalf of the city; or in the sale or lease of any property, real or personal, the price, cost or consideration of which is payable from the city treasury; or in the purchase or lease of any property, real or personal, belonging to the city; or in any franchise, right or privilege granted by the city. If any officer of the city shall, during the term for which he was elected or appointed, intentionally become so interested, he shall, upon conviction thereof, forfeit his office and be punished for misdemeanor. Any contract heretofore mentioned, in which any officer of the city shall be or become so interested shall be void at the election of the city, to be declared by a resolution of the council. The council shall enforce the provisions of this section by appropriate legislation.

That Section 21 of the charter be amended to read as follows:

Sec. 21. The council shall be the judge of the election and qualifications of its members. It shall elect one of its members as its presiding officer, who shall be styled the president of the council, and who shall, in case of sickness of the mayor or his absence from the city, act as the mayor of the city. The council shall have power to prescribe the rules of its proceedings, and to preserve order at its meetings, and may punish contemptuous or disorderly conduct committed in its presence by a fine not exceeding fifty dollars, or by imprisonment not exceeding ten days, or by both such fine and imprisonment.

That Section 23 of the charter be amended to read as follows:

Sec. 23. It shall, except as otherwise provided herein, provide suitable rooms and offices for the courts, boards and officers of the city, and such furniture, fuel, lights, stationery and other supplies as are necessary for the transaction of the public business.

That Section 26 of the charter be amended to read as follows:

Sec. 26. It shall make such arrangements as it may deem best for the care and custody and feeding of all persons imprisoned by municipal authority, or sentenced to imprisonment by the police courts, and may, by ordinance, require all persons so imprisoned or sentenced to imprisonment to work for the city within or without any city jail, branch city jail, workhouse, work farm, house of correction,

detention home, or any other place provided by the city for the confinement or reformation of offenders, not exceeding eight hours each working day; *provided, however*, that for such work the person so employed shall be allowed two dollars for each day's work, on account of such fine or penalty.

That Section 29 of the charter be amended to read as follows:

Sec. 29. It shall, by ordinance, establish stands for hacks, public carriages, automobiles, express wagons and other vehicles for hire, and require a schedule of the charges of any such hack, carriage, automobile, express wagon or other vehicle, to be posted therein.

That Section 30 of the charter be amended to read as follows:

Sec. 30. It shall, by ordinance, establish fire districts, and determine the character and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or in the repair or alteration of existing buildings within such districts.

It shall, by ordinance, regulate the construction of and the materials used in all buildings, chimneys, stacks, scaffolding, staging and false work and other structures; prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and provide for their summary abatement or destruction; regulate the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and the materials used in, and the method of piping buildings, or other structures, for the purpose of supplying the same with water, steam, oil or gas, and prohibit the construction of buildings and structures which do not conform to such regulations.

That Section 31 of the charter be amended to read as follows:

Sec. 31. It shall have power, by ordinance, to regulate the size, quality and location of all water pipes, gas pipes and all other pipes and conduits laid or constructed in the streets, highways and public places of the city, and to require the filing of charts and maps of such pipes and conduits, also to regulate or prohibit the placing or maintaining of poles and the suspending of wires along or across any of the streets, highways and public places of the city, and to cause the removal and placing under ground of all telephone, telegraph, electric light, or other wires, within the city, or within any designated portion thereof.

That Section 32 of the charter be amended to read as follows:

Sec. 32. It shall, by ordinance, provide for the naming of streets and numbering of houses, and for regulating or preventing the exhibition of banners, flags or placards across the streets or sidewalks, and for regulating or suppressing public cries, advertising, ringing of bells and other noises.

It shall, by ordinance, forbid the erection or display on any building or property of the city, of any banner, device or flag of any state or nation except that of the United States, the State of California, or the city of Los Angeles.

It may, by ordinance, authorize the expenditure of money, not to exceed the sum of five thousand dollars, in any one fiscal year, for the proper celebration of the anniversary of the declaration of national independence, and such other public celebrations, events or demonstrations as the council may deem proper.

It may, by ordinance, authorize the offering of rewards for the apprehension and conviction of any person who may have committed a felony in the city, and for the recovery of lost property of the city, and provide for the payment of such rewards.

That Section 35 of the charter be amended to read as follows:

Sec. 35. It shall, by ordinance, regulate the length of railway trains which may pass along the public streets or highways, and prohibit the making up of railway trains on the public streets and the stopping of trains on street crossings.

That two new sections be added to the charter immediately after Section 36g thereof, to be known as Section 36h, and Section 36i, respectively, and to read as follows:

Sec. 36h. It may, by ordinance, provide for the creation and organization of a commission on the city plan, to serve without compensation, and prescribe the powers and duties of such commission.

Sec. 36i. It shall, by ordinance, regulate the amounts to be paid, loaned, contributed or expended, or otherwise provided, directly or indirectly, to, for or by candidates for nomination for elective offices voted for at primary nominating elections, or services of any kind to be rendered to or for such candidates, in order to secure or aid in securing their nomination, and regulate the amounts to be paid, contributed or expended, directly or indirectly, to, for or by candidates voted for at any general election, or services of any kind to be rendered to or for such candidates in aid of their election, and provide suitable penalties for the violation of such regulations.

That a new section be added to the charter immediately after Section 37 thereof, to be known as Section 37a, and to read as follows:

Sec. 37a. If any ordinance be presented to the mayor containing several items appropriating money or fixing a tax levy, he may object to one or more items separately, while approving other portions of the ordinance. In such case he shall append to the ordinance at the time of signing it a statement of the item or items to which he objects and the reasons therefor, and the item or items so objected to

shall not take effect unless passed by the council, notwithstanding the mayor's objection. Each item so objected to shall be separately reconsidered by the council in the same manner as ordinances which have been disapproved by the mayor.

That a new section be added to the charter immediately after Section 38 thereof, to be known as Section 38a, and to read as follows:

Sec 38a. All lawful city ordinances, resolutions and regulations in force at the time this section takes effect, and not inconsistent with the provisions of this charter, are hereby continued in force until the same shall be duly amended or repealed.

That a new section be added to the charter immediately after Section 39 thereof, to be known as Section 39a, and to read as follows:

Sec 39a. No ordinance shall be passed finally on the day it is introduced, but the same shall be laid over for one week, unless approved by unanimous vote of all the members of the council present, *provided* there shall be not less than seven members present.

That Section 223 of the charter be amended to read as follows:

Sec. 223. The indebtedness of the city of Los Angeles must not exceed three per centum of the assessed value of all taxable real and personal property within the city, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring, constructing or completing waterworks, gas, electric light and power works or plants, wharves, docks, piers, warehouses and other utilities upon the water front, harbor improvements, and for any revenue-producing public utility. For any or all of these purposes a further indebtedness may be incurred, not exceeding twelve per centum of such assessed value.

CHARTER AMENDMENT NUMBER TWO

That Article II of the charter be amended to read as follows.

ARTICLE II

OFFICERS OF THE MUNICIPALITY.

Sec. 3. The officers of the city shall be

A mayor,
 Nine councilmen,
 A city clerk,
 A city treasurer,
 A city auditor,
 A city tax and license collector,
 A city school superintendent,
 Seven members of the board of education,
 Five directors of the Los Angeles public library,
 A city assessor,
 A city engineer,
 A city attorney,
 A city prosecutor,
 Three police commissioners,
 A chief of police,
 Three fire commissioners,
 A chief engineer of the fire department,
 A health commissioner,
 Five public service commissioners,
 A chief engineer of water works,
 An electrical engineer,
 Three park commissioners,
 Three commissioners of public works,
 A secretary of the board of public works,
 A purchasing agent,
 Three commissioners of public utilities,
 Three harbor commissioners,
 Five playground commissioners,
 Nine municipal art commissioners.

Sec. 4. The following officers shall be elected by the electors of the city of Los Angeles at large

The mayor,
 The city attorney,
 The city auditor,
 The city assessor,
 Seven members of the board of education, and
 Nine members of the council

Sec. 5. All elective officers shall hold their offices for a term of four years, commencing on the first Monday in January next succeeding their election, at twelve o'clock M., *provided, however*, that the term of office of the present elective officers of the city shall expire on the first Monday in January, 1912, and *provided further*, that the term of office of the city auditor and the city assessor, elected at the gen-

eral municipal election held in 1911, and of the four members of the council and the four members of the board of education, respectively, receiving the highest number of votes at said general municipal election, shall expire on the first Monday in January, 1916; and the terms of office of the mayor, the city attorney, and of the other five members of the council and the other three members of the board of education, respectively, shall expire on the first Monday in January, 1914. If it should be impossible to determine, in any case, the highest number of votes by reason of two or more officers having received an equal number of votes, then those so tied shall choose by lot the four-year term of office. The result of such determination shall be spread upon the minutes of the council and become a public record. At the general municipal election to be held every fourth year after December, 1911, the city auditor, the city assessor, four members of the council, and four members of the board of education shall be elected. At the general municipal election to be held every fourth year after December, 1913, the mayor, the city attorney, five members of the council, and three members of the board of education shall be elected.

Sec. 6. The mayor shall appoint a clerk of the mayor, the chief of police, the chief engineer of the fire department, and the health commissioner. He shall also appoint, subject to confirmation by a majority of the council, the officers of the municipality mentioned in this charter whose appointments are not otherwise specifically provided for herein.

Sec. 7. The city school superintendent shall be appointed by the board of education.

Sec. 8. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of a felony, or of an offense involving a violation of his official duties, or is removed from office, or fails to qualify within ten days from the time he receives his certificate of election or appointment, or shall have been absent from the city without the consent of the council for more than sixty consecutive days, or ceases to be a resident of the city, where residence therein is, by this charter, made a qualification for the office.

Sec. 9. All appointed officers of the city shall, unless otherwise provided in this charter, hold their offices for a term of four years, and until their successors are appointed and qualified, *provided* that the appointing power shall have the power of removal in all cases. Where confirmation is required, the assent of the confirming body shall be requisite for removal.

The council may suspend any elective officer, and the appointing power may suspend any appointive officer, pending trial, against whom criminal proceedings, based on malfeasance or misdemeanor in office, or civil action for the recovery of money due the city has been commenced, and appoint a substitute for such officer during such suspension.

In all voting upon the appointment, confirmation, suspension and removal of officers, the members of the council, or other body appointing, confirming, suspending or removing, shall vote by open ballot or call of roll, and the ballot or vote of each member shall be spread upon the minutes.

Sec. 10. Every officer provided for in this charter shall, before entering upon the discharge of the duties of his office, take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of the office) according to the best of my ability."

Sec. 11. No member of the council shall, during the term for which he shall have been elected, be eligible to any office to be filled, or appointment to which is subject to confirmation, by the council; nor shall any member of the council be selected to fill any vacancy that may occur in any other office where such a vacancy is to be filled, or appointment to which is subject to confirmation, by the council.

That Article XIX of the charter be amended to read as follows.

ARTICLE XIX.

ELECTIONS.

Sec. 194. Elections to be held in said city for the purpose of electing the officers of said city and for all other purposes, are of three kinds:

- (1) Primary nominating elections.
- (2) General municipal elections.
- (3) Special elections.

Sec. 195. General municipal elections shall be held in said city on the first Tuesday in December of every odd numbered year, commencing with the year 1911. At the general municipal election in 1911 all the elective officers of said city provided for by this charter shall be elected.

Sec. 196. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the discharge of the duties of the offices to which they have been elected, on the first Monday in January of the year succeeding their election, at twelve o'clock M., and shall, except as otherwise provided in this charter, serve for four years, and until their successors have been elected and qualified; *provided*, that any person elected to fill a vacancy shall, after

qualifying as herein provided, enter at once upon the discharge of the duties of the office to which he has been elected and shall serve for the remainder of the term and until his successor shall have been elected and qualified.

Sec. 197. In the event of a vacancy in the office of member of the board of education said board shall fill the same by appointment, and in the event of a vacancy in any other elective office the council shall fill the same by appointment. In each case, the person so appointed shall hold office until the election and qualification of a person to fill the vacancy for the unexpired term, which election shall take place at the next succeeding general municipal election, if any, occurring prior to the expiration of such term; and if no such election shall so occur, then such appointed person shall hold office for the unexpired term.

Sec. 198. The council shall have power to submit to the electors of said city at any election any proposition or question or ordinance required or authorized to be so submitted by the Constitution of the State of California, the law, this charter, or by ordinance; *provided*, that in case such proposition or question is required by the said constitution, law, charter or ordinance to be submitted at a special or other particular kind of election, it shall be so submitted, and not otherwise.

THE INITIATIVE

Sec. 198a Any proposed ordinance which the council itself might adopt, may be submitted to the council by a petition filed with the city clerk, as provided in Section 198b, praying for the adoption of such ordinance, or, if the same be not adopted, that such ordinance be submitted to a vote of the electors of the city. Any such petition shall be known as an initiative petition. Such petition shall set forth the proposed ordinance in full, and shall be signed by qualified electors of the city equal in number to the percentages hereinafter prescribed. The basis upon which such percentages of qualified electors of the city shall be estimated shall be the total number of votes cast for all candidates for the office of mayor at the last general municipal election prior to the filing of such petition at which a mayor was elected.

Sec. 198b. Any petition submitting a proposed ordinance to the council, as provided in this article shall be in form, and shall be signed, filed and certified as follows

In making such petition sheets of white paper of a uniform size shall be used which shall be substantially twelve by thirty inches. Such petition shall consist of separate papers, as follows. Each paper shall consist of a sheet or sheets, containing the proposed ordinance with additional sheet or sheets, for the signatures thereto, *provided, however*, that if any paper consist of more than one sheet it shall be and remain securely fastened together at the top. The signatures need not all be appended to one sheet or paper. The proposed ordinance, as set forth in any paper, shall be followed by the signatures. Such petition shall be signed by qualified electors of the city in their own proper persons only, and opposite the signature written by each signer his residence shall be written by him, giving the street and number, when such designation by street and number can be given, or if the signer be unable to write, then such signature and residence shall be written by some person at his request, and the same identified on the margin by the signature of the person making the affidavit hereinafter provided. Each such paper shall have attached thereto at the bottom of the last sheet thereof the affidavit of a qualified elector of the city stating that all of the signatures on each sheet thereof were made in his presence, and that all of the sheets constituting such paper were fastened together at the time such signatures were appended thereto; and that to the best of his knowledge and belief each signature is the genuine signature of the person whose name purports to be thereunto subscribed. Each of the other sheets of such paper, containing signatures, shall be identified by the signature of the person making such affidavit.

Within ten days from the date of the filing of such petition, the city clerk shall examine the same and ascertain whether or not said petition is signed by the requisite number of qualified electors of the city, and if requested by the city clerk, the council shall authorize him to employ persons specially for that purpose, in addition to the persons regularly employed in his office, and the provisions of the charter respecting the classified civil service of the city shall not apply to the person so specially employed. When the city clerk has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of qualified electors of the city, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If by the certificate of the city clerk the petition is found to be insufficient, it may be amended by filing a supplemental petition or petitions within ten days from the date of such certificate. The city clerk shall, within ten days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided. If his certificate shall show any such petition or any such petition as amended, to be insufficient, it shall be retained by him and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the city clerk, such petition, or such petition as amended, is shown to be sufficient, the

city clerk shall present the same to the council without delay. The sufficiency or insufficiency of such petition shall not be subject to review by the council.

If any supplemental petition be filed, all the signatures appended to the petition and to the supplemental petition or petitions shall be considered in determining the number of qualified electors signing the initiative petition.

Any signer to a petition or supplemental petition, may withdraw his name from the same by filing with the city clerk a verified revocation of his signature before the filing of the petition, or supplemental petition, with said city clerk. No signature can be revoked after the petition to which it is attached or supplemental petition has been filed. The city clerk shall endorse on said petition and on any supplemental petition the name of the person or persons who filed the same, respectively.

If any signature to such petition or supplemental petition be called in question, the city clerk shall forthwith mail notice to such purported signer, stating that his name is attached to such petition or supplemental petition, and cite him to appear before him forthwith to answer whether such signature is genuine. If the city clerk finds that any signature is not genuine, he shall strike the same from such petition. After an election based on any initiative petition, the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Sec 113c. If the petition praying for the adoption by the council of any proposed ordinance, or if the same be not adopted, for the submission of such ordinance to a vote of the electors of the city, be signed by fifteen per centum of the qualified electors of said city estimated upon the basis aforesaid, then the council shall either:

(a) Pass said ordinance, without alteration, within twenty days after the presentation of such petition to the council by the clerk; and if the council shall fail to pass said ordinance within said time, or if the same shall be passed by the council, but shall be vetoed by the mayor, and on reconsideration by the council, said ordinance shall fail of passage over the mayor's veto, the council shall thereupon, within ten days after it shall have so failed of passage, call a special election at which said proposed ordinance, without alteration, shall be submitted to a vote of the qualified electors of said city; such election shall be held not more than fifty days from the date of the meeting of the council at which said ordinance so failed of passage, *provided, however*, that if a general or special municipal election for any other purpose shall be called and held in said city within said fifty days, then such ordinance shall be submitted at said election, or.

(b) Forthwith after the presentation of such petition to the council, it shall call a special election for the purpose of submitting said ordinance to a vote of the electors of the city, and such election shall be held not more than fifty days from the date of the presentation of such petition to the council by the city clerk, *provided, however*, that if a general or special municipal election for any other purpose shall be called and held in said city within said fifty days, then such ordinance shall be submitted at such election.

Any ordinance proposed by initiative petition and passed by the council and approved by the mayor, or passed by the council and passed over the mayor's veto, shall be subject to the referendum by petition as herein provided in the case of other ordinances.

If the said petition be signed by at least five per centum but less than fifteen per centum of the qualified electors of said city, estimated upon the basis aforesaid, then such ordinance, without alteration, shall be submitted by the council to a vote of the electors of the city at the next general municipal election or at any special election prior thereto, that shall be held at any time after twenty days from the date of the presentation of said petition to the council.

In the event that said petition prays for the adoption of a proposed ordinance amending or repealing an ordinance theretofore proposed by petition and adopted by a vote of the electors, and is signed by qualified electors of said city equal in number to fifteen per centum of the qualified voters of said city estimated on the basis aforesaid, then, but not otherwise, the council must submit such proposed ordinance to a vote of the electors of the city at the next general municipal election or at any special election prior thereto, that shall be held at any time after twenty days from the date of the presentation of such petition to the council.

Sec 118d. Any person or persons filing an initiative petition, or the person or organization on whose behalf such petition is filed, shall have the right to file with the city clerk at least twenty days prior to the election at which the ordinance proposed by such petition is to be submitted to a vote of the electors of the city, printed copies of an argument favoring said proposed ordinance, and the council shall have the right to present or permit to be presented and filed with the city clerk within the same limit of time, printed copies of an argument opposing said ordinance. No such argument shall exceed two thousand words in length, and such argument shall be printed in such form and upon such character of paper, suitable for mailing, as the city clerk shall prescribe. The city clerk shall enclose one copy of each such argument with the sample ballot and a copy of the proposed ordinance mailed to each voter, provided he has been furnished with printed copies of such argument equal in number to five per centum in excess of the total number of qualified electors of the city. Nothing in this section contained shall authorize the council to expend money of the city for the formulating or printing of any such argument.

Sec. 198e. If a majority of the qualified electors voting on any ordinance proposed by petition shall vote in favor thereof, such ordinance shall become an ordinance of the city upon the declaration by the council of the result of the election at which such proposed ordinance was submitted, and any such ordinance adopted by a vote of the qualified electors of the city voting thereon, cannot be repealed or amended except by an ordinance proposed by petition and adopted by vote of the electors, as hereinbefore provided or by an ordinance submitted by the council to a vote of the electors of the city and so adopted as hereinbefore provided or by any amendment to this charter repealing the same.

THE REFERENDUM

Sec. 198f. The council shall have power and is hereby authorized, to submit to a vote of the qualified electors of the city, at any general or special election, any proposed ordinance, order or resolution that the council itself might adopt. If a majority of the qualified electors voting on such proposed ordinance, order or resolution vote in favor of the same, it shall be deemed to be adopted and shall take effect upon the declaration of the result of such election by the council, and it shall have the same force and effect as an ordinance adopted under the provisions of this article relating to the referendum.

Sec. 198g. No ordinance passed by the council shall go into effect until the expiration of thirty days from its publication, except an ordinance ordering or otherwise relating to an election, and an ordinance establishing or changing the name or curb lines of, or respecting the establishment or change of grade of, or the improvement, in any manner of, or the opening, widening, straightening or extension of, streets, boulevards, alleys, courts or other public places, and an ordinance respecting the construction of sewers or storm drains, or respecting the bringing or conduct of suits or actions or the levying or collection of local assessments upon private property, for any of said purposes, or respecting the condemnation of lands for parks, boulevards or playgrounds under laws or ordinances providing for the payment of the expense thereof by local assessments upon private property, and any ordinance authorized or required by the laws of this State, or by or under the provisions of this charter, respecting the improvement of streets or other public places, and an ordinance required for the immediate preservation of the public peace, health or safety, which shall contain a specific statement showing its urgency, and is passed by a three-fourths vote of the council, but all ordinances of any of the classes heretofore excepted by this section shall take effect upon their publication. No grant of any franchise, right or privilege shall ever be construed to be an urgency measure, but all grants of franchises, rights or privileges shall be subject to a referendary vote as hereinafter provided. No ordinance, order or resolution passed by the council making or authorizing any contract shall go into effect until the expiration of thirty days from the publication of such ordinance or the adoption of such order or resolution except contracts for street or other public improvements, the cost and expenses whereof are to be paid by local assessments, and contracts that require the payment by the city of less than twenty-five thousand dollars, and except any ordinance, order or resolution of the council authorizing the sale or issuance of bonds of the city.

Sec. 198h. At any time within the thirty days mentioned in the preceding section, a petition addressed to the council, and signed by qualified electors of said city equal in number to at least ten per cent of such qualified electors computed upon the basis for estimating percentages specified in Section 198a hereof, may be filed with the city clerk, demanding the submission of any ordinance, order or resolution passed by the council, to a vote of the qualified electors of said city, except any ordinance, order or resolution which shall take effect as provided in the preceding section. Any such petition shall be known as a referendary petition, and shall contain the ordinance, order or resolution in full, the submission of which to a vote is thereby demanded. Such vote shall be known as a referendary vote.

The provisions of this charter, relating to the form and to the mode of signing initiative petitions, and to the filing, examination, certification and amendment of the same, and to the presentation thereof to the council by the city clerk, shall apply to referendary petitions filed under this charter.

If any referendary petition or petitions be filed, as hereinbefore provided, and the city clerk shall be unable to make his certificate to the sufficiency or insufficiency thereof within thirty days after the publication of the ordinance, or the adoption of the order or resolution, the submission of which to a referendary vote is thereby demanded, such ordinance, order or resolution shall be suspended from taking effect after the expiration of said thirty days and until the date of the certificate of the city clerk to the sufficiency or insufficiency of such petition or petitions. If by the certificate of the city clerk such petition or petitions are certified to be sufficient, such ordinance, order or resolution shall not go into effect until it shall be adopted by vote of the electors of the city, as hereinafter provided, but if by such certificate, such petition or petitions are certified to be insufficient, such ordinance, order or resolution shall go into effect upon the date of such certificate; provided, however, that no such ordinance, order or resolution shall take effect until the expiration of said thirty days. No referendary petition shall be amended by a supplemental petition filed

after the expiration of said thirty days. In case more than one referendary petition be filed, all such petitions shall be considered in determining the number of qualified electors, and with the same force and effect as though all the names had been appended to one petition.

Sec 198i. Upon the presentation to the council by the city clerk of a referendary petition or petitions, the ordinance, order or resolution, the submission of which to a referendary vote is thereby demanded, must be either repealed by the council without delay or submitted to a vote of the qualified electors of the city for approval or rejection at the next general municipal election occurring subsequent to forty days from the date of the presentation of such referendary petition to the council by the city clerk, *provided*, that if before such general election, and subsequent to said forty days, a special election shall be held for any other purpose, then such ordinance, order or resolution shall be so submitted at such special election, or, in the discretion of the council, at any special election called for that purpose; *provided, however*, that if any referendary petition or petitions shall be signed by fifteen per centum of the qualified electors of said city computed upon the basis for estimating the percentage of such electors set forth in Section 198a of this charter, the council must, upon the presentation thereof to it, immediately call a special election at which the ordinance, order or resolution contained in such petition shall be submitted to a referendary vote, and such election shall be held within forty days from the presentation to the council of such petition.

If any referendary petition or petitions presented to the council as aforesaid, be certified by the clerk to be signed by at least ten per centum but less than fifteen per centum of the qualified electors of the said city, computed upon the basis aforesaid, then and in that event, additional referendary petitions for the submission of such ordinance, order or resolution to a referendary vote may be filed; all such additional referendary petitions shall be in the same form, and be signed, examined, amended, and certified and presented to the council in like manner as provided in Section 198b of this charter; and if it shall appear from the certificate of the city clerk thereto, that such additional referendary petition or petitions are signed by such number of qualified electors of the city, as, when added to the number of qualified electors whose signatures are appended to such referendary petition or petitions examined and certified by the city clerk, shall equal fifteen per centum of the qualified electors of said city, computed upon the basis aforesaid, the council must, upon the presentation of such additional referendary petition or petitions to it by the city clerk, immediately call a special election at which such ordinance, order or resolution shall be submitted to a referendary vote, and such election shall be held within forty days from the presentation of such additional referendary petition or petitions to the council.

If, upon the presentation by the city clerk to the council of a referendary petition signed by at least ten per centum, but less than fifteen per centum, of the qualified electors of the city, computed as aforesaid, the council shall have ordered the ordinance set forth in such petition submitted to a vote of the electors of the city at the next general municipal election, such action shall be annulled by the presentation to it of additional petitions, which, together with such referendary petition, shall be signed by at least fifteen per centum of the qualified electors of the city, and in such event the council shall submit such ordinance to such vote at a special election, as hereinbefore provided.

Sec 198j. No ordinance, order or resolution that has been submitted to a referendary vote shall go into effect unless a majority of the qualified electors voting thereon shall vote in favor thereof, and if such ordinance, order or resolution so submitted shall receive the votes of a majority of such qualified electors voting thereon, it shall be deemed to be adopted, and shall take effect upon the declaration by the council of the result of the election at which it shall have been so submitted; *provided, however*, that any ordinance, order or resolution so adopted shall be subject to amendment or repeal by the council at any time, but such amendment or repeal shall not be made within six months after such adoption, except by unanimous vote of the council, and such amendment or repeal shall be subject to a referendary vote as provided in this article.

Sec. 198k. Whenever any ordinance proposed by initiative petition, or any ordinance, order or resolution for the submission of which to a referendary vote a petition or petitions shall have been filed, is submitted at any election, there shall be printed on the ballots to be used at such election, the words, "Shall the ordinance, (or order, or resolution, or proposed ordinance, as the case may be, stating the nature of the ordinance, order or resolution, or of the proposed ordinance) be adopted?" And opposite such proposition to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed, on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes", his vote shall be counted in favor of the adoption of the ordinance, order or resolution, or the proposed ordinance; and if he shall stamp a cross (X) in the voting square after the printed word "No", his vote shall be counted against the adoption of the same.

Sec 198l. Any number of ordinances proposed by initiative petitions, or ordinances, orders or resolutions submitted by the council to a referendary vote, or so submitted in pursuance of referendary petitions, may be voted upon at the same election, either general or special; *provided*, that there shall not be held in any period of six months more than one election called for the purpose of submitting an ordinance

or ordinances proposed by initiative petitions, but if any election be called for any other purpose within such period, such ordinance or ordinances may also be submitted thereat. If the provisions of two or more ordinances, orders or resolutions adopted at the same election by vote of the qualified electors of said city, under the provisions of this article, conflict, then the ordinance, order or resolution receiving the highest affirmative vote shall prevail.

Sec. 198m. The council, at its own instance, or upon the presentation to it of an initiative petition, may submit any proposed ordinance for the repeal of any ordinance adopted or approved by vote of the qualified electors of the city, in pursuance of an initiative or referendary petition, as in this article provided, or for the amendment of such ordinance, to be voted upon at any succeeding general municipal election; and in the event that such proposed ordinance, so submitted by the council, receive a majority of the votes cast thereon at such election, the ordinance to which such ordinance so adopted is amendatory, or that is to be repealed thereby, shall be amended or repealed accordingly.

Sec. 198n. Whenever any ordinance, order, resolution or proposition is required by this article to be submitted to the electors of the city at any election, the city clerk shall cause the same to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot, and mail the same to each voter.

Sec. 198o. If any ordinance, order or resolution be submitted to the vote of the electors in pursuance of a referendary petition, the person filing such petition, or the person or organization on whose behalf said petition was filed, shall have the right to present to the city clerk at least twenty days prior to such election, printed copies of an argument opposing such ordinance, order or resolution, and the council shall have the right to present or permit to be presented to the city clerk, within the same limit of time, printed copies of an argument favoring such ordinance, order or resolution. No such argument shall exceed two thousand words in length, and such argument shall be printed in such form and upon such character of paper suitable for mailing as the city clerk shall prescribe. The city clerk shall enclose one copy of each of such arguments with the sample ballot, and a copy of the ordinance, order or resolution, mailed to each voter, *provided* he has been furnished with printed copies of such arguments equal to five per centum in excess of the total number of qualified electors of the city. Nothing in this section contained shall authorize the council to expend any money of the city for the formulating or printing of any such argument.

THE RECALL.

Sec 198p. Any incumbent of an elective office, whether elected by vote of the people or appointed to fill a vacancy, may be removed from office by the qualified electors of the city of Los Angeles, as hereinafter provided. Such removal of the incumbent of an office shall be known as the recall, and the procedure to effect the removal of an incumbent of an elective office shall be as hereinafter provided.

(1) A petition signed by qualified electors equal in number to at least twenty per centum of the entire vote cast for all candidates for the office, the incumbent of which is sought to be removed, at the last preceding general municipal election at which an incumbent of such office was elected, demanding the submission to the electors of the city of the question whether the incumbent of such office shall be removed by vote of such electors, and if so removed, the election of a successor of such incumbent, shall be addressed to the council and filed with the city clerk. Such petition shall contain a general statement of the grounds for which such removal is sought, of not more than three hundred words in length, and the sufficiency of such statement shall not be subject to review, *provided, however*, that no petition for the removal of any elective officer shall be so filed until he has actually held his office for three months.

(2) The provisions of this article relating to the form and to the mode of signing of initiative petitions, and to the filing, examination, certification and amendment thereof, and to the presentation of the same to the council, shall apply to any petition filed with the city clerk under this section, which petition shall be designated as a recall petition. The sufficiency or insufficiency of any recall petition shall not be subject to review by the council.

(3) Upon the presentation of such recall petition to the council by the clerk, the council shall thereupon, by ordinance, order the holding of a special election for the purpose of submitting to the electors of the city the question whether such officer shall be recalled, and if recalled, for the election of his successor. Such special election shall be held not less than fifty days nor more than sixty days after the date of the certificate of the city clerk to the sufficiency of such recall petition, *provided, however*, that if a general municipal election, or any special municipal election is to occur within sixty days after the date of such certificate, the council may, in its discretion, order the holding of such recall election, and the consolidation thereof with such general or special election.

Sec 198q. The ballots used at every recall election shall have printed thereon, as to every officer whose recall is to be voted on thereat, the following question:

"Shall (inserting name of officer sought to be removed) be removed from the office of (inserting name of his office), by the recall?"

And opposite such question to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes", his vote shall be counted in favor of the recall of such officer, and if he shall stamp a cross (X) in the voting square after the word "No", his vote shall be counted against such recall.

On such ballots, under each such question, there shall also be printed the names of all persons who have been nominated as candidates to succeed the person whose removal is sought, in case he shall be removed from office by vote of the electors. The nomination of such candidates shall be made as hereinafter provided, except that the person whose removal is sought, shall be deemed a candidate, and unless, within five days after the date of the clerk's certificate to the petition, he resigns his office, or declines in writing duly signed and verified by him, and filed with the city clerk, to be a candidate, his name shall be printed on the ballot the same as if he had been regularly nominated in accordance with the provisions of this article.

Sec. 198r. Any incumbent of an office, whose removal is sought under the provisions of this article, may file with the city clerk, at least twenty days prior to such recall election, printed copies of a statement of not more than two thousand words in length justifying his course in office; and the person filing such recall petition, or the person or organization on whose behalf a recall petition was filed, shall have the right to present to the city clerk, within the same limit of time, printed copies of a statement in support of such recall of not exceeding two thousand words in length. Any statement filed under this section shall be printed in such form and upon such character of paper suitable for mailing as the city clerk shall prescribe. The city clerk shall enclose one copy of any such statement so filed with him with the sample ballot mailed to each voter, provided he has been furnished with printed copies of such statement equal to five per centum in excess of the total number of qualified electors of the city.

Sec. 198s. Any elective officer for whose recall and removal from office an election is held, shall continue to perform the duties of his office until such time as the council having canvassed the vote at such recall election, shall declare that a majority of the electors voting on the question as to whether such person shall be recalled and removed from office, have voted in favor of his recall and removal from office. But if such person shall resign at any time after the date of the certificate of the clerk certifying that the petition for his recall is sufficient and prior to the declaration of the result of such election, thereby creating a vacancy in such office, or a vacancy occurs therein during such time from any cause, such vacancy may be filled by the council in the same manner as other vacancies occurring in such office, but in that event, the person appointed to fill such vacancy shall hold his office only until the person declared by the council to have been elected at the recall election shall qualify. Proceedings for the recall of any elective officer shall be deemed to be pending from the date of the certificate of the city clerk certifying that the recall petition is sufficient, and if he shall resign at any time subsequent thereto the recall election shall be held notwithstanding such resignation.

In the event that a majority of the electors voting on the question as to whether a person shall be recalled and removed from office shall vote in favor of the removal of such person from office by the recall, the person for whose removal from office such majority has voted shall be deemed to be and shall be recalled and removed from office upon the declaration of the result of such election by the council, and the candidate receiving at said election the highest number of votes for that office shall be thereby elected. If the incumbent receive the highest number of votes, he shall continue in office, but if some person other than the incumbent receive the highest number of votes at such election he shall become the successor of the incumbent so removed and shall hold office only during the unexpired term of such officer.

Sec. 198t. No person who has been removed from an elective office by the recall, or who has resigned from such office while recall proceedings for his removal were pending against him, shall be appointed to any office under this charter within two years after such removal or resignation.

Sec. 198u. Any candidate to be voted for at a recall election other than the incumbent sought to be removed, may be nominated by petition, which shall be substantially in the form prescribed in Sections 206r and 206d of this charter. Any such petition or petitions shall be signed by qualified electors of said city equal in number to at least one per cent of the total number of votes cast for the office of mayor at the last general municipal election in said city at which a mayor was elected. Each petition must be presented to the city clerk not less than twenty-five days before such recall election. Immediately upon the presentation of any such petition, the city clerk shall ascertain and determine, in the manner hereinbefore provided as to initiative petitions, whether or not such petition is signed by the requisite number of qualified electors of the city. If requested by the city clerk, the council shall allow him additional assistants for that purpose, as in other cases, and he shall, within five days after the presentation thereof, attach his certificate to such petition, showing the result of his examination. If it shall appear therefrom, that any such petition is not signed by the requisite number of qualified electors, the same may be amended

within three days from the date of such certificate, by presenting a supplemental petition. The clerk shall, within three days after such supplemental petition is filed, make like examination thereof, and shall certify the result of his examination thereof; but no further supplemental petition shall be allowed. If any such petition, as amended by a supplemental petition, be signed by the requisite number of qualified electors, both the petition and supplemental petition being considered together for that purpose the person therein named shall be deemed to be nominated as a candidate to be voted for at such recall election.

Sec. 198i. The provisions of Sections 206h, 206i and 206j of this charter shall be applicable to recall elections held under this article.

Sec. 198u. The incumbent of any appointive office provided for in this charter, or created by ordinance under the authority thereof, may be removed at any time after the expiration of three months from his appointment, by the qualified electors of the city. The procedure to effect the removal of the incumbent of an appointive office shall be the same as that hereinbefore provided for the removal of the incumbent of an elective office by the recall, with the following exceptions:

(a) The petition for the removal of the incumbent of an appointive office shall contain a demand for the submission to the electors of the city of the question whether the incumbent of such office shall be removed by vote of such electors.

(b) The ballots used at the election at which such question shall be submitted, shall have printed thereon, as to every appointive officer whose removal is to be voted on thereat, the following question.

"Shall (inserting name of officer sought to be removed) be removed from the office of (inserting name of his office)?"

And opposite such question to be voted on, and to the right thereof, the words "Yes" and "No" shall be printed on separate lines, with voting squares. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes", his vote shall be counted in favor of the removal of such officer, and if he shall stamp a cross (X) in the voting square after the word "No", his vote shall be counted against such removal.

(c) If a majority of the electors voting on such question shall vote in favor of the removal of such appointive officer, he shall be deemed to be and shall be removed from office upon the declaration of the result of such election by the council and such office shall thereupon be and become vacant. Such vacancy shall be filled by the appointing power in the same manner as other vacancies, but any appointive officer so removed shall not be eligible to any appointive or elective office under this charter until the expiration of two years after such removal.

Sec. 198z. In the event that any appointive officer whose removal is sought, as herein provided, shall resign at any time after the filing of a petition for his removal with the city clerk, or any vacancy from any cause occur in such office, at any time prior to two days before such election, such election shall not be held; but the incumbent, if he shall have so resigned after the presentation to the council by the clerk of such petition, or have been removed by any other process of law, he shall not be eligible to any appointive or elective office under this charter until the expiration of two years from the date of such resignation or removal last mentioned.

Sec. 198y. The procedure herein provided for the removal of any appointive officer shall be in addition to any other process for removal provided by law.

GENERAL PROVISIONS RELATING TO ELECTIONS.

Sec. 199. If any special election be ordered, held and conducted, it shall be ordered, held and conducted (except as to the date thereof), and the result thereof made known and declared, in the same manner as herein provided for other elections.

Sec. 199a. The council may, in calling elections of any kind, other than primary nominating elections, order the consolidation thereof, and may order the consolidation of primary nominating elections with special elections: *provided, however*, that when an election has been ordered by the council in the manner provided in Section 200 of this charter, and thereafter the council orders any other election or elections, and that the same be consolidated with said election theretofore ordered, the ordinance ordering such other election or elections and the consolidation thereof with the said election theretofore ordered, may provide that the election precincts, polling places and election officers established and designated for such election shall be the election precincts, polling places and election officers for such other election or elections so called and ordered consolidated therewith, and it shall not be necessary that the ordinance ordering such other election or elections and such consolidation shall set forth such election precincts, polling places or election officers. When any elections shall have been consolidated as herein provided they shall be held, conducted, the returns thereof canvassed and the result thereof declared in all particulars, the same as one election held under this charter.

Sec. 200. The council of said city shall by ordinance, order the holding of all elections. Every such ordinance shall specify the object and time of holding any such election, and shall establish the election precincts and designate polling

places therefor, and the names of the election officers for each such precinct, who must be residents thereof, to conduct the holding of and make returns of such election. Unless otherwise designated in such ordinance, such voting precincts shall be the same as those that existed for the holding of the last preceding general state election in said city. The council may, in ordering the holding of any election, consolidate the voting precincts which existed for the holding of the last preceding general state election into consolidated election precincts to a number not exceeding three for each such consolidated election precinct, and shall number such precincts consecutively, and each precinct so established shall, for the purposes of such election, be known by the number so designated. In ordering the holding of any election, the council may reduce the number of election officers for each election precinct, or consolidated election precinct, to one judge, one inspector, one clerk and two ballot clerks; and in such case, the election board shall consist of the judge, inspector and clerk. All ordinances ordering the holding or consolidation of elections shall be published in some daily newspaper printed and published in said city, for at least five days prior to the time appointed for the holding of such election.

Sec. 200a. The city clerk shall provide for every election, ballots for each election precinct or consolidated election precinct established therefor, equal to ten per cent in excess of the total number of electors registered in each such election precinct or consolidated election precinct. And upon the day of any election, immediately upon the arrival of the hour when the polls are required by law to be closed, the city clerk shall openly, in his main office, and in the presence of as many persons as may then and there assemble to witness his act, proceed to destroy every unused ballot which shall have remained in his possession, custody or control, and forthwith make and file in his office his affidavit, in writing, as to the number of ballots so destroyed.

Sec. 201. The returns of every election shall be delivered to the city clerk, who shall deliver the same to the council when it is in session for the purpose of canvassing the returns thereof. The council shall, within ten days after any election, either at a regular or special meeting, canvass the returns and declare the result thereof, and order certificates of nomination, in the case of primary nominating elections, issued to the persons nominated thereat, and certificates of election to the persons elected at general municipal elections or at primary nominating elections. The council shall be the judge of the qualifications of all of the elective officers.

Sec. 202. All elections shall, except as in this charter otherwise provided, be conducted and held in accordance with the provisions of the laws of the state for the holding of general elections in effect at the time.

Sec. 203. No person shall be eligible to any elective office under this charter who at the time of his election is not a qualified elector of this city, and to be eligible to the office of member of the council, the person elected must also have been a resident of the city for at least two years next preceding his election.

Sec. 204. All persons shall be entitled to vote at any election held in pursuance of this charter who come within or comply with the requirements of this section. Every person who was a qualified elector at the general state election immediately preceding the holding of any election under this charter, and who was registered, as required by the general law of this State respecting the registration of voters, in any of the election precincts for any election held under this charter, or in any of such precincts which together compose any consolidated precinct for any such election, and who continues to reside within the exterior boundaries of such election or consolidated election precinct until the time of the holding of any election under this charter, shall be entitled to vote at such election, without other or additional registration. Any other person, in order to be entitled to vote at any of the elections held under this charter, must be registered in the manner required by the general laws of this State respecting the registration of voters, as an elector of and within the precinct or one of the precincts which compose the consolidated election precinct wherein he claims to be entitled to vote: *provided, however*, that as to all elections held under this charter, such registration shall be in progress at all times except during the twenty-five days immediately preceding any such election: *and provided further*, that transfers of registration may be made from one election precinct to another, in the city of Los Angeles, at any time except within twenty-five days immediately preceding any election held under this charter, but no such transfer shall be required in the case of the removal of an elector from one to any other precinct included in a consolidated election precinct.

It shall be the duty of the county clerk of the county of Los Angeles to keep his office open for registration and transfers of registration for at least sixty days prior to the closing of registration for any municipal election, and to register and transfer the registration of all qualified electors of said city who may apply for such registration or transfer of registration during that time.

Sec. 205. The registers used at any election held in pursuance of this charter shall be the registers used at the last preceding general state election in the precincts in which such municipal election is held, together with supplemental registers showing all additional registrations, transfers and changes, since the closing of registration for such general state election. It shall be the duty of the county clerk of the county

of Los Angeles to furnish such registers with proper indices thereto, to the city clerk of said city at least five days before the holding of such municipal election.

Sec. 205a. Any candidate to serve for the remainder of an unexpired term of any office, unless candidates therefor shall have been nominated at a primary nominating election, may be nominated by petition, which shall be substantially in the form prescribed in Sections 206c and 206d of this charter. Each such petition must be presented to the city clerk not less than twenty-five days before the general municipal election at which the person to serve for such unexpired term shall be elected, and shall be examined, certified, amended and filed and treated in all respects the same as petitions for the nomination of candidates to be voted for at a recall election.

Sec. 206. The present officers of the city shall hold, continue to hold and exercise their respective offices until the election or appointment and qualification of their successors to be elected or appointed under this charter as hereby amended, with the powers and duties vested in and imposed upon them by the charter and the ordinances of the city under which they were elected.

PRIMARY NOMINATING ELECTIONS

Sec 206a. Candidates to be voted for at any general municipal election shall be nominated at a primary nominating election. No person shall be eligible to nomination for an elective office who is not a qualified elector of the city of Los Angeles at the time of such nomination, and no names shall be printed upon the ballot for such general election other than those selected in the manner in this article prescribed.

Sec. 206b. A primary nominating election shall be held on the last Tuesday in October, 1911, and on the last Tuesday in October of every second year thereafter, at which shall be nominated the candidates for the elective offices to be voted for at the general municipal election to be held on the first Tuesday in December next ensuing. The officers of election who shall be appointed for the primary nominating election shall be the officers of such general election, and such general election shall be held at the same places, as far as possible, and the polls shall be opened and closed at the same hours, as may be provided for the primary nominating election. All ballots, blanks and other supplies to be used at any primary nominating election, and all expenses necessarily incurred in the preparation for or the conducting of such primary nominating election shall be paid out of the treasury of the city in the same manner, with like effect, and by the same officers, as in the case of other elections.

Sec. 206c. The name of no candidate for nomination shall be printed upon the primary nomination ballot unless a petition for nomination shall have been filed in his behalf, as provided herein, in substantially the following form:

We, the undersigned, qualified electors of the city of Los Angeles, county of Los Angeles, State of California, do hereby petition that the following named person or persons shall be a candidate or candidates for the office or offices hereinafter specified, to be voted for at the primary nominating election to be held for the nomination of candidates for offices of said city at the next general municipal election, for (name the office or offices to be filled).

Name of candidate.	Office.	Address
-----	-----	-----
-----	-----	-----
-----	-----	-----

Name of petitioner.	Address
-----	-----
-----	-----
-----	-----

STATE OF CALIFORNIA. }
COUNTY OF LOS ANGELES. } ss.

I ----- do hereby certify that I am a qualified elector of the city of Los Angeles, that I reside at No. ----- street, in the city of Los Angeles, county of Los Angeles, State of California, and that the signatures on this sheet were signed in my presence and are genuine, and that to the best of my knowledge and belief the persons so signing were at the time of so signing, qualified electors of said city and that their respective residences are correctly stated as above set forth.

Subscribed and sworn to before me this ----- day
of -----, A. D. -----.

Sec. 206d. Such petition shall consist of sheets of uniform size to be furnished by the city clerk and said petition and each separate sheet thereof shall be preceded by a heading in large clear letters or type giving name of petition, or for what office, and name of candidate nominated in substantially the following form

Petition for nomination of A. B. for city assessor and C. D. for city auditor, etc., etc.

Such petition shall be signed by qualified electors of the city of Los Angeles in their own proper persons only, and opposite the signature of each signer, his residence address shall be written by him, or if he is unable to write, by some one under his direction, giving the street and number when such designation by street and number can be given. At the bottom of each sheet of such petition shall be added a statement, signed by a qualified elector of the city stating his residence address, with street and number when such designation by street and number can be given, certifying that the signatures on that sheet of said petition were signed in his presence and are genuine, and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified electors of said city. Such statement shall be sworn to before some officer authorized to administer oaths. Such sheets, before being filed, shall be fastened together, in book form, by placing the sheets in a pile, and fastening them together at one edge in a secure and suitable manner, and then the sheets shall be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll.

Sec. 206e. No petition for nominations shall be presented to the city clerk which shall contain blanks for more than one thousand signatures, nor to which are appended the signatures of more than one thousand petitioners and no such petition shall be held sufficient unless signed by at least five hundred qualified electors of the city. No petition for nomination shall contain the names of more than one candidate for each office. No elector may sign more than one petition for a candidate for the same office.

Sec. 206f. Said petition shall be presented to the city clerk not more than fifty days and not less than thirty days prior to the primary nominating election, and the said clerk shall endorse thereon the date of such presentation. A fee of ten dollars shall be paid to the city clerk upon the presentation to him of said petition. The city clerk shall immediately pay into the city treasury all such fees, and the same shall be placed therein to the credit of the election fund. The said city clerk shall immediately, upon the presentation to him of a petition, ascertain and determine whether or not the petition is signed by the requisite number of qualified electors. If requested by him the council shall allow the clerk extra assistants in this work, and the provisions of this charter respecting the classified civil service of the city shall not apply to the persons so employed. The clerk shall, within five days after the presentation of such petition to him, attach his certificate thereto showing the result of his examination.

Sec. 206g. If, by the city clerk's certificate, it shall appear that the petition has not been signed by the requisite number of qualified electors, it may be amended within five days from the date of said certificate by the further addition of names. The said clerk shall, within five days after such amendment, make like examination of the amended petition and shall certify as to the result of his examination, but no further amendment shall be allowed.

Sec. 206h. If either the original or amended petition shall be found to be sufficiently signed as herein provided, the same shall be filed by the clerk. Said petition, when filed, shall not be withdrawn or added to, and no signature shall be withdrawn therefrom after presentation to the clerk.

Sec. 206i. Within five days after the expiration of the time for the filing of petitions for nominations, any person for the nomination of whom a petition has been filed as hereinbefore provided, may cause his name to be withdrawn from nomination, by filing with the city clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot to be used at the primary nominating election. If upon such withdrawal, or by the death of any person for the nomination of whom a petition has been filed, the number of candidates remaining does not exceed the number of persons to be elected to any office, then other nominations may be made by filing petitions therefor not later than twenty days prior to such election, but no amendment to any such petition shall be allowed.

Sec. 206j. The city clerk shall enter the names of all persons for the nomination of whom as candidates, petitions have been filed as hereinbefore provided, except candidates who have withdrawn or died, and shall, not later than ten days prior to the primary nominating election, certify such list as the list of names of candidates to be voted for at such primary nominating election. The city clerk shall cause said list of names and the offices for which the several candidates were respectively nominated, together with his certificate thereof, to be published for at least five consecutive days prior to the primary nominating election in five daily newspapers printed and published in the city.

Sec. 206k. The city clerk shall cause the ballots to be printed and, except when voting machines are used, numbered and bound, which ballots shall contain the list of names of candidates and respective offices as published, with the following caption:

PRIMARY NOMINATING ELECTION

CITY OF LOS ANGELES.

(Inserting date thereof)

"To vote, stamp a cross opposite the name of the candidate voted for, except that when name of candidate is written in by voter the cross shall not be made."

The names of the offices to be filled shall be arranged on the ballots in the order the officers of the city to be elected are named in Section 4 of this charter.

Sec. 206l. The names of the candidates for each office shall be arranged on the ballot for the primary nominating election in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation, source of candidacy or support of any candidate. Any candidate to serve for the remainder of an unexpired term, shall be designated in the petition and on the ballot as a candidate to fill an unexpired term.

Sec. 206m. Each ballot shall contain blank spaces underneath the printed names for each office, wherein the voter may write the name of any candidate whose name is not printed on the ballot and for whom he may wish to vote and in such case a cross shall not be stamped opposite such written name.

Sec. 206n. In the event that any candidate for nomination to any office for which only one person is to be elected shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary nominating election, the candidate so receiving such majority of votes shall be deemed to be and declared by the council to be elected to such office, *provided*, that in the case of candidates for the offices of member of the council and member of the board of education, the candidates therefor equal to or less than the number of such offices, for which nominations are to be made who receive the votes of more than one half of the qualified electors voting at such election, shall be deemed to be and declared by the council to be elected to such office or offices. Except as in this section provided, the result of such primary nominating election shall be as provided in Section 206o of this charter.

Sec. 206o. The two candidates receiving the highest number of votes for any given office at the primary nominating election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballots to be used at the general municipal election, *provided*, that where more than one office of the same kind is to be filled, the candidates therefor, equaling in number twice the number of such offices, who receive the highest number of votes at the primary nominating election, shall be the candidates, and the only candidates, for such offices whose names shall be printed upon the ballot to be used at such general election.

After the expiration of the time within which nominations may be contested, as hereinafter provided, the council shall cause certificates of nominations to be issued by the city clerk to such candidates as shall have received the required number of votes and shall have been nominated at the primary nominating election, *provided, however*, that such certificate shall not be issued when there is a contest as to any candidate, as hereinafter provided, until after such contest shall be determined.

Sec. 206p. The ballot at any general election shall be in the same general form as for such primary nominating election, so far as applicable, and without any indication as to the party affiliation, source of candidacy or support of any candidate.

Sec. 206q. Any person entitled to vote at any election held in the city of Los Angeles, shall on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours between the time of opening and the time of closing the polls; and such voter shall not, because of so absentsing himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages.

Sec. 206r. Nothing contained in any of the foregoing sections, 206a to 206q, both inclusive, shall be deemed to apply to any election held under the sections of this article relating to the recall and removal of elective officers, except as therein expressly provided.

Sec. 206s. In the event of the death of any candidate nominated at a primary nominating election for any office, the name of the person who received the highest vote of those who were candidates for such office, other than the candidates who were nominated therefor at the primary nominating election, shall be deemed a candidate and his name shall be printed upon the ballot to be used at the general municipal election, with the same force and effect as if such person had been nominated therefor as hereinbefore provided.

Sec. 206t. Whenever it shall appear upon the canvass of the returns of any primary nominating election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be nominated as candidates for such office, the city clerk shall forthwith, upon the declaration by the council of the result of such election, notify in writing all persons so receiving an equal number of votes, to appear before the council, in the council chamber, at its next regular meeting that shall occur after the expiration of five days after the result of such election shall have been declared, and at an hour to be specified in such notice, and then and there to draw lots to determine which of said persons shall be the candidate or candidates for such office. At the time and place specified in such notice, such persons shall appear before the council and shall then and there in open session thereof, draw lots to determine which of said persons shall be such candidate or candidates. Such lots shall be drawn in such manner as the council shall prescribe, and the person or persons upon whom the choice made by such

drawing of lots shall fall, shall be declared to be and shall be the candidate or candidates. If any such person do not appear, as above prescribed, the city clerk shall act for such person in such drawing of lots; *provided, however*, that if any demand for a recount of the ballots cast at such primary nominating election be made as hereinafter provided, by or on behalf of any such person, such drawing of lots shall not be had, until and unless such recount shall also result in a tie vote having the effect hereinbefore stated.

Nothing in this section contained shall be construed to prevent any elector of the city from demanding and obtaining a recount of the ballots cast at such primary nominating election as hereinafter provided.

Sec. 206u. Any elector of the city may contest the right of any person declared nominated as a candidate for any office to be such candidate upon the ground that such person did not receive the requisite number of votes at the primary nominating election. When an elector contests the right of any person declared nominated as a candidate for any office to be a candidate therefor, he must, within five days after the result of the primary nominating election shall have been declared by the council, file with the city clerk a written petition setting forth specifically the following:

(1) The name of the person contesting such nomination, and that he is an elector of the city.

(2) The name of the person whose right to be a candidate for an office, stating the office, is contested;

(3) A statement of particulars wherein the person, whose right to be a candidate is contested, did not receive the requisite number of votes at the primary nominating election; or, of such errors in the counting of ballots, which, if corrected, would give a different result;

(4) A demand for a recount of the ballots cast at such election.

Such petition must be signed by and be verified by the affidavit of the person filing such petition, and such affidavit must state that the statements made in the petition are true of his own knowledge, except as to the matters which are therein stated on his information or belief, and as to those matters he believes it to be true. Any such petition shall be accompanied by a bond in the penal sum of \$500, in favor of the city of Los Angeles, executed by the petitioner and by two sureties satisfactory to the council, conditioned for the payment by the petitioner to the city of Los Angeles of the costs and expenses of such recount of ballots in case such contest does not change the result of such election.

The city clerk shall present said petition to the council at its next regular meeting after the filing thereof, and the council shall thereupon order a recount of the ballots cast at such election. Such recount shall be conducted by the mayor, city attorney and city clerk, who shall for that purpose constitute a board of contested primary nominating elections, *provided, however*, that if any of said officers are interested parties to said contest, the council shall designate a disinterested elector to act upon such board in the place of such officer. Such board shall be authorized by the council to employ such persons as may be necessary to assist them in conducting such recount, which shall be public, and conducted with due diligence to completion. Upon the completion thereof, such board shall make a report in writing of the result thereof to the council, which shall thereupon declare the same; and if any person or persons other than the person or persons theretofore declared nominated, are found upon such recount to be entitled to such nomination, the council shall so declare and direct that the proper certificate of nomination be issued to such person or persons. Nothing in this section contained shall be construed to prevent any person from contesting any nomination by such judicial proceedings as may be otherwise authorized by law.

In case the result of such primary nominating election is changed by such contest, the expense of such recount shall be paid by the city.

Sec. 206r. The provisions of Section 206u shall be applicable to any case where it appears from the canvass of the returns of any primary nominating election that two or more persons have received an equal number of votes as candidates for any office at such election, so that the result of such election does not determine which of such persons are entitled to be nominated as candidates for such office. Any elector of the city may, in the event of any such tie vote, obtain a recount of the ballots cast at such primary nominating election by filing a petition demanding such recount, setting forth specifically the following:

(1) The name of the person demanding such recount, and that he is an elector of the city;

(2) The names of the persons who received an equal number of votes, stating the office.

(3) A statement of particulars of such errors in the counting of ballots, which, if corrected, will give a different result.

(4) A demand for a recount of the ballots cast at such election.

Such petition shall be signed, verified and filed as in said Section 206u provided. The proceedings for such recount shall be conducted and the result thereof determined in the same manner and with the same force and effect as in said section provided, and the provisions thereof shall control in all matters pertaining to such proceedings so far as they may be applicable thereto.

Sec 206*c*. A substantial compliance with the provisions of this article shall be sufficient for the holding of any election hereunder, and for the approval or rejection of any ordinance, order or resolution submitted to a vote of the electors of the city.

CHARTER AMENDMENT NUMBER THREE.

That Section 43 of the charter be amended to read as follows:

CITY AUDITOR.

Sec 43 The city auditor shall be the general accountant of the city, and shall exercise a general supervision over all of the officers, boards and commissions of the city charged in any manner with the receipt, collection or disbursement of the moneys of the city. He shall have power to prescribe the method of installing, keeping and rendering all accounts of the several officers, boards or commissioners of the city; *provided, however*, that any change of the system of accounting shall first be authorized by the council.

The city auditor shall keep in his office a complete set of accounts, which shall show, at all times, the financial condition of the city and the state of each fund, from what source the money was derived, and for what purpose any money was expended.

He shall, on application of any person indebted to the city, holding money payable into the city treasury, or desiring to pay money therein, certify to the city treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall upon the deposit of the receipt of the city treasurer for money paid into the city treasury, charge the city treasurer with the amount received by him, and give the person paying the same a receipt therefor.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned and appropriated and forthwith notify the city treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses.

He shall report to the council at its second regular meeting of each month the condition of each fund in the city treasury and the amount drawn from each fund during the preceding month, and shall render to the council such other or special reports as it may from time to time require.

He shall make and present a report to the council on or before the fifteenth day of August of each year, showing all financial transactions of the city for the fiscal year ending the 30th day of June last preceding.

He shall audit and approve all demands against the city before payment, and keep a record of the same, as hereinafter provided in Article XXI.

The city auditor shall perform such other duties and exercise such further powers as may be elsewhere prescribed for him by the charter or by ordinance. He shall devote his entire time to the performance of the duties of his office.

That Section 46 of the charter be amended to read as follows

CITY ASSESSOR

Sec 46. It shall be the duty of the city assessor, in addition to any duty that may be elsewhere prescribed for him by this charter or by ordinance, to make out, within such a time as may be prescribed by ordinance of said city, either now in force or that may hereafter be passed in pursuance hereof, a full, true and correct list of all the property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at twelve o'clock meridian on the first Monday of March next preceding.

Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as shall be provided for by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at twelve o'clock meridian on the first Monday of March next preceding.

It shall be the duty of the city assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for collection of said taxes. In all such cases he shall be governed in fixing the amount of the tax by the rate of the tax levy for the preceding year.

Immediately after fixing the assessment on such property he shall serve on its owner or owners a notice in writing, which shall specify the assessed valuation of the property, the rate per cent and the amount of tax payable, and contain a demand for the payment of said tax within three days after service of said notice. Said notice shall be served personally, or by leaving a copy of the same at the last known place of residence of the person whose property is so assessed.

Upon the expiration of said three days after such service, if the tax demanded still remains unpaid or payment thereof be not secured to the satisfaction of the city attorney and city assessor, the city assessor shall forthwith proceed to collect the same by seizure and sale of any personal property owned by the delinquent.

The said sale shall be made by him in the manner provided in Sections 3791, 3792, 3793, 3794, 3795 and 3796 of the Political Code of the State of California;

provided, that the newspaper referred to in said Section 3792 shall be published in the city, and shall be designated by the council.

As soon as the rate is fixed for the year in which such collection is made, if it be found that a sum in excess of said rate has been collected, the excess must be repaid in the same manner as other demands against the city are paid, to the person from whom the collection was made, or to his assigns. And if a sum less than the rate fixed has been collected, the deficiency must be collected as other taxes on personal property are collected.

Should the board of equalization reduce the valuation for the same year of the property so assessed, the sum collected in excess of said reduced valuation must be repaid in like manner, to the person from whom the collection was made, or to his assigns. And if the valuation of said property should be increased by said board, then the deficiency must be collected as other taxes on personal property are collected.

The city assessor shall carefully note upon his assessment list and also upon a book to be kept by him for the purpose all collections made by him under this section, and shall turn over to the city treasurer all money received immediately upon its receipt.

In case the city assessor shall fail to demand, and through his fault to collect, any and all taxes which by this section he is directed to collect, he shall be and become personally liable to the city for the amount of said delinquent taxes, with interest from the date of their assessment; and the council is authorized and directed to cause proper action or actions at law to be brought against him and the sureties on his official bond to recover the same.

The mode of making out assessment lists, of ascertaining the value of property and of equalizing the same shall be such as is now or may hereafter be, prescribed by the ordinances of the city.

That Section 47 of the charter be amended to read as follows:

BOARDS AND COMMISSIONS.

Sec. 47. The powers and duties of all boards and commissions provided for under this charter shall be such as are in this charter elsewhere set forth, and such as may be prescribed by ordinance.

That Section 49 of the charter be amended to read as follows:

THE CITY ATTORNEY.

Sec. 49. The city attorney must be qualified to practice in all the courts of this State, and he must have been so qualified for at least five years next preceding his election. He shall devote his entire time to the duties of his office.

The powers and duties of the city attorney shall be as follows:

(1) The city attorney must prosecute and defend for the city all actions at law or in equity, and special proceedings, for or against the city, or in which it may be legally interested, or for any officer of the city in any action or proceeding, when directed so to do by the council.

Whenever any cause of action at law or in equity or by special proceeding exists in favor of the city, the city attorney shall commence the same when within his knowledge or when directed so to do by the council. He shall give his advice or opinion in writing, to any officer, board or commission of the city, when requested so to do by such officer, board or commission; *provided* that the council shall have control of all litigation of the city, and may employ other attorneys to assist the city attorney therein.

(3) He shall approve, by indorsement in writing, the form of all official or other bonds required by this charter, or by ordinance, before the same are submitted to the proper body, board or officer for final approval, and no such bond shall be approved without such approval as to form by the city attorney. He shall approve in writing the draft of all contracts before the same are entered into by or on behalf of the city. The city attorney shall do and perform all such other things affecting or relating to his office as may be required of him by ordinance.

(4) The city attorney shall keep on file in his office copies of all written communications and opinions given by him to any officer, board or department, copies of all papers, briefs and transcripts used in causes wherein he appears, and books of record and registry of all actions or proceedings in his charge, in which the city, or any officer, board or commission is a party or is interested.

(5) The city attorney may appoint such assistants, deputies, clerks, stenographers and other persons as the council, by ordinance, shall prescribe; *provided*, however, that each assistant must, at the time of his appointment be qualified to practice in all of the courts of the State, and must have been so qualified at least two years next preceding his appointment.

That Section 50 of the charter, relating to the office of superintendent of buildings, be repealed, and in place thereof a new section be added to the charter, to be known as Section 50, and to read as follows:

THE CITY PROSECUTOR.

Sec. 50. The city prosecutor shall be appointed by the mayor, subject to confirmation by the council. He must be at the time of his appointment qualified to practice in all of the courts of this State, and he must have been so qualified for at least five

years next preceding his appointment. He shall devote his entire time to the duties of his office.

The city prosecutor may appoint such assistants, deputies, clerks, stenographers and other persons as the council, by ordinance, shall prescribe: *provided, however*, that each assistant must at the time of his appointment, be qualified to practice in all of the courts of the State, and must have been so qualified at least two years next preceding his appointment.

The powers and duties of the city prosecutor shall be as follows:

(1) The city prosecutor shall be present, either in person, or by his assistants or deputies at all sessions of the police court, and he shall institute, attend and conduct, on behalf of the people, all criminal cases arising upon violations of the provisions of this charter or the ordinances of the city, in the police court, and on appeal.

(2) The city prosecutor shall draw complaints in such cases in said police court, and prosecute all recognizances and bail bonds forfeited in said police court. He shall prosecute all actions for the recovery of fines, penalties and forfeitures and other moneys accruing to the city of Los Angeles in said court.

(3) Whenever it shall be authorized by the laws of this State, the city prosecutor shall prosecute in the police court, and on appeal, all misdemeanor offenses cognizable in or by the police court, arising upon violation of the laws of this State, draw complaints in said court for misdemeanors committed against the laws of this State, prosecute all recognizances and bail bonds forfeited in said police court, and prosecute all actions for the recovery of fines, penalties and forfeitures accruing to the city or county of Los Angeles in said police court.

(4) Whenever the laws of the State shall so provide, any person held in custody or restraint by any peace officer of the city, and charged with having committed any criminal offense against the provisions of the charter of this city, or the ordinances thereof, or with having committed any misdemeanor or other offense in the city of Los Angeles against the laws of the State, who shall apply for a writ of habeas corpus, a copy of the application for such writ must in any such case be served upon the city prosecutor at such time and in such manner as may be provided by such laws; and it shall be the duty of the city prosecutor to conduct all proceedings connected with or relating to the application for or hearing upon such writ on behalf of the people.

(5) Whenever it shall be authorized by the laws of the State, the city prosecutor shall have the power to make and present to the said police court, or any judge thereof, in any case where an offense has been committed in the city, that is triable in said court, and any person whose attendance as a witness at the trial is necessary in the judgment of the city prosecutor, resides out of the county of Los Angeles, or is served with the subpoena outside of said county, an affidavit stating that he believes the evidence of such witness is material and his attendance at the trial is necessary.

(6) It shall be his duty to keep a register of his official business, in which must be entered a note of all actions, whether criminal or civil, prosecuted or defended officially by him, and of the proceedings therein; and shall have such further powers and shall perform such other duties as may be prescribed by ordinance.

That Section 53 of Article IV of the charter be amended to read as follows:

CHIEF OF POLICE.

Sec 53. The chief of police shall have the supervision and control of the police force of the city, and in that connection he shall be subject only to the orders of the mayor.

That Section 57 of Article IV of the charter be amended to read as follows:

HEALTH COMMISSIONER

Sec. 57. The health commissioner shall have such powers and perform such duties as are in this charter or may be by ordinance granted to or imposed upon him.

That Article IV of the charter be amended by adding a new section thereto to be designated as Section 57a, and to read as follows:

PURCHASING AGENT

Sec 57a. The purchasing agent shall, except as elsewhere in this charter prescribed, be the agent of the city in purchasing materials and supplies used by the city.

He shall receive such salary, give such bond to the city, and perform such duties as may be prescribed by ordinance.

That Section 59 of Article IV of the charter be amended so as to read as follows:

Sec. 59. Every officer, board and commission of the city, in addition to those named in Section 58 of this article, shall, except as otherwise provided in this charter, make and present to the council, at its meeting in the second week of July, of each year, such report pertaining to the affairs of the office or department of which such officer, board or commission has charge, for the year ending on the 30th day of June last, as the council, by ordinance, shall prescribe.

That Article VII of the charter be amended to read as follows:

ARTICLE VII.

DEPARTMENT OF EDUCATION.

Sec. 69. The government of the school department of the city of Los Angeles shall be vested in a board of education, to consist of seven members, to be elected as in this charter provided, and to be called members of the board of education.

Sec. 70. Each member of the board of education shall receive in full compensation for all services of every kind rendered by him, ten dollars for each regular meeting of said board attended by him, but not exceeding a total of \$50 in any one calendar month, the same to be paid out of the school fund.

Sec. 71. The members of the board of education in office at the time this article takes effect, shall hold and exercise their offices until the election and qualification of their successors under this charter.

Sec. 72. The board of education shall elect one of its members president. It shall have power, by resolution adopted by a majority of all its members, and recorded in the minutes with the ayes and noes at length, to make rules and regulations for its proceedings, for the government and administration of the department of education, and for the regulation and conduct of the officers, teachers and other employees of said department.

Sec. 73. The board of education shall hold regular meetings at least once every two weeks, and special meetings at such times as shall be prescribed by the rules of said board. A majority of all the members of said board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time until a quorum be present.

Sec. 74. The meetings of the board of education shall be public, and its records shall be open to public inspection.

Sec. 75. The board of education shall fill all vacancies occurring in its membership.

Sec. 76. The board of education shall have power:

1. To establish and maintain public schools, including high schools, to change, consolidate and discontinue the same, and to establish districts for such schools and to fix and alter the boundaries thereof.

2. To appoint, employ and discharge a city school superintendent, a deputy school superintendent, assistant school superintendents, a secretary, an auditor, and such teachers, janitors, school census marshals, mechanics, laborers and other employees as may be necessary to carry into effect the powers and duties of the board; to fix, alter and allow their salaries or wages, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid.

3. To make, establish and enforce all necessary and proper rules and regulations for the government of public schools, the teachers thereof, pupils therein, and for carrying into effect the laws relating to education; also to establish and regulate the grade of schools, and determine what text-books, course of study and mode of instruction shall be used in said schools.

4. To grade, pave, sewer or otherwise improve streets and other public places in front of real property owned or controlled by it, and to appropriate money to pay the cost and expense of such improvements, whether made by said board, or under contracts executed by the board, or under contracts made in pursuance of the general laws or the State respecting street improvements.

5. To have and exercise entire control and management of the public schools of the city in accordance with the constitution and general laws of the State and the provisions of this charter, and said board is hereby vested with all the powers and charged with all the duties provided by this charter, and also by the general laws of the State for city boards of education.

Sec. 77. No demand payable out of the school fund shall be approved or paid unless the same be first approved by the affirmative vote of five members of the board, taken by ayes and noes, and spread on the minutes and the action of said board, on such demand, shall be endorsed thereon and signed by the president and the secretary thereof.

Sec. 78. The city school superintendent, with the approval of the board of education, may, for good and sufficient cause, provisionally suspend any teacher employed in the public schools of the city, until the next meeting of the board of education. It shall be the duty of the city school superintendent to report to the board of education annually, and at such other times as it may require, all matters pertaining to the expenditures, income and condition and progress of the public schools of said city during the preceding year, with such recommendations as he may deem proper; to visit each school as often as practicable; to observe, and cause to be observed, such general rules for the regulation, government and instruction of the schools as may be established by the board, to recommend to the board the dismissal of teachers, stating the reasons therefor; to attend all sessions of the board, and inform it at each session of the condition of the public schools, school houses, school fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in the city, and to acquaint himself with all the laws, rules and regulations governing the public schools in said city, and the

judicial decisions thereon, and give advice connected with public schools, gratuitously, to officers, teachers, pupils and their parents and guardians.

That Article VIII of the charter be amended to read as follows:

ARTICLE VIII

LIBRARY DEPARTMENT.

Sec 81. There is hereby established a department of the government of the city of Los Angeles, to be known as the library department, which shall be under the management and control of a board of five directors, to be known as the board of library directors.

Sec 82. Said directors shall be appointed by the mayor, subject to confirmation by a majority of the council. They shall serve without compensation, and shall be chosen from the citizens at large, without regard to sex.

Sec. 83. The term of office of the library directors shall be four years; *provided, however*, that upon the taking effect of this article, the directors of the Los Angeles public library, then in office, shall be and become the library directors of the city, and shall continue in office as such directors until the expiration of the terms for which they were appointed respectively, and until their successors are appointed and qualified; *and provided further*, that the term of office of each of said directors of the Los Angeles public library shall expire on the first Monday in January of the fourth calendar year immediately following his appointment. The mayor shall, subject to confirmation by the council, fill all vacancies for the unexpired term.

Sec 84. The said board of library directors shall organize by electing one of its members president, who shall hold office for one year, and until his successor is elected.

Sec. 85. The said board of library directors may appoint any employee of the library department to act as clerk of said board. Such clerk shall keep a record and full minutes in writing of all the proceedings of said board, and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the board for that purpose, and such clerk shall serve without extra compensation therefor.

Sec. 86. The said board of library directors by the vote of a majority of all its members, to be recorded in the minutes of its proceedings with the ayes and noes at length, shall have power

(a) To establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the library department, and for the regulation of the conduct of its officers and employees.

(b) To establish and maintain branch public libraries and reading rooms, and all branch libraries and reading rooms heretofore established by said city, and all property, real and personal, thereto pertaining, shall be and remain in the charge, custody and administration of the said board of library directors, with like powers and liabilities as said library.

(c) To appoint a librarian, a first and second assistant librarian, and such other officers and employees of the library department as the board may deem necessary, to determine and define their duties and to fix and regulate their compensation. All appointments in the library department shall be made by the said board subject to such civil service rules and regulations as are now or may hereafter be in force.

(d) To establish departments in said public library, and to appoint, employ and remove heads of such departments.

(e) To control and order the expenditure of all moneys at any time in the library fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities as are herein authorized, subject to the provisions of this charter for the payment of demands on the city treasury of said city. All moneys received for such library shall be deposited in the treasury of the city, to the credit of the library fund, and shall be kept separate and apart from other moneys of the city, and shall be drawn from said fund upon demands authenticated by the signatures of the president, or two members of the board, and by the clerk thereof.

(f) To purchase or lease all necessary real property and thereon to construct a library or branch library building or buildings, or to lease rooms or a building or buildings for such library or branch libraries, and to have general supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose, and generally to do all that may be necessary to carry out the spirit and intent of this charter in establishing a public library and branch public libraries or reading rooms.

(g) To sell, or otherwise dispose of, any damaged, worn out or useless books, furniture or other personal property under its control, in such manner and at such times as the board may determine.

(h) To prescribe and collect fines and penalties for the violation of the rules and regulations of said board respecting the use and loan of books from the said library or branch libraries.

(i) To provide for extending the privileges and use of such library and branch libraries to persons residing outside of the city of Los Angeles, upon such terms and conditions as said board may, from time to time, by its rules and regulations prescribe.

and to require the payment by such persons of dues, and to collect the same for such privileges and use

(j) To require deposits of money for the return of books loaned from the library, in cases where the person borrowing the same cannot furnish such sureties or guarantors as may be required by the rules and regulations of the said board, and in case of the loss of such books, or the return thereof in a damaged condition, to deduct from such deposits, or to collect from such sureties, the cost of replacing such books or restoring the same to good condition, and to declare forfeited all such deposits that shall remain unclaimed for five years.

Sec. 87. All moneys derived from such sales of books and other property, from fines, penalties, dues, deposits, forfeited deposits and collections from sureties shall be paid into the city treasury at the end of each calendar month, to the credit of the library fund, and shall be applied to the purposes for which such fund is established.

Sec. 88. The library department shall consist of the librarian, the assistant librarians, and such officers and employees as the board of library directors may prescribe. All appointments in the library department, except as otherwise provided in this charter, shall be made subject to such civil service regulations as are now or may hereafter be in force. The librarian shall have the power to suspend or remove any officer or employee in the library department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said board of library directors, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may or upon written application of the person so suspended or removed filed with said board within five days after service upon him of such statement as above provided, shall, proceed to investigate the grounds for such suspension or removal. If, in the case of a removal, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed, the board shall reinstate him in such position, and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Sec. 89. There shall be levied and collected annually, on all the taxable property in the city, as in other cases a tax sufficient to maintain the library department, not less than four cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library and branch libraries, and purchasing or leasing such real and personal property, books, papers, publications, furniture and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; provided, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the city of Los Angeles, in accordance with the provisions of this charter and of the general laws of the State, for the purpose of defraying the cost of such improvements.

Sec. 89a. The public library and reading rooms, known as the Los Angeles public library, is hereby continued in existence, and said library, and all branch public libraries heretofore or hereafter established by the said city, shall be under the management and control of said board of library directors, and shall be free of access to and use by the inhabitants of said city, subject at all times to such reasonable rules and regulations as the said board of library directors may adopt, and said board may exclude from the use of said library and branch libraries any and all persons who shall willfully violate such rules.

Sec. 89b. Any person desiring to make donations of money, securities or other personal property or real estate, shall have the right to vest the title to such money, personal property or real estate so donated in "the board of library directors" hereby created, to be owned, held and controlled by such board when accepted, according to the terms of the deed, gift, devise or bequest of such property; and, as to such property, the board shall be held and considered to be a special trustee thereof for the city. The title of all real property that may be purchased shall likewise be taken by said board in its name as such special trustee; and the city of Los Angeles may, in its discretion, by ordinance, set apart and order to be conveyed to said board, as special trustee, any part of the real property of the city not otherwise appropriated; or to authorize and direct that any park or other real property owned or controlled by the city may be used jointly for library and other purposes.

Sec. 89c. The board of library directors shall have power and are hereby authorized to invest any savings or surplus in the library fund at the close of each fiscal year for the purpose of creating a fund or funds for the acquiring of real estate, erection of buildings, or purchase of books, all for library purposes; *provided*, that such savings or surplus funds may be invested only in United States, state, county, municipal or school bonds, (including any bonds issued by the city of Los Angeles for any purpose); and the income derived therefrom shall be deposited in the city treasury to the credit of the library fund. A full and complete report of the investment of all such funds, together with the nature and form of such investment, shall be made by said board in its annual report in each year.

Sec. 90. The city council shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, branch libraries, or the grounds or property thereof, and for injury to or failure to return any book belonging to such library.

That Article IX of the charter be amended to read as follows.

ARTICLE IX.

POLICE DEPARTMENT.

Sec. 91. There is hereby established a department of the government of the city of Los Angeles to be known as the police department, which shall be under the management and control of three commissioners to be known as the board of police commissioners.

Sec. 92. The mayor, who shall be ex officio a member and president of the board, and two electors of the city, who shall be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of police commissioners of the city. The appointive members of the board shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualified *provided, however*, that the first members of the said board appointed hereunder shall hold office until the first Monday of January, 1912, and until their successors are appointed and qualified.

Sec. 93. The police department shall consist of the chief of police, who shall be appointed and be subject to removal by the mayor, and as many subordinate officers, and such policemen, detectives and employees as the council shall by ordinance determine. All appointments in the department shall be made by the chief of police, subject to approval by the board of police commissioners, and subject to such civil service regulations as are now or may hereafter be in force. The chief of police shall have the power to suspend or remove any officer or employee in the police department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said board, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing the suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement, as above provided, shall proceed to investigate the grounds for such suspension or removal. If, in the case of a removal the said board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed the said board shall reinstate him in such position; and if, in the case of a suspension the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the said board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Sec. 94. The salaries of the chief of police, and of all other members and employees of the police department shall be fixed by the council by ordinance.

Sec. 95. The board of police commissioners shall, subject to the provisions of this article, have power to establish rules and regulations for the government of the police department, and prescribe and enforce the penalties for their violation.

Sec. 95a. The board of police commissioners shall have power to grant permits, under and in conformity with the ordinances of said city, authorizing the city clerk to issue licenses to persons desiring to engage in the sale of liquors, and to revoke any such permit when it shall appear to the board that the business of the person to whom such permit was given is conducted in an illegal, disorderly, or improper manner. Without such permit no person shall engage in the business of selling liquor.

Sec. 96. The board of police commissioners shall meet at least once a week. The board shall appoint a secretary, who shall not be a member of the board, and who shall receive such salary as the council, by ordinance, shall prescribe. The secretary shall keep a record of the proceedings of the board, and may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may

prescribe. The board shall maintain an office, to be provided by the council, for the transaction of the business of the department. A majority of the board of police commissioners shall constitute a quorum for the transaction of business.

Sec. 96a. The board of police commissioners, the chief of police, and other members and employees of the police department, shall have such further powers and be subject to such further duties as may be granted or imposed by ordinance.

That Article XI of the charter be amended to read as follows:

ARTICLE XI.

FIRE DEPARTMENT.

Sec. 107. There is hereby established a department of the government of the city of Los Angeles to be known as the fire department, which shall be under the management and control of a board of three commissioners, to be known as the board of fire commissioners.

Sec. 108. The mayor, who shall be ex officio a member and president of the board, and two electors of the city who shall be appointed by the mayor, subject to confirmation by a majority of the council, shall constitute the board of fire commissioners. The appointive members of the board of fire commissioners shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualified; *provided, however*, that the first members of the said board appointed hereunder, shall hold office until the first Monday in January, 1912, and until their successors are appointed and qualified.

Sec. 109. The fire department shall consist of a chief engineer of the fire department, who shall be appointed and be subject to removal by the mayor, and as many subordinate officers, and such firemen and employees as the council shall by ordinance determine.

Sec. 110. All appointments in the fire department shall be made by the chief engineer of the fire department, subject to approval by the board of fire commissioners, and subject to such civil service regulations as are now or may hereafter be in force. The chief engineer of the fire department shall have the power to suspend or remove any officer or employee in the fire department; but no such suspension or removal shall be made except for cause, which shall be stated in writing and filed with said board of fire commissioners, with certification that a copy of such statement has been served upon the person so suspended or removed personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing the suspension or removal shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended or removed, filed with said board within five days after service upon him of such statement as above provided, shall, proceed to investigate the grounds for such suspension or removal. If, in the case of a removal the said board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, and also finds in writing that the person removed is a fit and suitable person to fill the position from which he was removed the said board shall reinstate him in such position; and if, in the case of a suspension, the board, after such investigation, shall find in writing that the grounds stated were insufficient, or were not sustained, the said board shall restore the person so suspended to duty. The order of said board with respect to such suspension or removal shall be final and conclusive. Any person restored to duty or reinstated in his position after suspension or removal, as provided in this section, shall be entitled to receive compensation from the city the same as if such suspension or removal had not been made.

Sec. 111. The salaries of the chief engineer of the fire department and of all other officers and employees of the fire department shall be fixed by the council, by ordinance.

Sec. 111a. The board of fire commissioners shall appoint a secretary, who shall not be a member of the board, and who shall receive such salary as the council, by ordinance, shall prescribe. He shall keep a record of the proceedings of the board, and perform such other duties as the board may prescribe.

Sec. 112. The board of fire commissioners shall, subject to the provisions of this article, have power to establish rules and regulations for the government of the fire department, and prescribe and enforce the penalties for their violation.

Sec. 112a. In case of fire occurring on any vessel in Los Angeles harbor, or in the other navigable waters of said city, or in or upon any dock, wharf, pier, warehouse, building or other structure bordering upon or adjacent to said harbor or waters, full power and authority to direct and command the operation of extinguishing said fire and to take the necessary precautions to prevent communication thereof to the shipping in said harbor and other waters, or to the docks, wharves, piers, warehouses or other buildings or structures bordering upon or adjacent thereto, shall be vested in the fire department of the city of Los Angeles.

The officers of said fire department in charge at the scene of any such fire shall have full power and authority to direct the operation of extinguishing the same and to take the necessary precautions to prevent the communication thereof to the shipping in said harbor and other waters, or to any docks, wharves, piers, warehouses or other buildings or structures bordering upon or adjacent thereto, and in the course

of such operation may prohibit the approach of such fire or to a vessel, dock, wharf, pier, warehouse or other building or structure in danger therefrom, of any tugboat or other vessel, or of any person: or may remove or cause to be removed and kept away from the vicinity of such fire all tugboats and other vessels, all idle and suspicious persons and all persons not fit to be employed or not actually and usefully employed, in their judgment, in aiding the extinguishing of such fire, or in the preservation of property in the vicinity thereof.

Any person who shall in any way obstruct the operations of said fire department in connection with any such fire, or who shall disobey any lawful command of the officers of said fire department in charge at the scene of such fire, or of the police in cooperating with them, shall be deemed guilty of a misdemeanor and shall be punishable in such manner as may be prescribed by ordinance.

Nothing in this section contained shall be construed to limit the authority of the master or officers of any such vessel on fire or in danger from fire, subject to the general authority granted herein of the fire department to control the operations in protection of the public interest.

Sec 112b The board of fire commissioners and the chief engineer of the fire department, and all other officers and employees of the fire department, shall have such other powers and perform such other duties as may be granted or imposed by ordinance.

That Article XII of the charter be amended to read as follows:

ARTICLE XII.

PARK DEPARTMENT.

Sec 113. There is hereby created a department of the government of the city of Los Angeles to be known as the park department, which shall be under the management and control of a board of three commissioners, to be known as the board of park commissioners.

Sec 114. The members of the board of park commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. No person shall be appointed a park commissioner who is not a qualified elector of the city of Los Angeles. The members of said board shall serve without compensation.

Sec. 115 The term of office of the members of the board of park commissioners shall be four years; *provided, however*, that the three members first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1913, one on the first Monday in January, 1914, and one on the first Monday in January, 1915. If any vacancy occurs the mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the council.

Sec. 116. Immediately after their appointment, the members of the board of park commissioners first appointed hereunder shall organize by electing one of their members president, who shall hold his office for one year, and until his successor is elected, unless his membership on the board sooner expires. The board of park commissioners shall appoint a secretary, not a member of the board, who shall receive such compensation as may be fixed by ordinance. The secretary shall keep a record of all the proceedings of the board, specifying the names of the commissioners present at all meetings, and giving the ayes and noes upon all votes. The secretary of the board may certify such proceedings under his seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

Sec 117. The board of park commissioners shall maintain an office, to be provided by the council, and prescribe office hours for the accommodation of the public. It shall hold regular meetings at least once in each week.

Sec 118 The board of park commissioners shall have power

(a) To make and enforce all such rules and regulations as may be necessary or expedient for its own guidance, for the government of the park department, for the conduct of the officers and employees of said department, and for the administration, government and protection of the parks and park system of the city of Los Angeles, and may prescribe and enforce penalties for the violation of such rules and regulations, subject to ordinances of the council.

(b) To appoint and define the duties of a superintendent of parks and such assistants and other employees as may be prescribed by ordinance, subject to such civil service rules and regulations as are now or may hereafter be in force, and to discharge, remove or suspend them, subject to the provisions of this charter.

(c) To purchase and lease property for park purposes, or for the use and benefit of the park department, and to have general supervision, control, care and custody of all real and personal property owned by the city of Los Angeles and used in and about the parks or park system of said city, and generally to do any and all things that may be necessary to carry out the spirit and intent of this charter in establishing, maintaining, operating, improving and enlarging the public parks and park system of the city of Los Angeles; and

(d) Subject to such ordinances as may from time to time be adopted by the council, to have and exercise charge, superintendence and control of the design, location, construction, maintenance and use of all buildings, pavilions and other structures, and all fountains, statues, sculptures, monuments, arches or other structures.

in such parks, pertaining to park purposes, and intended for the convenience of the public, or for the ornamentation of such parks.

Sec. 119. The board of park commissioners may, for and on behalf of the city of Los Angeles, receive donations, legacies or bequests for the improvement or maintenance of said parks or park system, or for the acquisition of new parks, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donation, legacy or bequest, be deposited in the treasury of the city of Los Angeles, to the credit of the park fund. The same may be withdrawn therefrom and paid out only in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such parks and park system. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said parks, and park system, the board may invest all or a part of the same in interest bearing bonds of the United States or of the State of California, or of any county, municipality or school district thereof. As to all such property, the board of park commissioners shall be deemed and considered to be a special trustee thereof for the city of Los Angeles.

Sec. 119a. The board of park commissioners shall have such additional powers and perform such other duties as may be granted or imposed by ordinance.

Sec. 119b. All lands and real property located in the city of Los Angeles which have been heretofore, or which may be hereafter, set apart or dedicated for the use of the public as a public park or parks, shall forever remain to the use of the public as such park or parks, inviolate, and no part of said lands or real property shall ever be used or occupied for any other purpose.

That Article XIII of the charter be amended to read as follows:

ARTICLE XIII.

HEALTH DEPARTMENT.

Sec. 120. There is hereby established a department of the government of the city of Los Angeles to be known as the health department.

Sec. 121. The health department shall be under the management and control of a commissioner, to be known as the health commissioner. He shall devote all his time to the performance of the duties of his office, and shall have such powers and perform such duties, in addition to those prescribed in this charter, as may be prescribed from time to time by ordinance. The person holding the office of health officer at the time of the adoption of this article shall be entitled to take and hold the office of health commissioner until removed by the mayor, or his successor is appointed.

Sec. 122. The health commissioner shall be appointed by the mayor, subject to confirmation by the council. He shall receive such compensation as may be prescribed by ordinance. He shall be provided by the council with a suitable office and rooms in which to transact the business of the health department.

Sec. 123. The health department shall consist of as many physicians, officers, chemists, inspectors, clerks, assistants and other employees as the council may, by ordinance, from time to time determine to be necessary. All appointments in the health department shall be made by the health commissioner, subject to such civil service rules and regulations as are now or may hereafter be in force. He shall have power to suspend or remove any of such appointees, subject to the provisions of this charter.

Sec. 124. The health commissioner shall be a graduate of a reputable medical college, and shall have practiced medicine for at least five years prior to his appointment. He shall be licensed to practice medicine in the State of California. The qualifications, salaries and duties of all officers, chemists, inspectors, clerks, assistants and other employees in the health department shall be such as the council may by ordinance prescribe.

Sec. 125. The health commissioner shall have supervision, jurisdiction and control, under such ordinances as may from time to time be adopted by the council, of the sanitary condition and the general health of the city, and of all matters pertaining thereto, including also the sanitary condition of all schools, jails, hospitals, and other public buildings, and all health establishments or institutions of whatever kind, whether public or private. He shall have power, and it shall be his duty to see that all such ordinances and all rules and regulations of his department are enforced, and may call upon any police officer or officers at any time to assist in the enforcement thereof. The health commissioner shall have power, subject to approval by a majority of the council, to make rules and regulations for the conduct of the health department, and the carrying out of his powers, not in conflict with this charter or any ordinances of the city.

Sec. 126. The health commissioner and all regularly appointed officers and employees of the health department shall have the right and power to arrest any person or persons who may violate any of the ordinances of the city pertaining to sanitation and health, and any of the rules and regulations of the department. It shall also be the duty of any police officer or policeman to arrest any person guilty of such violation.

That Section 239 of the charter be amended to read as follows:

Sec. 239. The provisions of this article shall apply to the following departments of the city, to wit:

The department of the city clerk,
The fire department,
The treasurer's department,
The tax and license collector's department,
The police department,
The auditor's department,
The assessor's department,
The health department,
The department of public works,
The department of public service,
The library department,
The park department,
The department of public utilities,
The harbor department,
The playground department,
All other employees of the city:

Provided, that the following shall be exempt therefrom, to wit

All officers elected by the people,
All members of the several boards and commissions,
The mayor's clerk,
The city clerk,
The chief of police and his secretary,
The treasurer and his chief deputy,
The city engineer and his chief deputy,
The assistant harbor engineer,
The tax and license collector and his chief deputy and cashier,
The chief deputy of the auditor,
The city superintendent of schools and his assistants and deputies, and
all teachers and employees in the school department
The assistants, deputies, clerks and stenographers of the city attorney.
The city prosecutor, and his assistants, deputies, clerks and stenographers.
The librarian, and the heads of the several departments in the public library,
The superintendent of parks,
The secretary of the park commission,
The secretary of the police commission,
The health commissioner,
The chief engineer of the fire department,
The chief engineer of water works, the water overseer, auditor, and cashier of the department of public service.
The electrical engineer,
The engineer and secretary of the board of public utilities,
The secretary of the board of harbor commissioners,
The port warden and pilots,
The secretary of the playground commission,
The purchasing agent,
The inspector of public works,
All physicians appointed by the health commissioner,
All officers of election,
The police surgeon and assistant police surgeons.

Any of the following persons may be exempted from the provisions of this article, upon the request of the head of the department in which they are employed, by order of the board of civil service commissioners, approved by the council by resolution passed by the vote of two thirds (2/3) of all its members, to wit: (a) The first and second deputies in any department or either of such deputies where not exempt, as above provided. (b) Unskilled laborers, including drivers. (c) Persons employed on the construction of public works, improvements or buildings. (d) Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character. Any exemption thus made may be terminated at any time by resolution of the board of civil service commissioners.

That Section 240 of the charter be amended to read as follows:

Sec. 240. The officers, members and employees of the police department shall be subject to removal, discharge or suspension as provided elsewhere in this charter.

The officers, members and employees of the fire department shall be subject to removal, discharge or suspension as provided elsewhere in this charter.

The officers, members and employees of the library department shall be subject to removal, discharge or suspension as provided elsewhere in this charter.

That Section 241 of the charter be amended to read as follows:

Sec. 241. Any board, commission or officer having the power of appointment of officers, members and employees in any department of the government of the city,

shall have the power to remove or discharge any officer, member or employee of such department, but no person in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be removed or discharged except for cause, which shall be stated in writing by the board, commission or officer having the power to make such removal or discharge, and filed with the board of civil service commissioners, with certification that a copy of such statement has been served upon the person so removed or discharged, personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such removal or discharge shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so removed or discharged, filed with said board within five days after service upon him of such statement, shall, proceed to investigate the grounds for such removal or discharge. If after such investigation said board finds, in writing, that the grounds stated for such removal or discharge were insufficient or were not sustained, and also finds in writing that the person removed or discharged is a fit and suitable person to fill the position from which he was removed or discharged, said board shall order said person so removed or discharged to be reinstated. The order of said board with respect to such removal or discharge shall be forthwith certified to the appointing board, commission or officer, and shall be final and conclusive. If the board of civil service commissioners shall order that any person removed or discharged under the provisions of this section be reinstated, as above provided, the person so removed or discharged shall be entitled to receive compensation from the city the same as if he had not been removed or discharged by the appointing board, commission or officer.

The provisions of this section shall not apply to the removal or discharge of officers, members and employees in the police department, in the fire department, and in the library department, but the officers, members and employees in said departments, respectively, shall be subject to removal and discharge as provided elsewhere in this charter.

That Section 242 of the charter be amended to read as follows:

Sec 242. Any board, commission or officer having the power of appointment of officers, members and employees in any department of the government of the city shall have the power to suspend any officer, member or employee of such department; but no person in the classified civil service of the city, other than an unskilled laborer employed by the day, shall be suspended except for cause, which shall be stated in writing by the board, commission or officer having the power to make such suspension, and filed with the board of civil service commissioners, with certification that a copy of such statement has been served upon the person so suspended, personally, or by leaving a copy thereof at his last known place of residence if he can not be found. Upon such filing such suspension shall take effect. Within fifteen days after such statement shall have been filed, the said board, upon its own motion may, or upon written application of the person so suspended, filed with said board within five days after service upon him of such statement, shall, proceed to investigate the grounds for such suspension. If, on such investigation said board finds in writing that the grounds for such suspension were insufficient or were not sustained, said board shall restore the person so suspended to duty. The order of said board with respect to such suspension shall be certified to the appointing board, commission or officer, and shall be final and conclusive: *provided*, that the order of any appointing board, commission or officer suspending any person because of lack of funds in such department shall be final, and shall not be subject to review by said board of civil service commissioners.

If the board of civil service commissioners shall order that any person suspended under the provisions of this section be restored to duty, as above provided, the person so restored to duty shall be entitled to receive compensation from the city the same as if he had not been suspended by the appointing board, commission or officer.

The provisions of this section shall not apply to the suspension of officers, members and employees in the police department, in the fire department and in the library department; but the officers, members and employees in said departments, respectively, shall be subject to suspension as provided elsewhere in this charter.

CHARTER AMENDMENT NUMBER FIVE

That subdivision *e* of Section 143 of the charter be amended to read as follows:

(*e*) The board shall appoint a secretary, not a member of the board, who shall receive such salary as the council shall by ordinance prescribe. He shall keep a record of all its transactions, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices, which the board shall order to be posted or published, and shall perform such other duties as are herein or may be, by order of the board, imposed upon him.

That subdivision *g* of Section 143 of the charter be amended to read as follows:

(*g*) The board of public works shall appoint an inspector of public works, who shall perform such duties as the board may prescribe, and whose salary shall be fixed by the council. The inspector of public works shall give such bond to the city, conditioned for the faithful discharge of the duties of his office, as the council shall prescribe.

That subdivision *h* of Section 143 of the charter be amended to read as follows:

(*h*) The board of public works shall appoint and employ a civil engineer of not less than five years professional experience, who shall be designated as the city engineer. He shall receive such salary as the council shall by ordinance prescribe, and shall hold office at the pleasure of the board. He shall perform such civil engineering and surveying necessary in the prosecution of public work done under the direction or supervision of the board as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections, and estimates, and perform such other surveying or engineering work, as may be required by said board or by the city council. He shall have all the powers and perform all the duties that are now or may hereafter be conferred or imposed by law, or by ordinance, upon the city engineer. He shall devote his entire time to the duties of his office, and shall receive no compensation in addition to his salary.

That subdivision 6 of Section 146 of the charter be amended to read as follows:

(6) Of all public utilities that are now or may hereafter be owned, controlled or operated by the city, other than water works and electric power and light works and systems, and except wharves, piers, docks, warehouses and other utilities of the city pertaining to the water front, harbors and other navigable waters within the city.

That Section 146½ of the charter be amended to read as follows:

Sec. 146½. The board of public works shall have charge, superintendence and control of the design, construction and establishment of an aqueduct system extending from a point in the Owens River Valley, in the State of California, to a point in the San Fernando Valley in the county of Los Angeles, in the vicinity of the city of Los Angeles, for the purpose of providing said city with a water supply from the watershed of said Owens River, *provided*, that, upon the completion of said aqueduct system the same shall thereafter be managed, controlled and maintained by the board of public service commissioners, as in the case of other water works belonging to said city.

The board of public works shall also have charge, superintendence and control of the design, construction and establishment of wharves, docks, piers, warehouses, sea walls and other improvements on the water front, and the approaches thereto to be constructed or acquired by or through the expenditure of the proceeds of harbor improvement bonds, which are now or may be authorized prior to January 1, 1912, under such designs and plans as may be adopted by the board of public works, with the approval of the board of harbor commissioners: *provided*, that upon the completion of any such improvement upon the water front, the same shall thereafter be managed, controlled and maintained by the board of harbor commissioners. And the proceeds of all harbor improvement bonds that may be authorized after January 1, 1912, shall be expended by the board of harbor commissioners.

That the charter be amended by adding a new article thereto, to be known as Article XV and to read as follows:

ARTICLE XV.

DEPARTMENT OF PUBLIC UTILITIES

Sec. 152. There is hereby created a department of the government of the city of Los Angeles to be known as the department of public utilities, which shall be under the management and control of a board of three commissioners to be known as the board of public utilities.

Sec. 153. Said commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. The term of office of members of the board of public utilities shall be four years, except that the term of office of the members first appointed hereunder shall commence with the taking effect of this article, and said three members shall so classify themselves by lot, that one shall go out of office on the first Monday in January, 1913, one on the first Monday in January, 1914, and one on the first Monday in January, 1915. If any vacancy occurs the mayor shall, subject to confirmation by the council, fill the same by appointment for the unexpired term.

Sec. 154. The board shall organize by electing one of its members president, who shall hold his office for one year, and until his successor is elected, unless his membership on the board sooner expires; *provided, however*, that the term of office of the president first elected shall expire on the first Monday in January, 1913. The board shall maintain an office, to be provided by the city council, and shall keep the same open for the convenience of the public during such time as may be prescribed by ordinance. The board may appoint a secretary, who is not a member of the board, who shall receive such compensation as the council, by ordinance, may prescribe. The secretary shall keep a record of the proceedings of the board, specifying therein the names of the commissioners present at all the meetings, and giving the ayes and noes upon all votes, and shall perform such other duties as are herein or may by order of the board be imposed upon him. Said board shall hold regular meetings at least once in each week, and special meetings may be held upon a written call therefor, signed by the president, or by two members of the board, and notice of any special meeting shall be given by the secretary in the same manner as may be prescribed by ordinance for special meetings of the council.

Sec. 155. The powers and duties of the board of public utilities shall be as follows:

1. To make, at such times as may be prescribed by ordinance, a thorough investigation into the affairs of all persons, firms or corporations operating or maintaining water, electric lighting, power, gas or telephone systems, or street railways, or interurban railroads, or other public service utilities, in the city of Los Angeles (excepting wharves, docks, warehouses and other utilities pertaining to the water front, to Los Angeles harbor or to other navigable waters in said city), and compile such data as may be necessary to determine the proper charges for the services furnished or supplied by such persons, firms or corporations, as provided in this charter, or otherwise by law. Such data shall include a valuation of the physical properties of such persons, firms or corporations, a detailed statement of gross and net earnings, expenses, capitalization and indebtedness thereof, and such other matters as the board may deem proper, and shall also include such facts and figures as may be obtainable regarding the operation and maintenance of similar systems and utilities in other municipalities. The board shall have the right, at all reasonable times, to have access to, and, in person or by their duly authorized representatives, to examine all property of such persons, firms or corporations used in connection with such or any public utility, whether such property be situated within or without the city of Los Angeles, and to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, for the purpose of such investigation and the compiling of such data, and to require reports respecting said matters from such persons, firms or corporations at such time and in such form as said board may prescribe.

2. To fix, subject to approval, change or modification by the council, as herein-after provided, the rates to be charged and collected for the services mentioned in subdivision one of this section (except the rates for the use of docks, wharves, warehouses and other utilities pertaining to the water front, to Los Angeles harbor, or to other navigable waters in said city), such rates to be so fixed for such periods as may be prescribed by ordinance, or otherwise by law, but in no event for a period less than one year, nor for a longer period than three years. Such rates shall be fixed by resolution of the board, to be recorded in the minutes with the ayes and noes at length. Any such resolution shall be adopted within such time as shall be prescribed by ordinance. Immediately upon the adoption of any such resolution, a copy of the same, certified by the secretary of said board, shall be filed with the city clerk. The city clerk shall present such resolution to the council at its next regular meeting, and shall cause the same to be published for five days in a daily newspaper printed and published and circulated in said city. Any person interested in or affected by the rates specified in any such resolution may, within fifteen days after the expiration of such publication file objections thereto with the city clerk, specifying the grounds of such objections, and petition the council for a rehearing of such rates. The city clerk shall lay all such objections before the council at its next regular meeting after the expiration of the time for filing the same. The council may, upon any such petition, by a vote of two thirds of its members, order a rehearing of the rates objected to. If such rehearing be ordered, the council shall consider such rates and shall hear and pass upon the objections thereto at such time, and under such rules and mode of procedure as it shall by ordinance prescribe, and shall have the power to finally fix such rates by approving, changing or modifying the same, such approval, change or modification to be made by ordinance; *provided, however*, that in order to change or modify any rates fixed by the said board of public utilities, the affirmative vote of two thirds of the entire council shall be necessary.

All rates, to which no objections are filed or offered, shall be deemed to be finally fixed by said board of public utilities. All rates finally fixed, under the provisions of this article shall be so fixed as to take effect on the first day of July thereafter.

3. To investigate any and all complaints against the service or charges of any person, firm or corporation operating any public service utility in the city of Los Angeles (excepting wharves, docks, warehouses and other utilities pertaining to the water front, to Los Angeles harbor, or to other navigable waters in the city of Los Angeles), or furnishing any public service to the said city or its inhabitants, including the supplying of water, electric light, power, gas, and telephone service and the operation of street railways and interurban railroads, and to recommend legislation to the city council, or action to executive officers of the city, whenever in the judgment of said board such legislation or such action may be necessary.

4. To superintend the inspection of all public utilities operated, maintained or furnished by persons, firms or corporations in the city of Los Angeles, as to their compliance with their franchises, and with the law and the ordinances of said city regulating the manner of conducting their business, including also the inspection and testing of meters, both gas and electric, and the testing of gas, and the service and charges of such persons, firms or corporations, and their treatment of the public, and, from time to time, to recommend such legislation or executive action based on such investigation, as in their judgment may be required.

5. To prepare and keep a detailed and indexed record of all public service franchises granted by the city that are now in existence, or that may hereafter be granted, showing the date, location, term thereof, and all other essential facts, and a

similar record, so far as practicable, of all other public franchises exercised in the city of Los Angeles.

6 To make a report to the council, in the month of August of each year, of which not less than one thousand copies shall be printed for distribution at the expense of the city, giving the essential facts and figures concerning the aforesaid public utilities operated and maintained in the city of Los Angeles, comparing their charges and character of service with those of similar utilities in other municipalities. Such report shall contain a digest of the transactions of the board during the year ending on the 30th day of June last preceding, together with such information and suggestions relative to the public services and utilities furnished or operated in the city of Los Angeles as it may deem of general interest.

Sec. 156. Every application made to the city council for a franchise for any public service or utility (except wharves, docks, warehouses or other utilities pertaining to the water front, to Los Angeles harbor, and other navigable waters within said city), shall, before any action is taken thereon, be referred by the council to the board of public utilities for its recommendation respecting the same. Said board shall proceed to inquire into such application and within thirty days after such application has been referred to it, or longer if allowed by the council, shall report to the council its recommendation relative thereto. If, in the judgment of the board, such application should not be advertised for sale or granted, it shall so report, stating its reasons therefor; and if, in the judgment of the board, such application should be granted, it shall recommend the terms and conditions upon which the same should be so granted. No franchise shall be advertised for sale or granted except upon an application therefor in writing previously filed with the city council, nor unless such application shall have been referred to the board of public utilities as aforesaid, *provided, however*, that if said board shall fail to report thereon within the time herein prescribed, or as extended by the council nothing herein contained shall be construed to prevent the city council, at its discretion, from proceeding to advertise such franchise for sale, or from awarding the same, as provided by law. No franchise shall be advertised for sale or granted contrary to the recommendations of said board except upon a three fourths vote of the entire council.

Sec. 157. The board of public utilities shall be entitled to the assistance of the city attorney, city prosecutor, chief of police, city engineer and other city officers whenever the same shall be required. Said board is also hereby authorized to employ or contract in behalf of the city for the services of such engineers and such persons qualified to render professional, scientific, technical or expert services as the board may deem necessary, and to fix the compensation of all such persons.

Sec. 158. The board of public utilities shall appoint, subject to such civil service regulations as are now or may hereafter be in force, such inspectors, clerks and other officers and employees as the council, by ordinance may from time to time prescribe. They shall receive such compensation as may be fixed by the council by ordinance. Said board shall have power to discharge, remove or suspend any such person, subject to the provisions of this charter.

Sec. 159. Whenever required by the board of public utilities, it shall be the duty of any person, firm or corporation operating a system for supplying water, electric light, power, gas or telephone service to the city of Los Angeles, or its inhabitants, or operating a street railway or interurban railroad, or other public service utility in said city (except wharves, docks, warehouses, and other utilities pertaining to the water front, to Los Angeles harbor, or other navigable waters in said city), to permit the members of the board of public utilities and any person designated by such board, to inspect the property of such system or utility, pertaining to the operation or maintenance thereof, or to the service thereby rendered, and to examine the books, maps, and other records showing the affairs, transactions, property and financial condition of the person, firm or corporation operating the same.

Sec. 160. Whenever any pipe, or any direct or primary wire of any person, firm or corporation furnishing electricity, power, gas or water or telephone service, or any other utility or service, to the inhabitants of the city, shall be within one thousand feet of any residence or building, it shall be the duty of such person, firm or corporation, upon application of the person owning or occupying the said residence or building to extend such pipe or wire so as to connect with such residence or building, upon the deposit by such applicant with such person, firm or corporation of the actual cost of making such extension and connection, such actual cost shall be determined by the board of public utilities if the parties do not agree as to the amount thereof. Whenever any extension or connection is made under the provisions of this section, the charges for all service furnished thereunder shall be credited by the person, firm or corporation furnishing such service as an offset against the amount so deposited for such extension or connection, until the amount of such charges shall equal the amount of such deposit.

Sec. 161. The board of public utilities, subject to ordinances adopted by the council, shall have power, by order or resolution entered upon the minutes of said board, to make and enforce rules and regulations respecting the operation of all public utilities in the city of Los Angeles, other than those owned or operated by the city of Los Angeles, and shall also have power, by order or resolution, to make and

enforce such reasonable by-laws, rules, regulations and modes of procedure as may be necessary for its government and for the exercise of the powers conferred, and the performance of the duties imposed upon said board by this article. All such rules, regulations and by-laws shall be published once in a daily newspaper, printed, published and circulated in said city, and shall take effect upon such publication. Said board shall also have power to make such rules and regulations for the conduct of the officers and employees in the department of public utilities as said board may deem proper.

Sec. 162. Each member of the board of public utilities is hereby authorized and empowered to administer oaths and affirmations in all matters incident or pertaining to the exercise of the duties or powers of said board. Said board is hereby authorized and empowered to require, by subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents, in any investigation, hearing or proceeding conducted by said board, in respect to any matter or thing of which said board has jurisdiction. The subpoenas authorized as aforesaid shall be issued and signed by the president of said board. The chief of police is hereby authorized and directed to serve or cause to be served any and all subpoenas which may be issued by said board from time to time.

Sec. 163. The council shall pass and adopt all ordinances necessary for the enforcement of the provisions of this article, and to enable the said board of public utilities to exercise the powers and to perform the duties granted or imposed upon it by this article. And said board shall have such further powers and perform such other duties as may be granted or imposed by ordinance.

Sec. 164. It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of this article, and any person, firm or corporation violating any of the provisions of this article, or refusing to obey any subpoena issued by said board, or to conform to any order of said board of public utilities, or any rule or regulation of the said board with respect to the operation of any utility mentioned in this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred (\$500) dollars, or by imprisonment in the city jail for a period of not more than six (6) months, or by both such fine and imprisonment.

Sec. 165. That any ordinance of said city creating a department of public utilities providing for a board of public utilities, and the appointment of the members thereof, and prescribing the powers and duties of such board, adopted by a vote of the people of the city of Los Angeles or otherwise, be and the same is hereby repealed.

That the charter be amended by adding a new article thereto, to be known as Article XVI, and to read as follows:

ARTICLE XVI.

HARBOR DEPARTMENT

Sec. 168. There is hereby created a department of the government of said city to be known as the "harbor department", which shall be under the management and control of a board of three commissioners, to be known as the board of harbor commissioners.

Sec. 169. The members of the board of harbor commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. No person shall be appointed a harbor commissioner who is not a qualified elector of the city of Los Angeles. The members of the said board shall serve without compensation.

Sec. 170. The term of office of the members of the board of harbor commissioners shall be four years. The term of office of the three members first appointed hereunder shall commence upon the taking effect of this article, and said three members shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1913, one on the first Monday in January, 1914, and one on the first Monday in January, 1915. If any vacancy occurs, the mayor shall fill the same by appointment for the unexpired term, subject to confirmation of a majority of the council. The board shall organize by electing one of its members president, who shall hold his office for one year, and until his successor is elected, unless his membership in the board sooner expires. *provided, however,* that the president first elected shall hold his office until the first Monday in January, 1913, and until his successor is elected, unless his membership in said board sooner expires.

Sec. 171. The president of the board of harbor commissioners shall be the executive officer of the harbor department.

Sec. 172. The board of harbor commissioners shall appoint a secretary, not a member of the board, whose salary shall be fixed by ordinance. He shall keep a record of all the proceedings of the board, specifying therein the names of the commissioners present at all meetings, and giving the ayes and noes upon all votes. The secretary of the board may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

Sec. 173. The board of harbor commissioners shall maintain an office, to be provided by the council, and prescribe office hours for the convenience of the public. It

shall hold regular meetings at least once in each week. It shall have power to establish all necessary rules and regulations for the government of the harbor department, and for the regulation of the conduct of the officers and employees therein as it shall deem proper.

Sec. 174. The city engineer shall be the engineer of the board of harbor commissioners, and shall be ex officio harbor engineer of the city; and in addition to his duties otherwise prescribed in this charter, he shall perform such engineering and surveying necessary for the public work done under the direction or supervision of the board, as said board may require. He shall make such certificates and reports upon the progress of such work, and shall make such surveys, inspections and estimates, and perform such other surveying and engineering work as may be required by the board. The board shall also appoint an assistant engineer, to be known as the assistant harbor engineer, who shall assist the city engineer in the performance of his duties as harbor engineer. The assistant engineer shall receive such salary as may be prescribed by ordinance. He shall devote his entire time to the duties of his office and shall receive no compensation in addition to his salary.

Sec. 175. The harbor department shall consist of a port warden and such harbor inspectors, pilots, wharfingers, warehouse keepers, clerks and other officers and employees as may from time to time be determined by ordinance. The salaries of all officers and employees of the harbor department shall be fixed by ordinance, and said board of harbor commissioners shall prescribe their powers and duties. All appointments in the harbor department shall be made by the board of harbor commissioners, subject to such civil service rules and regulations as may now or hereafter be in force. Said board shall have the power to discharge, remove or suspend all officers or employees in the harbor department, subject to the provisions of this charter. The board shall establish all necessary rules and regulations for the exercise of the powers conferred in this article, for the government of the harbor department, and for the regulation and conduct of its officers and employees, and may prescribe and enforce penalties for the violation of such rules and regulations. The board of harbor commissioners may require of any or all of such officers and employees, except laborers, adequate bonds for the faithful performance of their respective duties.

Sec. 176. The board of harbor commissioners shall have possession and control, under such ordinances as may from time to time be adopted by the council, of the entire water front of the city, and of Los Angeles harbor and other navigable waters within the limits of said city and authority to use, for the loading and landing of merchandise, with a right to collect dockage, wharfage and tolls thereon, such portions of the streets and other public places terminating in or fronting upon the navigable waters within the city of Los Angeles as may be used for such purposes without obstructing the same as thoroughfares.

Sec. 177. The board of harbor commissioners, subject to such ordinances as the council may from time to time adopt, shall have power:

(a) To make, adopt and enforce by-laws, rules and regulations regarding the use and control of the water front, Los Angeles harbor, and all other navigable waters within the limits of the city of Los Angeles, and the anchoring, mooring, towing, docking and landing of all steamships, vessels and other water craft therein, respecting pilotage and towage, and the placing, installment and maintenance of buoys, bells, lights and fog horns in and upon said harbor and waters.

(b) To regulate and control the operation and use of all wharves, piers, docks, slips, quays, landings, elevators, cranes, derricks, warehouses, marine ways, dry docks, railways and other utilities, structures and appliances for the accommodation of commerce in Los Angeles harbor and other navigable waters within the limits of said city, for the taking on and landing of passengers, and the loading and discharging of the cargoes of steamships, vessels and other water craft therein.

(c) To fix, regulate and collect rates or charges for wharfage, dockage, tolls and crantage of all steamships, vessels and other water craft admitted to the wharves, piers, docks, slips, quays, landings, owned, controlled or operated by the city; the rates of towage and pilotage in said harbor and navigable waters, and the rates or charges on all ferries, steamships, vessels or other water craft owned, controlled or operated by said city, and to fix, regulate and collect rates or charges for the use of all warehouses, elevators, bunkers, marine ways, dry docks and other structures, derricks, cranes and other appliances owned, controlled or operated by the said city, and constructed or used for the loading and unloading of cargoes of steamships, vessels and other water craft, and for the storage thereof, and for the use of all appliances for the taking on or discharge of passengers by or from such steamships, vessels or other water craft.

(d) The powers conferred by this section upon the said board of harbor commissioners shall be exercised by resolution or order adopted by a majority of its members, and recorded in the minutes with the ayes and noes at length. Every such resolution or order shall be published in the same manner as ordinances of said city, and shall take effect upon such publication, *provided*, that no such resolution or order of the said board fixing any rates, charges, fares or tolls, or prescribing the time or manner of payment thereof, shall be effective until the same shall be approved by the council, by ordinance, and shall be thereafter published for at least three days in a newspaper printed, published and circulated in the city of Los Angeles. Any

person, firm or corporation who shall violate the provisions of any such resolution or order shall be guilty of a misdemeanor, and shall be punishable by imprisonment in the city jail for a period not exceeding six months or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Sec 178. In case of fire occurring on any vessel in Los Angeles harbor, or in other navigable waters of said city, or in or upon any dock, wharf, pier, warehouse, building or other structure bordering upon or adjacent to said harbor or waters power and authority respecting the extinguishment thereof and to prevent the spreading thereof, shall be vested in the fire department as in this charter provided.

Sec 179. The board of harbor commissioners, except as otherwise in this charter provided, shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the council:

(a) Of the design, construction, maintenance and repair of all sea walls, embankments, bulkheads, wharves, piers, docks, quays, slips, landings, elevators, cranes, derricks, marine ways, warehouses and other structures and appliances erected, operated or maintained by the city for the accommodation of commerce in and upon the water front, Los Angeles harbor and the navigable waters within the limits of said city, for the landing of steamships, vessels and other water craft therein, for the loading, discharging and storing of the cargoes of such steamships, vessels and other water craft, and of all appliances erected, constructed or maintained by the city for the taking on or discharging of passengers by or from such steamships, vessels and other water craft;

(b) Of the dredging, deepening, widening and clearing of all slips, docks, channels, canals, basins, waterways and other waters in Los Angeles harbor and other navigable waters within the limits of said city, and of the acquisition, construction and operation of dredging machines, scows, tugs and other machinery or appliances therefor, and of the employment of persons to operate the same; *provided, however*, that whenever any such slips, docks, channels, canals, basins, waterways, or other waters shall be so dredged, deepened, widened or cleared, the materials taken therefrom shall be deposited in such place or places as the board of harbor commissioners shall designate.

(c) Of all wharves, piers, docks, quays, slips, landings, dry docks, marine ways, elevators, cranes, derricks, warehouses, and other structures, marine ways, railways and all other structures and appliances owned, controlled or operated by the said city for the landing of vessels, the loading and unloading of their cargoes, and the storage thereof, the taking on and discharging of their passengers;

(d) Of all ferries, tow boats, pilot boats, steamships, and other vessels and water craft owned, operated or controlled by said city.

Sec. 180. In addition to the powers and duties hereinbefore provided, the board of harbor commissioners shall exercise and perform the further powers and duties:

1. To make at such times, as may be prescribed by ordinance, a thorough investigation into the affairs of all persons, firms or corporations operating or maintaining ferries, wharves, piers, docks, quays, moles, slips, landings, elevators, cranes, derricks, marine ways, warehouses, and other public service utilities pertaining to the water front, Los Angeles harbor and other navigable waters in the city, and collecting fares, wharfage, dockage, tolls and other charges for the use of the same, in the city of Los Angeles, and compile such data as may be necessary to determine the proper licenses and charges for the services furnished or supplied by such persons, firms or corporations, as provided in this charter, or otherwise by law. Such data shall include a valuation of the physical properties of such persons, firms or corporations, a detailed statement of gross and net earnings, expenses, capitalization and indebtedness thereof, and such other matters as the board may deem proper, and shall also include such facts and figures as may be obtainable regarding the operation and maintenance of similar works and utilities in other municipalities. The board shall have the right, at all reasonable times, to have access to, and, in person or by their duly authorized representatives, to examine all property of such persons, firms or corporations used in connection with each such public utility, and to examine the books, papers, maps and records showing the affairs, transactions, property and financial condition of such persons, firms or corporations, for the purpose of such investigation and the compiling of such data.

2. To fix, subject to approval, change or modification by the council, as hereinafter provided, the amount of licenses to be imposed and collected by the city and the rates to be charged and collected for the services mentioned in subdivision one of this section, such licenses and rates to be so fixed for such periods as may be prescribed by ordinance, or otherwise by law, but in no event for a period less than one year, nor more than three years. Such licenses and rates shall be fixed by resolution of the board, to be recorded in the minutes with the axes and noes at length. Any such resolution shall be adopted within such time as shall be prescribed by ordinance. Immediately upon the adoption of any such resolution, a copy of the same, certified by the secretary of said board shall be filed with the city clerk. The city clerk shall present such resolution to the council at its next regular meeting, and shall cause the same to be published for five days in a daily newspaper printed and published and circulated in said city. Any person interested in or affected by the rates or licenses specified in any such resolution may, within fifteen days after the expiration of such publication

file objections thereto with the city clerk, specifying the grounds of such objections, and petition the council for a rehearing of such rates. The city clerk shall lay all such objections before the council at its next regular meeting after the expiration of the time for filing the same. The council may, upon any such petition, by a vote of two thirds of its members, order a rehearing of the rates or licenses objected to. If such rehearing be ordered the council shall consider such rates or licenses, shall hear and pass upon the objections thereto at such time, and under such rules and mode of procedure as it shall by ordinance prescribe, and shall have the power to finally fix such rates or licenses by approving, changing or modifying the same, such change or modification to be made by ordinance, *provided, however*, that in order to change or modify any rates or licenses fixed by the said board of harbor commissioners, the affirmative vote of two thirds of the entire council shall be necessary.

All rates or licenses to which no objections are filed or offered, shall be deemed to be finally fixed by said board of harbor commissioners. All rates or licenses finally fixed under the provisions of this article shall be so fixed as to take effect on the first day of July thereafter.

3. To investigate any and all complaints against the service or charges of any person, firm or corporation operating any ferry, wharf, pier, dock, quay, mole, slip, landing, elevator, crane, derrick, marine way, warehouse, and other public service utility pertaining to the water front, to Los Angeles harbor and other navigable waters in the city of Los Angeles, and to recommend legislation to the city council, or action to executive officers of the city, whenever in the judgment of said board such legislation or such action may be necessary.

4. To superintend the inspection of all ferries, wharves, piers, docks, quays, moles, ships, landings, elevators, cranes, derricks, marine ways, warehouses, and other public service utilities pertaining to the water front, to Los Angeles harbor and other navigable waters in said city, maintained or furnished by persons, firms or corporations in the city of Los Angeles, as to their compliance with their franchises, and with the law and the ordinances of said city regulating the manner of conducting their business, and the service and charges of such persons, firms or corporations, and their treatment of the public, and, from time to time, to recommend such legislation or executive action based on such investigation, as in their judgment may be required.

5. To prepare and keep a detailed and indexed record of all franchises or other grants or leases for ferries, wharves, piers, docks, quays, moles, slips, landings, or other public service utilities granted or given by the city or by other authority, in, upon or pertaining to the water front, to Los Angeles harbor or other navigable waters in said city that are now in existence, or that may hereafter be given or granted, showing the date, location, term thereof, and all other essential facts, and a similar record, so far as practicable, of all other like public franchises exercised in the city of Los Angeles.

6. To make a report to the council, in the month of August of each year, for the year ending on the 30th day of June last preceding, of which not less than one thousand copies shall be printed for distribution at the expense of the city, giving the essential facts and figures concerning the aforesaid public utilities operated and maintained in the city of Los Angeles, comparing the licenses thereof and their charges and character of service with those of similar utilities in other municipalities. Such report shall contain a digest of the transactions of the board during the year for which it is made, together with such information and suggestions relative to the development and improvement of the water front, Los Angeles harbor and other navigable waters in the city, and the commerce thereof, as it may deem of general interest.

Sec. 181. Every application made to the city council for a franchise for any ferry, wharf, pier, dock, quay, mole, slip, landing or other public service utility, in, upon or pertaining to the water front, Los Angeles harbor, or other navigable waters within said city, shall, before any action is taken thereon, be referred by the council to the board of harbor commissioners for its recommendation respecting the same. Said board shall proceed to inquire into such application and within thirty days after such application has been referred to it, or longer if allowed by the council, shall report to the council its recommendation relative thereto. If, in the judgment of the board such application should not be advertised for sale or granted, it shall so report, stating its reasons therefor, and if, in the judgment of the board, such application should be granted, it shall recommend the terms and conditions upon which the same should be so granted. No such franchise shall be advertised for sale or granted except upon an application therefor in writing previously filed with the city council, nor unless such application shall have been referred to the board of harbor commissioners, as aforesaid; *provided, however*, that if said board shall fail to report thereon within the time herein specified, or as extended by the council, nothing herein contained shall be construed to prevent the city council, at its discretion, from proceeding to advertise such franchise for sale, or from awarding the same, as provided by law. No franchise shall be advertised for sale or granted contrary to the recommendations of said board except upon a three fourths vote of the entire council.

Sec. 182. Every application for the right, privilege or franchise to use any portion of the water frontage or tide lands or submerged lands belonging to the city of Los Angeles, whether filled or unfilled, shall be presented in writing to the council. Such application shall state the purposes for which such water frontage, tide or

submerged lands are proposed to be used. Before any action is taken thereon by the council, such application shall be referred by it to the board of harbor commissioners, which shall investigate the same, and shall within thirty days after such application shall have been so referred, or within such further time as shall be allowed by the council, report to the council in writing its recommendations relative thereto. If, in the judgment of said board, such application should not be granted, said board shall so report, stating its reasons therefor; but if, in the judgment of said board, such application should be granted, said board shall in its report specify the terms, stipulations and conditions thereof, and the compensation to the city therefor, subject to the limitations elsewhere provided in this charter, as shall be deemed by said board to be proper or necessary in the premises. No application to use any portion of such water frontage, tide lands or submerged lands shall be granted, except in pursuance of an application therefor in writing previously filed with the council and referred to the board of harbor commissioners as aforesaid, *provided however*, that if said board shall not report its recommendations thereon within the time above specified, or as so extended by the council, the council may, at its discretion, proceed to grant said application or order such right, privilege or franchise to be given, as in the charter of said city provided; *and provided further* that no such application shall be granted and no such right, privilege or franchise shall be given contrary to the recommendations of the board of harbor commissioners, except the same be granted or given by a vote of three-fourths of all the members of the council, taken by ayes and noes, and entered upon the minutes of the council.

Sec. 183. The board of harbor commissioners shall have power, subject to the provisions of this charter, to lease in the name of the city and for the benefit thereof, for terms not exceeding thirty years, and when authorized by ordinance determining the terms and conditions and limitations of such lease, any portion of any tide lands or submerged lands belonging to or under the control of the city of Los Angeles, whether filled or unfilled, that shall be declared by the council, by ordinance, or by other legal authority, to be not required for any public purpose or use, but all such leases shall be subject to such limitations and restrictions as are elsewhere in this charter provided. No such lease shall be made except after advertisement of notice by said board for not less than ten days in a daily newspaper printed, published and circulated in said city, inviting proposals therefor, stating explicitly the terms and conditions of the proposed lease. The said board shall have, and must reserve, in all cases, the right to reject any and all bids, and shall award such lease to the highest responsible bidder at the highest rent, *provided, however*, that no such lease shall be executed or be valid or binding upon the city unless the same is approved by the council by ordinance adopted by a two-thirds vote thereof. All such leases shall provide for readjustment of the rental every ten years.

Sec. 184. Each commissioner is hereby authorized and empowered to administer oaths and affirmations in all matters incident or pertaining to the exercise of the duties or powers of the said board. Said board is hereby authorized and empowered to require, by subpoena, the attendance and testimony of witnesses, and the production of books, papers and documents, in any investigation, hearing or proceeding conducted by said board, in respect to any matter or thing of which said board has jurisdiction. The subpoenas authorized as aforesaid shall be issued and signed by the president of said board. The chief of police is hereby authorized and directed to serve or cause to be served any and all subpoenas that may be issued by said board from time to time. The council shall, by ordinance, provide suitable penalties for disobedience of such subpoenas, and for the refusal of witnesses to testify before such board, or to otherwise comply with such subpoenas.

Sec. 185. All moneys received or collected from or arising out of the use or operation of wharves, piers, docks, slips, moles, quays, landings, elevators, cranes, derricks, warehouses, marine ways, dry docks, ferries, steamships, vessels and other water craft, tug boats, and all other works, appliances or utilities owned, operated or controlled by the city of Los Angeles in or upon or pertaining to the water front, to Los Angeles harbor or other navigable waters in the said city, all fees for pilotage, and all rents or other charges for rights, privileges or franchises granted for the use of water frontage, tide lands or submerged lands, all rents for leases of such lands, all compensations, except licenses, required to be paid by franchise or otherwise by law or by ordinance to the city for the operation of ferries, wharves and other public service utilities pertaining to said harbor and other navigable waters shall be deposited in the city treasury to the credit of a fund to be known as the "harbor revenue fund", and shall be kept separate and apart from other moneys of the city. Said board of harbor commissioners shall have power, subject to the provisions of this charter, to order and contract for the expenditure of all moneys in said fund as hereinafter provided. Moneys shall only be drawn from said fund upon demands authenticated by the signature of the president and secretary of the board, or in the absence of the president, by the signatures of two members and the secretary of the board, except that the city council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said harbor revenue fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding harbor improvement bonds, before the time for fixing the next general tax levy, and the

city treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be retransferred into said harbor revenue fund.

Excepting as otherwise provided in this charter, none of the moneys in said harbor revenue fund, or coming under the control of said board of harbor commissioners, shall be appropriated or used for any purpose or purposes other than the following, to wit:

First—For the necessary expenses of conducting the harbor department, or operating the wharves, piers, docks, slips, quays, moles, landings, warehouses and other utilities, steamships, ferry boats, pilot boats, tug boats, and other vessels and water craft, and other works, appliances and utilities owned, operated or controlled by the city and pertaining to the water front, to Los Angeles harbor and the navigable waters in the city.

Second—For the acquisition, construction and completion of sea walls, embankments, bulkheads, wharves, ferries, docks, slips, quays, moles, landings, warehouses, and other structures, steamships, ferry boats, pilot boats, tug boats, and other vessels and water craft, and other appliances and utilities pertaining to the water front, to Los Angeles harbor and other navigable waters in the city, for the dredging, deepening and clearing of the waters and channels within the limits of the city, and for extraordinary improvements and betterments to the property under the management and control of said board, including also the purchase of necessary lands and other property.

Third—The payment, as above provided, of installments of the interest or principal, or of interest and principal, coming due on outstanding harbor improvement bonds.

Sec. 186. It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of this article, and any person, firm or corporation violating any of the provisions of this article, or refusing to obey or conform to any order of said board of harbor commissioners, or any rule or regulation of the said board, with respect to the operation of any utility mentioned in this article, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred (\$500) dollars, or by imprisonment in the city jail for a period of not more than six (6) months, or by both such fine and imprisonment, and the provisions of this charter relative to such punishment shall apply.

That Article XVIII of the charter be amended to read as follows:

ARTICLE XVIII.

DEPARTMENT OF PUBLIC SERVICE

Sec. 190. The city of Los Angeles shall continue in the ownership and enjoyment of all the rights to the water of the river Los Angeles, heretofore vested in it, its predecessors or predecessor including the Pueblo of Los Angeles, and is hereby declared to have the full, free and exclusive right to all the water flowing in the said river at any point from its source or sources to the intersection of said river with the southern boundary of said city, and also the ownership of, and the right to develop, economize, control, use and utilize, all waters flowing beneath the surface in the bed of said river at any point or points between the points of termini above named.

Sec. 191. The said city shall not convey, lease or otherwise dispose of its rights in the waters of said river Los Angeles or any part thereof, or grant or lease to any corporation or person any right or privilege to use, manage or control the said waters, or any part thereof, for any purpose public or private. No other water or water right, now or hereafter owned or controlled by the city, and no right to generate or develop electric or other power by means of any water or water right, now or hereafter owned or controlled by the city, shall ever be sold, transferred, leased or disposed of, in whole or in part, without the assent of two thirds of the qualified voters of said city voting on the proposition at a general or special election at which such proposition shall be lawfully submitted; and no electric power, now or hereafter owned or controlled by the city, shall ever be sold, transferred, leased, or disposed of, to any person or corporation for re-sale, rental, disposal or distribution, to consumers, or other persons, without the assent of two thirds of the qualified voters of the city given as aforesaid; *provided, however*, that nothing in this section contained shall be construed to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed of the waters belonging to or controlled by the city, to the inhabitants thereof, or persons doing business therein for domestic and navigating uses, and for manufacturing and business purposes, other than water power, or to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the electric power belonging to or controlled by the city, to the inhabitants thereof, and persons doing business herein, for their own use, or to prevent the supplying or distributing, by the city, of any surplus water or surplus power, belonging to or controlled by the city, and not required for distribution to consumers within its limits, to municipal corporations, and to consumers and users, outside of the city, *provided, further*,

that no water shall ever be supplied or distributed to any person or corporation, other than municipal, for resale, rental or disposal to consumers or other persons.

Sec. 192. There is hereby established a department of the government of said city to be known as the "department of public service," which shall be under the management and control of a board of public service commissioners.

(a) Said board shall consist of five members, who shall be appointed by the mayor, subject to confirmation by a majority of the council.

(b) The appointment of said commissioners shall be made without regard to political opinions, but with reference to their fitness for such office.

(c) The term of office of the public service commissioners shall be four years; *provided, however*, that, upon the taking effect of this article, the water commissioners of said city then in office shall be and become the public service commissioners of the city, and shall continue in office as such commissioners until the expiration of the terms for which they were appointed, respectively, and until their successors are appointed and qualify; *provided further*, that the term of office of each of said water commissioners shall expire on the first Monday in January of the fourth calendar year immediately following his appointment.

The mayor shall, subject to confirmation by the council, fill all vacancies by appointment for the unexpired term.

(d) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, and they may appoint a secretary, who is not a member of the board, and fix his compensation.

(e) The president of the board of public service commissioners shall be the executive officer of the department, and shall perform such duties as the board may prescribe. He shall devote so much of his time to the duties of his office as may be necessary for the proper supervision and direction of the business of the department. The secretary of the board shall keep a record of the proceedings of the board, and may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

(f) The board shall maintain an office, and prescribe office hours for the convenience of the public. The board shall hold a regular stated meeting once in each week. The members of the board shall serve without compensation, except that the president of the board shall receive a salary of \$3,000 per annum, payable in equal monthly installments.

(g) The board of public service commissioners shall have power:

To manage and control all waters, water rights, water bearing lands, water-works, reservoirs, zanjias, ditches, and all electric plants, works, systems and equipments, and all electric power, belonging to the city.

To construct, operate, maintain and extend water works, dams, reservoirs, zanjias, ditches, canals, conduits, aqueducts and other means for supplying the city and its inhabitants with water, also electric plants, works, systems and equipments, and other means for supplying the city and its inhabitants with electricity for light, power, heat and other purposes; and to acquire and take, by purchase, lease, condemnation or otherwise, and, in its own name, to hold, as special trustee for the city, any and all property situated within or without the limits of the city, that may be necessary or convenient for such construction, operation, maintenance or extension.

To supply and distribute any surplus water or surplus electric power, belonging to or controlled by the city, and not required for use within its limits, to consumers outside of the city, for their own use, and to municipal corporations, outside of the city, for municipal uses, or for resale, disposal or distribution, by such municipal corporations, to consumers within their limits, respectively; such surplus water and electric power to be so supplied and distributed, for use outside of the city, under schedules of rates, fixed as hereinafter provided, which shall be of uniform operation, as near as may be, and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied, and the value of the service; *provided, however*, that water or electric power shall not be supplied by the city at less rates outside of the city than inside thereof, for the same or similar uses; *provided, further*, that the supplying or distribution of water or power, for use outside of the city, as aforesaid, shall, in every case, be subject to the paramount right of the city of Los Angeles, at any time, to discontinue the same, in whole, or in part, and to take and hold, or to distribute, such water and power, or either thereof, for the use of the city and its inhabitants; and *provided, further*, that contracts for supplying surplus water or surplus electric power by the city to municipal corporations outside of the city may be made by the board, in the name of the city, for periods not exceeding fifteen years, and upon such terms and conditions, and for such compensation to the city, as shall be prescribed by resolution adopted by said board and approved by a vote of two thirds of the members of the whole council; but every such contract must, before the making or execution thereof, be assented to by a majority of the qualified electors of said city voting upon the proposition at a general or special election at which such proposition shall be lawfully submitted; and in every such contract with a municipal corporation, as aforesaid, the right shall

be reserved to the city to terminate the same upon three years' written notice to such municipal corporation, to be given by said board whenever it shall be determined and declared by resolution, adopted by said board, and approved by an ordinance of said city, that the water and electric power, or either, to be supplied under such contract, is required for the city of Los Angeles and its inhabitants.

To regulate and control the use, sale and distribution of water and electricity belonging to the city, the collection of water and electric power and light rates, and the granting of permits for connections with said water works, zanjas, ditches, electric works or electric systems, and to fix the rates to be charged for such connections; and, subject to the approval of the city council, by ordinance, to fix the rates to be charged for water, electric power and electric light, whether within or without the city limits, and to prescribe the time and manner of payment of the same. Such rates shall be so fixed at least every two years; *provided* that, except as hereinafter otherwise prescribed, the rates to be charged by the city for water or electric power, supplied by it for use within its limits, shall be of uniform operation, as near as may be, and shall be fair and reasonable, taking into consideration, among other things, the nature of the use, the quantity supplied and the value of the service.

To appoint, employ, and, for good cause, remove, a chief engineer of water works, who shall be the successor in office of the superintendent of water works, an electrical engineer, and such assistants, employees and laborers as the board may deem necessary; to fix their compensations, prescribe their duties, and to require of any or all of them adequate bonds for the faithful performance of such duties.

To sue and be sued, and to require the services of the city attorney, free of charge, in all cases to which the board is a party.

To control and order the expenditure of all moneys received from the sale or use of water, or from any other source in connection with the operation and management of the water works of said city; *provided*, that all such moneys shall be deposited in the treasury of the city to the credit of a fund to be known as the "water revenue fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the city council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said water revenue fund, and not appropriated to other purposes, or required to meet outstanding obligations and liabilities payable out of such fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding water works bonds, before the time for fixing the next general tax levy, and the city treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be retransferred into said water revenue fund.

(1) None of the money in said water revenue fund or coming under the control of said board, in connection with the operation and management of the water works of said city, shall be appropriated or used for any purpose or purposes other than the following, to wit:

First—For the necessary expenses of conducting the business of said department pertaining to water, of operating and maintaining the water works, and of making all current and ordinary extensions, betterments and repairs.

Second—For extraordinary improvements of and betterments to the property, works, and systems of supply and distribution of the department of public service pertaining to water, including the purchase of necessary lands, water rights and other property.

Third—The payment, as above provided, of the installments of interest or principal, or of interest and principal coming due upon outstanding water works bonds.

Provided, however, that said board may, in its discretion, with the approval of the council given as aforesaid, so fix the water rates as to produce a revenue sufficient only for the purpose of defraying the necessary expenses of conducting the business of said department pertaining to water, of operating the water works, and of making all current and ordinary extensions, betterments and repairs, and for no other purpose.

To control and order the expenditure of all moneys received from the sale or use of electric power, or otherwise in connection with the operation and management of the electric power works and systems of said city, *provided* that all such moneys shall be deposited in the treasury of the city, to the credit of a fund to be known as the "power revenue fund," and shall be kept separate and apart from the other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by signatures of two members and the secretary of the board, except that the city council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set part, out of the moneys then in said power revenue fund, and not appropriated to other purposes or required to meet outstanding obligations or liabilities payable out of such fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal upon all outstanding electric plant bonds, before the time for fixing the next general

tax levy, and the city treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be retransferred into said power revenue fund.

Except as in this charter otherwise provided, none of the money in said power revenue fund, or coming under the control of said board, in connection with the operation of the electric power plants, works or systems of the city, shall be appropriated or used for any purpose or purposes other than the following, to wit:

First—For the necessary expenses of conducting, operating and maintaining and extending the business of said department pertaining to electric power, of the electric power works, plants, systems and equipments, and of making all current and ordinary extensions, betterments and repairs.

Second—For extraordinary improvements of and betterments to the property, works and systems of said department pertaining to electric power, including the purchase of necessary lands, and other property.

Third—The payment, as above provided, of installments of interest or principal, or of interest and principal coming due upon outstanding electric plant bonds.

Fourth—For the necessary expenses of acquiring, by purchase, condemnation, or otherwise, or leasing electric power plants, works or systems, *provided*, that such expenditures shall first be approved by ordinance passed by a vote of two thirds of the members of the whole council.

Provided, however, that said board may, in its discretion, with the approval of the council given as aforesaid, so fix the rates for electric power and light as to produce a revenue sufficient only for the purpose of defraying the necessary expenses of conducting the business of said department pertaining to electric power, of operating and maintaining power works, plants, systems and equipments, and of making all current and ordinary extensions, betterments and repairs thereof, and for no other purpose.

(1) The said board shall also have power, by a resolution adopted by a majority of all of its members, and recorded in the minutes with the ayes and noes at length, to make and enforce all such reasonable by-laws, rules and regulations as may be necessary for its government, for the administration of the public service department, and for the exercise of the powers conferred by this article, *provided*, that no such rule, by-law, or other act of the board fixing water or electric power or light rates, or prescribing the time or manner of payment thereof, shall be effective until the same shall be approved by the city council, and thereafter published for at least three days in a daily newspaper printed and published in the city of Los Angeles.

(2) Three members of the board of public service commissioners shall constitute a quorum for the transaction of business; but no contract shall be made, no bill audited, nor any act done involving the expenditure of money, or the incurring of a debt, unless three members of the board vote in favor thereof.

The board shall not make any contract or expenditure for supplies, goods, materials, machinery, or merchandise, involving the sum of more than five hundred dollars, unless it shall first have caused a notice to be published in a daily newspaper, printed and published one or more times in the city of Los Angeles, inviting proposals to furnish the same. And the regular contract therefor shall be let to the lowest regular, responsible bidder who shall furnish security for its performance, satisfactory to the board; *provided*, that the board may reject any and all bids.

(3) The board of public service commissioners shall present to the council, at its meeting in the first week of August in each year, a report for the year ending on the thirtieth day of June, next preceding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the city council a similar statement of all receipts and expenditures during the preceding calendar month.

(4) The council shall cause to be conveyed to said board, as special trustee for the city, all property, real and personal, belonging to the city (except the water and water rights mentioned in Section 190 of this charter), that is now or may hereafter be used, required or convenient in the operation, maintenance, or extension of a system of water works for supplying the inhabitants of the city of Los Angeles with water, and in protecting the sources of such water supply from diversion or pollution, or in the operation, maintenance, or extension of plants, works and systems for supplying the inhabitants of said city with electricity.

(5) The board may lease for terms not exceeding five years, any or all of the lands by this article placed under its control for agricultural or other purposes, which shall not conflict with the beneficial use of said lands by the city for the purposes for which they are held by said board; and the board may, except as otherwise provided in this charter, sell, from time to time, such personal property, placed under its control, as shall not be longer necessary or suitable for the use of the public service department. No real property nor any rights or interest in real property held by said board shall be sold, leased or otherwise disposed of, or in any manner withdrawn from its control, save as above provided, unless by a written instrument duly authorized by ordinance of the city, and a resolution of the board and duly executed by the city and the board; *provided*, that none of the waters, water rights, electric power, or rights to generate electric or other power, by this article placed under the control of said

board, shall be conveyed, leased or otherwise disposed of, except as provided in Section 191 of this charter.

Sec. 193. There is hereby created in the department of public service, a bureau to be known as the bureau of water works and supply. Said bureau shall have charge and supervision, through the chief engineer, but under the direction and control of the public service commission, of the water, water rights, water works and systems of the city, and of the distribution of water belonging to the city.

Sec. 193a. There is hereby created in the department of public service a bureau to be known as the bureau of power and light. Said bureau shall have charge and supervision, through the electrical engineer, but under the direction and control of the public service commission, of the power and lighting systems, works, lines and equipments of the city, and of the distribution of electricity for light, power and other purposes belonging to the city.

Sec. 193b. All water mains hereafter laid in said city by any private person, company, or corporation, shall be of such material and of such capacity as shall be prescribed by ordinance; *provided*, that no such main shall hereafter be laid in said city of less dimensions than four inches in diameter.

Sec. 193c. The rates of compensation for use of water to be collected in said city, by any person, company, or corporation, other than the board of public service commissioners, shall be fixed annually by ordinance, and shall continue in force for one year and no longer. Such ordinance shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Should the council fail to pass the necessary ordinances, fixing the water rates within the time hereinbefore prescribed, it shall be subject to peremptory process to compel action at the suit of any party interested.

That the charter be amended by adding a new article thereto, to be known as Article XXVI, and to read as follows:

ARTICLE XXVI.

PLAYGROUND DEPARTMENT.

Sec. 263. There is hereby established a department of the government of the city of Los Angeles to be known as the playground department, which shall be under the management and control of a board of five commissioners to be known as the board of playground commissioners.

Sec. 264. The members of the board of playground commissioners shall be appointed by the mayor, subject to confirmation by a majority of the council. All such appointments shall be made so that not more than three of said commissioners shall be of the same sex. The members of said board shall serve without compensation, and shall hold office for four years, and until their successors are appointed and qualify; *provided, however*, that the five members first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1912, one on the first Monday in January, 1913, one on the first Monday in January, 1914, and two on the first Monday in January, 1915. If any vacancy occur the mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the council.

Sec. 265. The board of playground commissioners shall organize by electing one of their members president, who shall hold office for one year, and until his successor is elected, unless his membership on the board sooner expires. The board shall maintain an office, to be provided by the council, for the transaction of the business of the playground department. Said board shall hold regular meetings at least once in each week. The board shall appoint a secretary, not a member of the board, who shall receive such salary as may be prescribed by ordinance. He shall keep a record of all its proceedings, specifying therein the names of the commissioners present at all the meetings, giving the ayes and noes upon all votes, and shall also keep a full account of all property, money, receipts and expenditures of the said department.

Sec. 266. The playground department shall consist of a superintendent of playgrounds, and such other officers, assistants and employees as the council shall by ordinance determine. The salaries of all officers and employees of the playground department shall be fixed by the council by ordinance. All appointments, suspensions and removals in the department shall be made by the board of playground commissioners, subject to such civil service regulations as are now or may hereafter be in force.

Sec. 267. All children's playgrounds, recreation centers and summer camps now or hereafter owned or controlled by the city of Los Angeles, either within or without its limits, shall be under the exclusive control and management of the board of playground commissioners.

Sec. 268. The board of playground commissioners shall have charge, superintendence and control, under such ordinances as may from time to time be adopted by the council, of the design, construction, maintenance and use of all buildings and other improvements upon playgrounds.

Sec. 269. The board of playground commissioners shall prescribe the rules and regulations for the government of the department, and fix and enforce the penalties for their violation.

Sec. 270. The board of playground commissioners may, for and on behalf of the city of Los Angeles, receive donations, legacies or bequests for the improvement or maintenance of said playgrounds, or for the acquisition of new playgrounds, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms thereof, be deposited in the treasury of the city of Los Angeles to the credit of the playground fund. The same may be drawn therefrom and paid out only in the manner provided for the payment of moneys legally appropriated for the support and improvement of such playgrounds. If the moneys derived from such gifts, bequests or legacies shall at any time exceed in amount the sum necessary for immediate expenditure on said playgrounds, the board may invest all or a part of the surplus in interest bearing bonds of the United States or of the State of California or of any county, municipality or school district thereof. As to all such property, the board of playground commissioners shall be deemed and considered to be a special trustee thereof for the city of Los Angeles.

Sec. 271. The council shall have power, by ordinance, to set aside for playground purposes any lands now or hereafter owned or controlled by the city and not held for, or devoted to, any other public use.

Sec. 272. The council shall, for the acquisition, development and maintenance of children's playgrounds, appropriate annually such an amount as may, in the judgment of the council, be necessary or proper, and the amount so appropriated shall be credited to the playground fund.

Sec. 273. The board of playground commissioners, the superintendent of playgrounds, and all other officers and employees of the playground department shall have such further powers and perform such further duties as may be granted or imposed by ordinance.

That the charter be amended by adding a new article thereto, to be known as Article XXVII, and to read as follows:

ARTICLE XXVII.

MUNICIPAL ART COMMISSION.

Sec. 274. There is hereby established a commission of the government of the city of Los Angeles to be known as the municipal art commission.

Sec. 275. The municipal art commission shall be composed of the following persons, to wit: The mayor, ex officio, the chief inspector of buildings, ex officio, the city engineer, ex officio, five citizens, to be appointed by the mayor, subject to confirmation by a majority of the council and in all matters within the cognizance of said commission pertaining to any department of the government of the city, the president of the board or commission having charge of such department, or other head of such department, shall act as a member of said commission. The appointive members of said commission shall serve without compensation. They shall be selected by the mayor without regard to sex and shall be known to him as having special knowledge or skill in the fine or applied arts.

Sec. 276. The appointive members of the municipal art commission shall hold office for four years and until their successors are appointed and qualify; *provided, however,* that the five appointive members of said commission first appointed hereunder shall so classify themselves by lot that one shall go out of office on the first Monday in January, 1912, one on the first Monday in January, 1913, one on the first Monday in January, 1914, and two on the first Monday in January, 1915. If any vacancy occur in the appointive members of the said commission, the mayor shall fill the same for the unexpired term, subject to confirmation by a majority of the council.

Sec. 277. The municipal art commission shall organize by electing a president, a vice-president, and a secretary from its own members, who shall hold office for one year and until their successors are elected, unless their membership on said commission sooner expires. Said commission shall have power to adopt rules for its own government and procedure, and shall hold meetings as often as may be prescribed by such rules. Six members shall constitute a quorum for the transaction of business.

Sec. 278. The council shall provide suitable offices for the use of the municipal art commission, and shall provide funds for the maintenance and expenses of the commission, the amount to be fixed annually in the budget.

Sec. 279. Hereafter no work of art shall become the property of the city of Los Angeles, by purchase, gift or otherwise, unless such work of art or the design of the same, together with a statement of the proposed location of such work of art, shall first have been submitted to and approved by the municipal art commission by a majority vote thereof; nor shall any work of art, until so approved, be erected or placed in or upon, or allowed to extend over or upon any municipal building, street, avenue, or other public place or ground belonging to or under the control of the city of Los Angeles, excepting parks. The said commission may, when it deems proper, also require a complete model of the proposed work of art to be submitted to such commission. The term "work of art" as used in this article shall apply to and include all paintings, mural decorations, stained glass, statues, bas-reliefs and other sculptures, monuments, fountains, arches, gates, and other structures of a

permanent character intended for ornament or commemoration. No existing work of art belonging to or in the possession of the city shall be removed, relocated or altered in any way without the like approval of the commission. The design of no public building, bridge, approach, fence, retaining wall, lamp, lamp post or other similar structure proposed to be erected by or under the authority of the city upon any land or in any place belonging to or under the control of the city shall be adopted by any board, commission, or officer having charge, superintendence or control of the design or construction thereof, unless such design shall have been first submitted to and approved by the municipal art commission by a majority vote thereof. No arch, bridge, structure or approach belonging to any private individual or corporation shall be permitted to extend over, into or upon any street, avenue, highway or other public place belonging to or under the control of the city of Los Angeles, other than parks, unless the design and location thereof shall have first been approved by the municipal art commission as hereinbefore provided.

Sec. 280. If the said commission shall fail to decide upon any matter submitted to it within fifteen days after such submission, its decision shall be deemed unnecessary, *provided, however*, that the time for such decision may be extended by the council by resolution.

In the event that the immediate removal or relocation of any existing work of art owned or controlled by the city is deemed necessary by the board or officer of the city having the charge or custody thereof, the said commission shall within two days after notice in writing from such board or officer, approve or disapprove such removal or relocation, and in case said commission shall fail to so act within two days after the receipt of such notice, it shall be deemed to have approved of the same.

Sec. 281. There may be expended for art productions, to be selected by said art commission and placed in public buildings, grounds or parks of the city such amount as the council may determine, and such amount may be included in the annual budget for that purpose. The word "productions" shall be held to include, among other works of art, mural paintings or decorations which artists may be employed to put on the walls of public buildings, mosaic and stained or painted glass.

Sec. 282. The municipal art commission shall have such further powers and perform such other duties as may be granted or imposed by ordinance.

CHARTER AMENDMENT NUMBER SIX.

That Article XX of the charter be amended to read as follows:

ARTICLE XX.

CONTRACTS AND THE SALE OF PROPERTY.

Sec. 207. Every contract involving an expenditure of more than five hundred dollars shall, except in cases of urgent necessity, as provided in Section 207a of this charter, be made in writing, the draft whereof shall be approved by the body, board, commission or officer authorized to make the same, and signed on behalf of the city by the mayor, or some other person authorized thereto by resolution of the council in the case of a contract authorized by the council, or, in the case of other contracts, by the president or two members of the board, or commission, or the officer, as the case may be, authorized to make the same: *provided, however*, that the approval by the city attorney of any such contract as to form, as required by Section 49 of this charter, shall be endorsed thereon before the council, or such board, commission or officer, shall have power to approve the same *and provided, further*, that every contract involving the expenditure of more than one thousand dollars shall be first authorized by a two-thirds vote of the council, except contracts made by the board of library directors, and contracts requiring payment from funds derived from the sale of water, or electric power, or bonds of the city.

SEC. 207a. The city of Los Angeles shall not be and is not bound by any contract, involving any expenditure of more than five hundred dollars, unless the council, board, commission or officer, as the case may be, authorized to make the same, shall have first caused notice to be published one or more times in a daily newspaper printed and published in said city, inviting proposals to perform the same, and specifying the amount of the bond to be given for the faithful performance of the contract, and thereafter shall have let said contract to the lowest regular, responsible bidder furnishing security for its performance satisfactory to the council, or such board, commission or officer, as the case may be. The right to reject any and all proposals shall, in every case, be reserved. Every such proposal shall be accompanied by a check certified by a responsible bank in the city of Los Angeles, payable to the order of the city of Los Angeles, for an amount not less than ten per centum of the aggregate sum of the bid, or by a satisfactory bond for the said amount, and so payable, as a guarantee that the bidder will enter into the proposed contract if the same be awarded to him. No bid shall be considered unless the same is accompanied by such check or bond. The bid of any party who has been delinquent or unfaithful in the performance of any former contract with the city shall be rejected. If the successful bidder fails within

ten days after the contract is awarded to him to enter into the same or to furnish the bond required for the faithful performance thereof, executed by the contractor and by a responsible surety company, or by two or more sufficient sureties approved by the council, board, commission or officer, as the case may be, then the certified check accompanying his bid shall be presented for payment and collected, and the amount thereof paid into the general funds of the city; *provided, however*, that the provisions of this section requiring the publication of notice inviting proposals and the letting of contracts to the lowest bidder, shall not apply to contracts previously authorized by a two-thirds vote of the council for the performance of professional, scientific, technical or expert services, or for the furnishing of articles covered by letters patent granted by the government of the United States, or for the leasing or purchase of real property; and *provided, further*, that when any repairs, alterations, work or improvement under the charge of the board of public works shall be deemed of urgent necessity by the board, it may, when authorized by resolution adopted by a vote of two thirds of the members of the whole council and approved by the mayor, make a contract, in writing or otherwise, in behalf of the city, for the performance or furnishing of the labor, materials or supplies required for said purpose, without advertising for or inviting bids. That Section 148 of the charter be and the same is hereby repealed.

Sec 207b. Every proposal to perform a contract with the city or with any board, commission or officer thereof, shall have thereon, or attached thereto, the affidavit of the bidder that such proposal is genuine, and not sham or collusive, or made in the interest or in behalf of any person not therein named, and that the bidder has not directly or indirectly induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure for himself an advantage over any other bidder. Any bid made without such affidavit, or in violation thereof shall not be considered. If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, then the contract so awarded shall be voidable at the option of the city council, or the board, commission or officer, making the same on behalf of the city, as the case may be, and the contractor and his bondsmen shall be liable to the city for all loss or damage which the city may suffer thereby; and the council, board, commission or officer, as the case may be, may advertise for a new contract.

Sec 207c. Each officer, commission or board shall have authority to expend and make contracts involving the expenditure of one twelfth of the fund apportioned to such officer, commission or board during each month of the fiscal year, and no more, unless specially authorized so to do by the council, *provided*, that if during any month less than one twelfth of the fund so apportioned shall be expended, the amount unexpended may be expended in any subsequent month of the fiscal year without such authorization.

Sec. 207d. All purchases of materials or supplies involving an expenditure of five hundred dollars or less, and required for or by any body, board, commission or officer of the city, excepting purchases made by the board of library directors, and purchases requiring payment from funds derived from the sale of water, electric power, or bonds of the city, shall be made from the lowest responsible bidder, in the manner that may, from time to time, be prescribed by ordinance, through the purchasing agent of the city, when one shall have been appointed, and upon requisition delivered to him and signed by the president, or two members of such body, board or commission, or by such officer. Other contracts, involving an expenditure of five hundred dollars or less, made by any body, board, commission or officer of the city, excepting contracts made by the board of library directors, and contracts requiring payment from funds derived from the sale of water, electric power, or bonds of the city, shall be made in the manner that may, from time to time, be prescribed by ordinance, *provided, however*, that, in the case of urgent necessity, when the procedure prescribed by this section cannot be followed without loss to the city, any body, board, commission or officer of the city mentioned in Section 207c of this charter, may purchase materials or supplies required for immediate use by the city, when such purchase does not exceed twenty-five dollars; *provided*, that such emergency purchases shall not exceed one hundred dollars for any such body, board, commission or officer, during any one month.

SALE OF PROPERTY.

Sec 207e. Any real property owned by the city of Los Angeles may, subject to the limitations and exceptions elsewhere prescribed in this charter, be sold, either in whole, or in part, in accordance with the provisions of this section. Whenever the public interest or convenience may require, the council is hereby authorized to order the sale, and to sell any such real property, either at public auction or to the highest bidder for cash after advertising for bids; *provided, however*, that the council shall prescribe the minimum price for which the same will be sold, and if the price offered at such auction, or the amount bid by the highest bidder at such sale, shall be less than such minimum price, such property shall not be sold.

Before ordering the sale of any such real property the council shall, by a two-thirds vote of all its members, pass an ordinance declaring its intention to sell the

same, describing the property proposed to be sold in such manner as to identify the same, specifying the minimum price for which it will be sold, and stating whether such sale shall be at public auction or to the highest responsible bidder after advertising for bids. Such ordinance shall be subject to the provisions of this charter providing for a referendary vote.

Unless a petition demanding the submission of such ordinance to a vote of the qualified electors of the city be filed with the city clerk within thirty days after the publication thereof, the council may, in its discretion, after the expiration of such thirty days, cause notice of the sale of the property described in such ordinance to be published for ten days in one or more daily newspapers printed and published in said city.

In the case of any sale of any real property after advertisement for bids, all such bids shall be sealed and filed in the office of the city clerk on or before a time to be specified in the notice of sale. The city clerk shall present all bids received by him to the council at its next regular meeting after the expiration of the time for the submission of bids. The council shall thereupon, in public session, open, examine and declare all bids received. At the time of opening the bids, any responsible person may bid for such property a sum exceeding the highest bid by not less than five per centum, and such bid so made may be raised by any other person or persons until the property shall either be sold or withdrawn from sale. No bid shall be considered unless accompanied by a cash deposit or check certified by a responsible bank in the city of Los Angeles in an amount not less than ten per centum of the amount of such bid.

The council may in its discretion in all cases where property is offered for sale reject any or all bids, or withdraw such property from sale at any time, should it deem such action to be for the public interest.

Any real property proposed to be sold that is under the control of any board or commission authorized by this charter or by law to acquire, hold or control real property shall not be sold except with the approval of a majority of such board or commission, and the proceeds of any such sale shall be paid into the city treasury and placed in the fund of the department having control of such property.

Sec. 207f. Any personal property belonging to the city, that is no longer required for the use of the city, may be sold under such terms and conditions, and under such procedure as the council may by ordinance prescribe, *provided, however*, that no such personal property that is under the control of any department of the city government shall be sold except at the request or with the approval of the board, commission or officer having the management of such department. The proceeds of the sale of personal property shall be paid into the city treasury and placed in the fund of such department.

CHARTER AMENDMENT NUMBER SEVEN.

That Section 25 of the charter be amended to read as follows:

Sec. 28. It shall provide for the surveys of streets and blocks of land within the limits of the city, and may, by ordinance declare such surveys official, and may compel all persons to conform to the streets as they are now or may be hereafter lawfully established and declared official, or otherwise dedicated.

It may, by ordinance, provide for making and establishing surveys and plans of streets, lanes, alleys, boulevards, courts and other public places proposed to be laid out, opened, widened, straightened or extended by the city within its limits, prescribe the method of procedure therefor, and require owners of property to conform to such surveys and plans in platting or subdividing their lands and in making improvements thereon.

CHARTER AMENDMENT NUMBER EIGHT.

That Article XXI of the charter be amended to read as follows.

ARTICLE XXI.

TAXATION, FINANCE, CLAIMS AND DEMANDS.

Sec. 208. The fiscal year of the city shall commence on the first day of July of each year and shall end on the thirtieth day of June of the following year.

Sec. 209. It shall be the duty of every officer of the city, the conduct of whose office requires the expenditure of money, and every board or commission having the management and control of any department of the government of the city, to prepare and file with the city auditor, on or before the first day of April of each year, a detailed estimate in writing of the amount of expenditure required for the proper conduct of the business of their respective offices and departments for the next ensuing fiscal year, including a statement of the salaries of their subordinates.

Sec. 210. On or before the first day of May of each year, the city auditor shall transmit to the council an estimate of the probable expenditures of the city government for the next ensuing fiscal year, stating the amount required for the interest and sinking funds for all outstanding bonded indebtedness of the city, and the requirements of all of the offices and departments of the municipal government in detail, and showing specifically the amount necessary to be provided for

each fund and department; also an estimate of the amount of income from fines, licenses and other sources of revenue, exclusive of taxes upon property, and the probable amount to be raised by taxation.

Sec. 211. The council shall meet annually, prior to fixing the tax levy, and by resolution adopted by a majority of all its members, shall make a budget of the estimated amounts required for the interest and sinking funds for the bonded indebtedness of the city, and to pay the expenses of conducting the business of the city government for the ensuing fiscal year. The budget shall be prepared in such detail as to the aggregate sum and the items thereof allowed to each department, officer, board or fund, as the council may determine. The resolution adopting the budget shall be presented to the mayor for his approval and signature. Any item of said budget may, within ten days after the adoption thereof, be vetoed in whole or in part by the mayor, and it shall require the vote of two thirds of the council to overcome such veto. In making such budget, the council may provide for a general expense fund for expenses not otherwise provided for. After the budget is made in accordance herewith, it shall be signed by the president of the council, and the city clerk, and the several sums thereof shall thereupon be deemed appropriated for the ensuing fiscal year to the several purposes, departments and offices therein specified. The budget shall be filed in the office of the city auditor. The council must cause to be raised by tax levy, according to law, the amounts so appropriated, less the amount to be received by the city from fines, licenses and other sources of revenue.

Sec. 212. When the assessment list is made out and transmitted to the council, as provided by the ordinances of the city, the council shall, at the time and in the manner in such ordinance provided, sit and act as a board of equalization, and shall have, as regards the equalization of said list, powers similar to those conferred by law upon the board of supervisors of Los Angeles County, as a board of equalization of state and county taxes.

The meetings of said board of equalization shall be public, and notice of such meetings shall be given by publication at such time and in such manner as shall be provided by ordinance. The said board shall have the power, in its discretion, to increase or diminish the amount of any or all of the assessments on said lists, both as to real and personal property, *provided*, that before any such assessment shall be increased, due notice shall be given to the owner or owners of the property the assessed value of which is sought to be increased, and such owner or owners shall have the opportunity to be heard before the board, under oath; such notice to be regulated in all respects by ordinance.

After such list has been equalized, it shall be returned to the council, which shall forthwith fix the levy or rate per cent of taxes levied for all municipal purposes for such fiscal year.

Every tax so levied shall have the force and effect of a judgment against the person and property taxed, and shall be and constitute a lien upon the real property situated in said city so assessed or owned by the person against whom such assessment is made.

Every such assessment and the lien thereof shall have the force and effect of an execution duly levied upon all property owned by the person assessed, or by the unknown owner of such property when assessed to an unknown owner. The judgment is not satisfied nor discharged until the tax assessed against the property and the owner is paid, or the property sold for the payment thereof.

The city shall have such other rights, claims and liens for the amount of such municipal taxes as may now or hereafter be given to or exercised by the people of the State of California for and on account of the assessment of state and county taxes levied in Los Angeles County.

The mode and manner of collecting such municipal taxes, and enforcing such tax lien, and the proceedings thereafter, shall substantially be the same as the mode and manner at the time prescribed by law for the collection of state and county taxes in said county, *provided, however*, that the council may, by ordinance, have the power to regulate the time or times of the collection of said taxes within each fiscal year, and prescribe by what officers the respective duties appertaining to such collection and enforcement shall be performed. All proceedings, sales, certificates and conveyances had, made and executed by them in pursuance thereof, shall be of like force, effect and validity as is or may hereafter be given by law to like proceedings and acts in the matter of the collection of state and county taxes in said county.

Sec. 213. The council must, not later than the last Tuesday in August of each year, adopt an ordinance levying upon the assessed valuation of the property of the city, subject to the provisions of this charter, a rate of taxation upon each one hundred dollars of valuation, sufficient to raise the amounts estimated to be required in the annual budget, less the amounts estimated to be received from fines, licenses and other sources of revenue.

Sec. 214. The income and revenues paid into the treasury shall be apportioned to and kept in separate funds. It shall not be lawful to transfer money from one fund to another, or to use the same in payment of demands upon another fund, except in the case of the general expense fund and the reserve fund; *provided, how-*

er, that every fee, commission, percentage, allowance or compensation authorized by law to be charged, received or collected by any officer of the city for any service shall be paid into the city treasury, to the credit of such fund, and be applied to such purposes as the council shall by ordinance determine.

Sec 215. At the close of each fiscal year the council shall direct the auditor and treasurer to transfer all surplus moneys remaining in each fund, over and above the amount of outstanding demands and liabilities payable out of such fund, to a fund to be called the "reserve fund," except such surplus moneys as are in the several interest and sinking funds, bond funds, trust funds, the library fund, the water revenue fund, the power revenue fund, and the harbor revenue fund, but the council may by ordinance direct said surplus moneys in the power revenue fund or the harbor revenue fund transferred to such reserve fund.

Sec. 216. All claims and demands against the city of Los Angeles, except coupons for interest and installments of the principal of outstanding bonds of the city, shall be paid only on demands as hereinafter provided, on forms and blanks to be prescribed by the city auditor.

Sec. 217. Every claim and demand against the city of Los Angeles, except as provided in the preceding section, shall be first presented to and approved by the board, commission or officer authorized by this charter to incur the expenditure or liability represented thereby; if such approval be made by a board or commission the same shall be evidenced by a vote of two thirds of the members thereof, taken with the ayes and noes and spread upon the minutes, and the action of such board or commission, and the date thereof, must be endorsed on such demand, and signed in writing by the president or by two members thereof, and the secretary or clerk thereof, and if such approval be made by an officer he, or his chief deputy, shall endorse the same by his signature in writing. In all cases the date of such approval shall be given.

Sec 218. The salaries of all officers and employees of the city shall be paid monthly; *provided, however*, that laborers and other employees whose wages are fixed by the day, may be paid weekly, if the council, by ordinance, shall so provide. At the expiration of each month the board, commission or officer having the management or control of any department or office shall cause a pay roll to be made out of all persons employed in such department or office during the preceding month, stating the amount of the compensation of such persons in detail, which said pay roll shall be certified as herein provided in the case of demands against the city. In the case of laborers and other persons whose wages are fixed by the day, and payable weekly, as above provided, such pay roll shall be so made out and certified at the end of each week for the preceding week. Every such pay roll shall be filed with the city auditor and shall be accompanied by proper demands or pay checks for the salary or wages of each person specified therein *provided*, that nothing in this article contained shall be deemed to affect or limit the provisions of Section 151 of this charter.

Sec 219. All demands approved by any board, commission or officer of the city shall be presented to the city auditor, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the city treasury is authorized by law, and out of what fund. If he approve it, he shall endorse upon it the word "approved," with the name of the fund out of which it is payable, and sign his name thereto, *provided* that such approval by the city auditor shall be valid only for such amount as shall have been approved by the board, commission or officer approving the same. If, in the judgment of the city auditor, such demand should be allowed only for a less amount than approved by such board, commission or officer, or if he shall disapprove said demand, he shall transmit the same to the finance committee of the council.

Sec. 220. Any demand transmitted to the finance committee of the council by the city auditor shall be considered by such committee, together with the objections of the city auditor thereto. Such demand shall be reported by the finance committee to the council with its recommendations, and the council shall consider the same and the action of the auditor and finance committee thereon.

The council may overrule or sustain the objections of the city auditor to said demand, and its action shall be endorsed thereon, certified by the signatures of the president of the council and city clerk, and the demand shall thereupon be returned to the city auditor. If the action of the council is to overrule the objections of the city auditor to said demand, he shall make a record of the demand as in the case of demands approved by him, if the action of the council is to sustain the objections of the city auditor thereto, he shall file said demand.

Sec. 221. All demands against the fund for the support or maintenance of the office of the city auditor shall, before payment, be presented to the mayor, who shall have the same powers as to the approval or disapproval thereof as are exercised by the city auditor in the case of other demands. The action of the mayor with respect thereto shall be subject to review by the council, as hereinbefore provided.

Sec 222. No demand can be approved by any board or officer, or audited, unless it specify each several item, with the date and amount thereof.

Sec 222a. No payment can be made from the city treasury, or out of the public funds of said city, unless the same be specially authorized by law or this charter,

nor unless the demand which is paid be duly audited as in this charter provided. The term "audited," as used in this charter with reference to demands upon the treasury, is to be understood to mean that said demands have been presented to, passed upon and approved by every officer, board, commission or body, as required by this charter, or that the objections of the city auditor have been overruled, as herein provided, and this must appear upon the face of the paper representing the demand, or else it is not audited, *provided*, that the approval or rejection in whole or part of a demand by the committee on finance of the council is advisory only to the council, and the rejection by said committee of a demand in whole or in part does not of itself prevent its being duly audited.

Sec. 222b. No demand upon the treasury shall be allowed by the city auditor in favor of any person or officer in any manner indebted thereto without first deducting the amount of such indebtedness, nor to any person or officer having the collection, custody of or disbursement of public funds, unless his account has been duly presented, passed, approved and allowed, as required by law or this charter; nor in favor of any officer who shall have neglected to make his official returns or his reports in writing in the manner and at the time required by law or this charter, or by the ordinances or regulations made in pursuance thereof; nor to any officer who shall have neglected or refused to comply with any of the provisions of this charter or ordinances of the city, or any act of the legislature regulating the duties of such officer, on being required in writing to comply therewith by the mayor or the president of the council or the city auditor; nor in favor of any officer for the time he shall have absented himself, without lawful cause, from the duties of his office during the office hours prescribed by this charter or by ordinance, and the city auditor may examine any officer receiving a salary from the treasury on oath respecting such absence.

Sec. 222c. The city auditor must keep a record of all demands on the treasury approved by him, or his objections to which have been overruled, showing the number, date, amount, and name of the payee thereof, on what account allowed, and out of what funds payable, and it shall be a misdemeanor in office for the city auditor to deliver any demand with his approval thereon, or otherwise, until this requisite has been complied with.

Sec. 222d. Every lawful demand upon the treasury, duly audited, as in this charter required, shall in all cases be paid on presentation and cancelled and the proper entry thereof be made, if there be sufficient money in the treasury belonging to the fund out of which it is payable; but if there be not sufficient money belonging to said fund to pay such demand, then it shall be registered in a book to be kept by the treasurer for that purpose, showing its number, when presented, date, amount, name of the payee, and on what account allowed, and out of what fund payable; and being so registered, shall be returned to the party presenting it, with an endorsement of the word "registered," dated and signed by the city treasurer. All registered demands shall be payable in the order of their registration.

Sec. 222e. Nothing in this article contained shall be construed as interfering with or preventing the payment by the city treasurer of bonds of the city of Los Angeles, and the interest coupons thereof, in accordance with the constitution, laws and ordinances authorizing the issuance of said bonds.

Sec. 222f. All public moneys collected by any officer or employee of the city shall be paid into the city treasury, without any deduction on account of any claim for fees, commissions or any other cause or pretense; and the compensation of any officer, employee or other person so collecting money, shall be paid by demands on the treasury, duly audited as other demands are audited, and paid.

Sec. 222g. No suit shall be brought on any claim for money or damages against the city of Los Angeles, its board of education, board of directors of the Los Angeles public library, board of public works, or board of public service commissioners, or any officer or board or commission of the city, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or any board, officer or commission thereof upon any claim or demand that has been in whole approved and audited as provided herein: *provided* that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to writ of mandamus or other proceeding against the city council, or any board, commission or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

CHARTER AMENDMENT NUMBER NINE.

That Section 261 of the charter be amended to read as follows:

Sec. 261. It shall be unlawful to sell, convey, alienate, transfer or lease any part of the water front, tide lands, submerged lands, or appurtenances thereunto belonging, owned or held by, or in the possession or under the control of the city of Los Angeles, or any borough therein, unless thereunto authorized by two thirds of the qualified voters of the city voting at a general or special election at which such proposition shall have been submitted: *provided*, that whenever the city of Los Angeles shall have acquired the ownership, or control and possession, of more than ten thousand feet (linear measurement) of water frontage, and the co-terminous

and adjacent tide and submerged lands upon the water front, as fixed by the government harbor lines upon the navigable waters of Los Angeles harbor, formerly known as the outer or inner harbor of San Pedro, not including water frontage upon any island, or breakwater, nor water frontage held by any borough, nor any water frontage created by the construction of channels by any person, firm or corporation other than the United States, the city of Los Angeles may grant, by ordinance, to any person, firm or corporation wharf franchises and warehouse and other privileges and permits to use the water frontage in excess of said ten thousand feet, so owned or controlled by the city, for periods not exceeding fifteen years on alternate frontages upon said harbor, not exceeding two thousand feet in a body, with the adjacent and co-terminous tide or submerged lands necessary for such purposes as determined by ordinance. Said ten thousand feet, and each alternate two thousand feet of such excess water frontage upon said harbor, together with the adjacent and co-terminous tide and submerged lands, shall be reserved for public use, as aforesaid *provided, however*, that whenever it shall be determined by the city of Los Angeles, by ordinance, or by other proper legal authority, that any part of such tide or submerged lands not nearer than three hundred feet to navigable waters are no longer required for public use, by reason of their remoteness from the harbor lines, as now or as hereafter established, such tide or submerged lands may be subdivided into lots and blocks, or otherwise, with streets or other public ways leading to the water front, and with such other streets or other public ways as may be established therein and may be leased by the board of harbor commissioners, subject to approval by ordinance, if there be such board, otherwise by the council, and in any event subject to the referendary provisions of this charter, for periods not exceeding thirty years; but in all cases where either franchises or privileges are granted or permits issued, or such tide or submerged lands leased, the same shall be granted, issued or leased, as the case may be, to the highest bidder, and after publication of notice for not less than ten days. In case of any grant of franchise or privilege, or the issuance of any permit under this section, the same shall, at all times be granted or issued upon the condition, whether expressed therein or not, that the wharves, docks, warehouses or other works or structures provided for therein shall, if not already constructed, be completed within three years from the date of such franchise, privilege or permit, and all such franchises, privileges or permits, shall provide for the payment to the city of either an annual rental or a percentage of the gross annual receipts, received from the use, operation or possession of the franchise, privilege or permit, or both such rental and percentage. Every such franchise, privilege or permit shall contain a condition that in case the same, or the property, or any part thereof embraced therein, shall be transferred or subleased, or the control thereof be given or granted to any person, firm or corporation, so that such person, firm or corporation shall then own, hold or control, under franchises, privileges or permits, granted or issued by the city of Los Angeles, more than two thousand feet of said water frontage, upon any part of said Los Angeles harbor, then such grant, privilege or permit, and all rights thereunder, shall thereupon and thereby be absolutely terminated. Every franchise, privilege or permit granted or issued hereunder, shall be subject at all times to all rights of way over tide or submerged lands embraced therein for such public sewers, pipe lines, conduits electric lines highways streets, street or other railroads, as may from time to time be determined by the council. Whenever application shall be made for the lease of any part of such tide or submerged lands, that may be no longer required for public use, as aforesaid, an open bid shall accompany the same, and notice thereof shall be given by publication for not less than ten days in a daily newspaper printed, published and circulated in said city. At any time within thirty days after the last publication of such notice, any person, firm or corporation may make an open bid for the lease of such property. Upon the expiration of such thirty days, the board of harbor commissioners, if there be such board, or if not, then the council, in open session, may lease such land to the highest bidder therefore or then bidding, or refuse so to do. Every lease of tide or submerged lands no longer required for public use, shall provide for readjustment of rental every ten years during the period of such lease. The procedure for such readjustment shall be specified in such lease, but in no case shall such readjustment decrease the amount of rental.

In any case, where the city of Los Angeles or its predecessors in interest or authority, shall have granted or issued any franchise or permit or any document purporting to be such, to any person, firm or corporation, the water front, tide lands and submerged lands covered thereby, shall not be deemed to be subject to grants for such purposes by the city of Los Angeles under this section until such franchise or permit shall have been cancelled or otherwise terminated, and until the city of Los Angeles shall have regained peaceable possession of such property.

CHARTER AMENDMENT NUMBER TEN

That a new subdivision be added to Section 2 of the charter, relating to the powers of the city, to be known as Subdivision 43, and to read as follows:

(43) To grant franchises, for terms not exceeding forty years, for the construction and operation of underground electric interurban, street or other rail-

ways through subways, and for the construction and operation of elevated electric interurban street, or other railways along or across public streets, highways, and other public places; *provided* that any such grant shall first be authorized by a vote of a majority of the qualified electors of the city voting at an election at which such question shall be lawfully submitted, *and provided, further*, that no franchise along any public street or highway for the construction or operation of any elevated railway shall be submitted to the vote of the people unless there shall first be filed with the council the written consent thereto of the owners of a majority of the frontage, other than public property, along such street or highway. Every franchise for an underground or elevated interurban or street railway shall be upon condition whether expressed therein or not, that at any time after twenty-one years from the date of the grant thereof the city may take over the tangible property and plant of such railway over and along the line covered by such franchise, including any leases and rights of way, upon the same conditions as are in this article provided with reference to other franchises; and all such franchises shall contain all other terms, conditions and provisions required to be set out in surface street and interurban railway franchises, so far as applicable.

The council may, upon its own motion, submit an ordinance to the vote of the qualified electors, authorizing the council to sell any such franchise at any special or general election. And it shall be the duty of the council to submit such an ordinance at the next general election, or the next special election, that may be called for any other purpose, whenever a petition asking that the same be so submitted shall be filed with the clerk and signed by not less than ten per cent of the total number of qualified electors voting at the last general city election at which a mayor was elected.

CHARTER AMENDMENT NUMBER ELEVEN.

That a new section be added to the charter, immediately after Section 30 thereof, to be known as Section 30a, and to read as follows:

Sec. 30a. No building shall be erected within said city of a height exceeding one hundred and fifty feet, except public buildings and monuments, and except spires, domes and towers of houses of religious worship, when authorized by ordinance passed by a two-thirds vote of the council; and except other structures or buildings, or parts of buildings, not designed for business, manufacturing or commercial purposes, when authorized by ordinance adopted by a vote of a majority of the qualified electors of the city voting thereon at an election at which such ordinance may be submitted.

CHARTER AMENDMENT NUMBER TWELVE.

That article XXII of the charter be amended by adding a new section thereto, immediately following Section 22S, to be known as Section 22Sa, and to read as follows:

Sec 22Sa. Whenever, under the terms of this charter or under the provisions of the constitution or of the general laws of the State of California, any incorporated city or town shall be consolidated with or annexed to the city of Los Angeles, and the charter of such incorporated city or town shall contain any provision or provisions restricting, prohibiting or regulating the sale, distribution or giving away of any spirituous, malt, vinous or alcoholic liquors, within the boundaries of such city or town so consolidated with or annexed to the city of Los Angeles, such provision or provisions shall, upon such consolidation or annexation becoming effective, be and thereby become an integral part of and take effect as a subdivision of the charter of the city of Los Angeles, but only for the purposes in this section specified, and shall operate and be of full force and effect in the territory of such city or town so consolidated with or annexed to the city of Los Angeles, and shall govern as to restricting, prohibiting or regulating the sale, distribution, or giving away of spirituous, malt, vinous or alcoholic liquors within such territory. No such provision or provisions shall be altered or repealed except by the vote of a majority of the electors within such territory, voting thereon at any election at which such question shall have been submitted to the electors within such territory.

CHARTER AMENDMENT NUMBER THIRTEEN.

That two new subdivisions be added to Section 2 of the charter, relating to the powers of the city, to be known as Subdivisions 44 and 45, and to read as follows:

(44) To create and maintain, and provide for the disbursement of, a fireman's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the fire department of the city who shall be retired from such department, for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or by reason of sickness caused by the discharge of their duties, and for the payment of pensions to the widows and children of members of such fire department who shall have died from bodily injuries received in the performance of their duties. Said fund shall be created, maintained and disbursed in such manner as may be prescribed by ordinance.

(45) To create and maintain, and provide for the disbursement of, a policeman's relief, health, life insurance and pension fund, to be used for the payment of pensions to members of the police department of the city who shall be retired from such depart-

ment; for the payment of pensions to members of such department who shall become physically disabled by reason of bodily injuries received in, or sickness caused by, the discharge of their duties, and for the payment of pensions to the widows and children of members of such police department who shall have died from bodily injuries received in the performance of their duties. Said fund shall be created, maintained and disbursed in such manner as may be prescribed by ordinance.

CHARTER AMENDMENT NUMBER FOURTEEN.

That a new subdivision be added to Section 2 of the charter, relating to the powers of the city, to be known as subdivision 46, and to read as follows:

(46) To grant franchises or privilege in, on, through, across, under or over any street, avenue, alley, bridge, viaduct, tunnel, subway or other public place, or upon the water front or in or upon navigable waters within the city; to prescribe the terms and conditions of any such grant, and to prescribe by ordinance the method of procedure for making such grants; subject, however, to the limitations elsewhere contained in this article.

CHARTER AMENDMENT NUMBER FIFTEEN.

That a new subdivision be added to Section 2 of the charter, relating to the powers of the city, to be known as subdivision 47, and to read as follows:

(47) To publish a newspaper, and to sell and distribute the same.

That said fourteen proposed amendments were and each of them was published for twenty days in a daily newspaper printed and published in said city and of general circulation therein, to wit, "The Los Angeles Daily Journal", said publication ending on the 23rd day of January, 1911.

That thereafter the city council of said city did by ordinance known as Ordinance No. 21,755 (new series), which was duly adopted on the 31st day of January, 1911, order the holding of a special municipal election in said city of Los Angeles on the 6th day of March, 1911, which said last mentioned date was at least forty days after the publication of said proposed amendments, for twenty days in said daily newspaper of general circulation in said city of Los Angeles, to wit, "The Los Angeles Daily Journal" and did provide in said ordinance for the submission of said fourteen proposed amendments to said charter to the qualified electors of said city for their ratification at said special municipal election, which ordinance was approved by the mayor of said city on the 31st day of January, 1911, and was published for at least ten days prior to the time appointed for the holding of said election in "The Los Angeles Daily Journal", a daily newspaper printed and published in said city.

That at said special election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify each and all of said fourteen proposed amendments to said charter.

That the city council of said city of Los Angeles, at a regular meeting thereof held within ten days after said election, duly canvassed the returns of said election and duly found, determined and declared that a majority of such qualified electors voting thereon had voted for and ratified each and all of the said fourteen proposed amendments to said charter.

IN WITNESS WHEREOF, We have hereunto set our hands and affixed the corporate seal of the city of Los Angeles this 7th day of March, 1911.

[SEAL]

GEO ALEXANDER,

Mayor of the City of Los Angeles

LORIN A. HANDLEY

City Clerk of the City of Los Angeles

AND, WHEREAS, The said fourteen proposed amendments so ratified as hereinabove set forth have been duly presented and submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with Section 5 of Article XI of the Constitution of the State of California. Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the said fourteen proposed amendments to the said charter of the city of Los Angeles, hereinabove set forth, as presented and as submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for and as amendments to the said charter of the city of Los Angeles.

SPECIAL URGENCY FILE.

Assembly Bill No. 675—An Act providing for the acquisition of a site for an armory and state arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commission to select and acquire by donation or purchase said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 675 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Denegri, Farwell, Griffiths, Guill, Hamilton, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Tibbits, Williams, Wilson, Wylie, and Mr. Speaker—47.

NOES—Messrs. Cunningham, Feeley, and Griffin of Modesto—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 95—An Act to appropriate money for making repairs and improvements on buildings, structures and equipment of the California Polytechnic School.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 95 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Tibbits, Walker, Williams, Wilson, Wylie, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1373—An Act to add two new sections to the Penal Code of the State of California, to be numbered Sections 626q and 626r

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1373 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Tibbits, Walker, Wilson, Wylie, and Mr. Speaker—58

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1583—An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1583 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Cattell, Clark, Coghan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinchaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, Mendenhall, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Stevenot, Sutherland, Tibbits, Walker, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1190—An Act to amend section number twelve of an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards and defining the term boulevard," approved March 22, 1905, and amended April 15, 1909, the amendment relating to the definition of the term "boulevard."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1190 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Denegri, Farwell, Flint, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinchaw, Jasper, Jones, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mullally, Polesley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Willie, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1123—An Act providing for the issuance of improvement bonds to represent certain special assessments for public improvements, and providing for the effect and enforcement of such bonds

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1123 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinchaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowan, Mendenhall, Mott, Mullally, Nolan, Polesley, Preisker, Randall, Rumliger, Rosendale, Rutherford, Ryan, Shragia, Slater, Stevenot, Stuckenbruck, Telfer, Williams, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No. 912—An Act to amend Section 499*a* of the Penal Code of California, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor

Assembly Bill No. 1133—An Act to amend Section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class

Assembly Bill No. 1194—An Act to amend Section 4259 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class

Assembly Bill No. 164—An Act making an appropriation of one hundred thousand dollars to be paid to, and expended by the Adjutant General of the State of California ex officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

Assembly Bill No. 600—An Act to provide for the survey and construction of a state highway from Saratoga Gap, on the line between the counties of Santa Clara and Santa Cruz, into the California Redwood Park in Santa Cruz County, and making an appropriation therefor.

Assembly Bill No. 467—An Act to regulate the use of transfers issued by street railroad companies in cities, cities and counties and towns of this State.

Assembly Bill No. 1280—An Act amending section two of an Act entitled "An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort and providing for the compensation of such gardener," approved March 21, 1907

Assembly Bill No. 36—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor

Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the General Fund in the state treasury and making an appropriation therefor

Assembly Bill No. 1507—An Act to amend Section 679*a* of the Penal Code

And report that the same have been correctly engrossed.

RANDALL, Chairman

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 467—An Act to regulate the use of transfers issued by street railroad companies in cities and towns of this State

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 467 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohmetz, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kennedy, Lamb, Larch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowan, Mendenhall, Mullally, Nolan, Polesley, Preisker, Randall, Rumliger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Stuckenbruck, Telfer, Tibbitts, Williams, Wilson, Wylie, Young, and Mr. Speaker—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 988—An Act to authorize cities of the first and one half class to have and exercise jurisdiction in certain cases outside of their territorial limits.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 988 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Chandler, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumliger, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Tibbits, Williams, Wylie, and Mr. Speaker—52

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 990—An Act to add a new section to the Code of Civil Procedure, to be numbered section one thousand two hundred forty-eight *a*, relating to the removal or relocation of railroad, street and interurban railway tracks situated on lands or rights of way taken for road, highway, boulevard, street or alley purposes, under the right of eminent domain, and to compensation for such removal or relocation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 990 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Meendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rumliger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walker, Williams, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1357—An Act to provide for the regulation of smelters and the maintenance and operation thereof in the State of California, and for the licensing and supervision thereof.

On motion of Mr. Cronin, bill made a special order for eleven o'clock A. M. of Tuesday, March 21, 1911.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Brown moved that the vote whereby Assembly Bill No. 811 was refused passage be reconsidered.

The roll was called.

Pending the announcement of the vote, Mr. Brown moved a call of the House.

Motion lost.

The question being on the motion to reconsider.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Benedict, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Flint, Freeman, Guill, Hinshaw,

Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, Mendenhall, Mott, Polsley, Randall, Rosendale, Stevenot, Stuckenbruck, Tibbits, Wyllie, and Mr. Speaker—34.

NOES—Messrs. Beatty, Beckett, Bennink, Crosby, Denegri, Feeley, Gaylord, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Lyon of San Francisco, Maher, March, McGowen, Mullally, Nolan, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Telfer, Walker, Williams, and Wilson—32.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fireboats David Scannell and Dennis Sullivan shall be borne and paid by the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1571 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Chandler, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Telfer, Tibbits, Walker, Williams, Wyllie, and Mr. Speaker—50.

NOES—Mr. Stuckenbruck—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 952—An Act to amend Section 5 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and all Acts amendatory thereof, by amending section five of said Act, relating to contracts for work to be done.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 952 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Telfer, Tibbits, Walker, Williams, Wyllie, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1254—An Act to create a reclamation district to be called "Reclamation District No. 832," and providing for the control and management thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1254 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson,

Kehoe, Kennedy, Lamb, Lynch, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—60

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

TIME FOR DEBATE EXTENDED.

On motion of Mr. Lyon of Los Angeles, Mr. Freeman was granted an additional five minutes in which to complete his debate.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1331 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Benniuk, Bohnett, Brown, Butler, Callaghan, Cattell, Chaudler, Clark, Coghlan, Crovin, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Nolan, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, and Wyllie—52.

NOES—Messrs. Bishop, Cogswell, Freeman, Griffiths, Harlan, Luch, Malone, March, Polsley, Rogers of Alameda, Young, and Mr. Speaker—12.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 627—An Act to provide for the construction of a hospital building or buildings at the Los Angeles department of the college of medicine of the University of California, and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles department of the college of medicine of the University of California, and to make an appropriation therefor.

Assembly Bill No. 803—An Act entitled "An Act to amend Section 594 of the Political Code, relating to the classification of insurance and the capital stock insurance companies are required to have."

Assembly Bill No. 1517—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Assembly Bill No. 371—An Act to confirm, validate and legalize the tax levies heretofore made by county boards of supervisors for county, school and other purposes.

Assembly Bill No. 1483—An Act to establish a standard for evaporated milk and condensed milk.

Assembly Bill No. 1077—An Act to amend an Act entitled "An Act to amend section fourteen hundred and forty-four of the Code of Civil Procedure of the State of California, relating to appraisement of estates and pay of appraisers."

Assembly Bill No. 1449—An Act to amend section one hundred seventeen of the

Political Code, relating to the division of the State into congressional districts and defining and establishing such districts

Committee Substitute for Assembly Bill No. 1448—An Act to amend section one hundred thirty of the Political Code, relating to the division of the State into railroad districts

Committee Substitute for Assembly Bill No. 1447—An Act to amend Section 125 of the Political Code, relating to the division of the State into equalization districts,

Committee Substitute for Assembly Bill No. 1177—An Act to provide for the division of municipalities into sewer districts, and for the acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such acquisition and also for the payment of such bonds

Assembly Bill No. 1177—An Act to amend section six hundred and fifty-three c of the Penal Code of the State of California, relating to crimes against employees.

Assembly Bill No. 1374—An Act to add a new section to the Penal Code to be known as Section ——— prohibiting the use of a coil box for the purpose of cooling alcoholic liquors.

Assembly Bill No. 1313—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann

Assembly Bill No. 1307—An Act to amend Section 737 of the Political Code relating to the salary of superior judges

Assembly Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be designated and numbered three hundred and eighty-one prohibiting the appointment to office of relatives by state officers and judges; and fixing the penalty for making such appointments

Assembly Bill No. 1352—An Act to amend section sixty-seven a of the Code of Civil Procedure, relating to the number of Superior Court judges and providing for the appointment of two additional superior court judges in and for counties of the first class, and providing for their compensation.

Assembly Bill No. 822—An Act relating to the regulation of the sale of intoxicating liquors in the State of California by the prohibition of treating and to provide a penalty for the violation thereof and to amend the Penal Code of the State of California by adding a new section thereto to be known as Section 397c

Assembly Bill No. 1572—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

Assembly Bill No. 395—An Act to amend Section 1 of an Act entitled "An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the state, county, city and county, or incorporated city or town government in this State," approved March 23, 1901, relating to the employment of citizens of the United States.

Assembly Bill No. 1459—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty and one thousand two hundred forty-two, of the Penal Code, all relating to appeals to the Supreme Court.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

RECESS.

At five o'clock and thirty minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened
Speaker Hewitt in the chair.

CREDENTIAL OF NEWSPAPER REPRESENTATIVE.

The following credential of newspaper representative was received and ordered printed in the Journal:

Colonel Hugh M. Burke, Sacramento, Cal.

DEAR COLONEL: This letter is to authorize you to represent us as the Register's legislative correspondent to the end of the present session. Make reports as per yours of recent date, and oblige

Very truly yours,

FRANCIS & FRANCIS.

Per G. M. F.

RULE SUSPENDED.

On motion of Mr. Bishop, Rule No. 71 of the Standing Rules of the Assembly was suspended for the evening.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1500—An Act to amend an Act entitled "An Act for the support of certain cemeteries in Tehama County." approved April 1, 1872.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1500 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cronin, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Mullally, Nolan, Palsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Williams, Wilson, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1255—An Act to create a reclamation district to be called, "Reclamation District No. 833," and providing for the control and management thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1255 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Hamilton, Harlan, Hayes, Held, Hinshaw, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Williams, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 1360—An Act to provide for a state exhibit at the Panama-California Exposition, to be held in San Diego, California, in 1915, to celebrate the completion of the Panama Canal, and providing for the erection of necessary buildings therefor; creating a commission to have the charge and control of said exhibition, and making an appropriation therefor.

Bill ordered stricken from the file.

Assembly Bill No. 1567—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifteenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1567 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Mullally, Nolan, Palsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale,

Rutherford, Schmitt, Slater, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1289—An Act amending section two of an Act entitled "An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort, and providing for the compensation of such gardener," approved March 21, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1289 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Cunningham, Denegri, Farwell, Flint, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—53

NOES—None.

Title read and approved.

Bill order transmitted to the Senate.

Assembly Bill No. 164—An Act making an appropriation of one hundred and fifty thousand dollars (\$150,000.00) to be paid to, and expended by the Adjutant General of the State of California, ex officio Quartermaster General, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 164 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cronin, Denegri, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Hayes, Held, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mott, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Stevenot, Sutherland, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—48.

NOES—Messrs. Cunningham and Mullally—2.

Title read and approved.

Bill order transmitted to the Senate.

Assembly Bill No. 1507—An Act to amend Section 679a of the Penal Code.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1507 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Guill, Hayes, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of

San Francisco, Maher, March, McGowen, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Stevenot, Sutherland, Tibbitts, Williams, Wyllie, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill order transmitted to the Senate.

Assembly Bill No. 600—An Act to provide for the survey, location and construction of a state highway from Saratoga Gap, on the line between the counties of Santa Clara and Santa Cruz into the California Redwood Park in Santa Cruz County, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 600 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Guill, Hayes, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Stevenot, Sutherland, Telfer, Tibbitts, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—50

NOES—None.

Title read and approved.

Bill order transmitted to the Senate.

Assembly Bill No. 1162—An Act to provide for the construction of an exposition building in Agricultural District No. 2 on state property to be known as State Agricultural Park at Stockton, which building is to be used by all of the counties of this State, for the purpose of maintaining therein exhibits of their industries, industrial enterprises, resources and products, and to make an appropriation for the construction of such building.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1162 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Guill, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Slater, Stevenot, Sutherland, Telfer, Tibbitts, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1367—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1367 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher,

March, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Slater, Stevenot, Sutherland, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—56.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1140—An Act to amend sections seven and twelve of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and to provide for officers of said courts, and to fix the compensation of certain officers thereof," which Act became a law under constitutional provision, without the Governor's approval, March 5, 1901, relating to the prosecuting attorney, and to the service of applications for writs of habeas corpus in cases arising in said courts, and to the imprisonment of persons convicted in said courts, and to add a new section to said Act to be numbered section five and one half, relating to the presiding judge of such courts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1140 passed by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cronin, Cunningham, Farwell, Feeley, Freeman, Gaylord, Griffiths, Guill, Harlan, Hayes, Held, Jasper, Jones, Joel, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Sutherland, Telfer, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 925 refused passage by the following vote:

AYES—Messrs. Beckett, Benedict, Bliss, Brown, Cronin, Gaylord, Held, Jones, Joel, Lamb, Lynch, McGowen, Mendenhall, Polsley, Preisker, Rutherford, Sutherland, Tibbits, Walker, Wilson, Wyllie, and Mr. Speaker—22.

NOES—Messrs. Bennink, Bishop, Butler, Chandler, Cunningham, Farwell, Griffiths, Hamilton, Jasper, Judson, Kehoe, Kennedy, Maher, March, Mott, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Slater, and Stevenot—21.

NOTICE OF MOTION TO RECONSIDER.

Mr. Rogers of Alameda gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 925 was this day refused passage.

Assembly Bill No. 1317—An Act to amend Section 4245 of the Political Code of the State of California, relating to county and township government and the compensation of the county and township officers of counties of the twenty-third class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1317 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Cogswell, Cronin, Cunningham, Denegri, Feeley, Flint, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1029—An Act to amend Section 1239 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1029 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coglan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wyllie, and Mr. Speaker—57.

NOES—Messrs. Harlan and March—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 886—An Act to repeal section nineteen hundred and nineteen of the Civil Code of the State of California, relating to the compounding of interest.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 886 refused passage by the following vote:

AYES—Messrs. Cronin, Denegri, Feeley, Griffin of Modesto, Hayes, Held, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, March, McDonald, Mullally, Nolan, Polsley, Rutherford, Schmitt, Stuckenbruck, Telfer, Williams, and Mr. Speaker—22.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Cattell, Chandler, Cogswell, Farwell, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Jones, Lynch, Lyon of San Francisco, Malone, Mendenhall, Mott, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Sutherland, Walker, and Wyllie—31.

NOTICE OF MOTION TO RECONSIDER.

Mr. Brown gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 886 was this day refused passage.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education.

During the consideration of the Assembly constitutional amendment, the following amendment was submitted by Mr. Telfer:

On page 2, line 11, strike out the word "shall", and insert in lieu thereof the following: "may".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for adoption.

Senate Bill No. 1011—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Section 1191 thereof, concerning appointing time for judgment.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1011 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Cunningham, Farwell, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Polsley, Preisker, Rumlunger, Rogers of Alameda, Rosendale, Rutherford, Shragia, Schmitt, Slater, Sutherland, Tibbits, Walker, Williams, Wyllie, and Mr. Speaker—54.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 745 passed by the following vote:

AYES—Messrs. Bennink, Bliss, Bohnett, Coghlan, Cronin, Cunningham, Denegri, Feeley, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Jones, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mott, Mullally, Nolan, Polsley, Rumlunger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wyllie, and Mr. Speaker—49.

NOES—Messrs. Benedict, Cattell, Farwell, and Held—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 36—An Act to provide for the survey, location, and construction of a state highway from the town of Mariposa, through Bear Creek, Missouri Gulch, and Stockton Creek to the Yosemite Valley Railroad at Bear Creek station, in Mariposa County, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 36 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Gavlord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper,

Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Wyllie, and Mr. Speaker—61.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1581—An Act to amend Section 1725 of the Political Code of the State of California, relating to the formation of high school districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1581 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Denegri, Farwell, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rimlinger, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wyllie, Young, and Mr. Speaker—52.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1585—An Act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district or the exclusion of a school district from a high school district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1585 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Denegri, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 40—An Act to amend Section 8 of an Act entitled "An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations thereon, and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act."

On motion of Mr. Wyllie, bill made a special order for eleven o'clock and thirty minutes A. M. of Tuesday, March 21, 1911.

Senate Bill No. 758—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California, to the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 758 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Rimlinger, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 371—An Act to confirm, validate, and legalize the tax levies made by county boards of supervisors for county, school, and other purposes

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 371 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Cunningham, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Young, and Mr. Speaker—54

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1334—An Act to regulate the employment of females in public places.

Assembly Bill No. 704—An Act granting to the city of Los Angeles the tide lands and submerged lands of the State within the boundaries of the said city.

Assembly Bill No. 579—An Act to prohibit the business of barbering on Sunday and providing a penalty for the violation thereof.

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

Assembly Constitutional Amendment No. 39—A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the Constitution of the State of California, to confer upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No 980 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Clark, Cronin, Farwell, Flint, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Rimlinger, Rogers of Alameda, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wyllie, Young, and Mr. Speaker—43.

NOES—Messrs. Cunningham, Mullally, Rosendale, and Sbragia—4.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF BILL.

Assembly Bill No. 534—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.

During the third reading of the bill, Mr. Slater moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, line 1. of title, strike out the words "Civil Code", and insert in lieu thereof the following "Penal Code".

Also: On page 1, line 2, of title, strike out the figures "365", and insert in lieu thereof the following "574".

Also: On page 1, line 3, of title, after the word "purposes", strike out the period, and insert in lieu thereof the following: "and providing the punishment therefor".

Also: In Section 1, line 1, strike out the word "Civil", and insert in lieu thereof the following. "Penal".

Also: On page 1, line 2, strike out the figures "365", and insert in lieu thereof the following: "574".

Also: On page 1, line 3, after the word Section, strike out the figures "365", and insert in lieu thereof the following "574".

Also: On page 2 strike out all of Section 2.

Motion carried.

The Speaker appointed Mr. Slater as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 534, with instructions, do now report that the instructions of the Assembly have been carried out

SLATER, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, with a rush order, reëngrossment, and on file for passage.

WITHDRAWAL OF BILLS.

Mr. Griffiths asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 80, 96, 609 and 610.

Bills withdrawn, and ordered stricken from the file.

Mr. Young asked for, and was granted, unanimous consent to withdraw Assembly Bill No. 511.

Bills withdrawn, and ordered stricken from the file.

SECOND READING OF BILLS.

Assembly Bill No. 200—An Act to establish the California State Reformatory: to provide for the purchase of land therefor; and the

construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof, and to make an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 5, Section 16, line 3, of the printed bill, omit the words "one member of the State Board of Prison Directors" and insert in lieu thereof the words "three other persons".

Amendment adopted.

AMENDMENT No. 2.

On page 7, of the printed bill, omit the word "million" in line 54, and all of lines 55, 56, 57 and 58, substituting in lieu thereof the following, "hundred and fifty thousand dollars, five thousand dollars to be available July 1, 1911, and one hundred and forty-five thousand dollars to be available July 1, 1912."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 742—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, Section 2, line 5, strike out the period after the word "same", and insert in lieu thereof the following: "": *provided, however*, such warrant shall not be drawn or paid prior to the first day of July, in the year A. D. nineteen hundred and twelve.

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 1455—An Act to amend sections one, two, three, and four and to repeal sections four and one half and five of an Act entitled "An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district," approved April 21, 1909, and to add one new section to said Act to be numbered six.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the title by striking out the word "one", after the word "add", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 2.

Amend the title by inserting before the word "six", the word "five" and a comma.

Amendment adopted.

AMENDMENT No. 3

Amend the title by adding after the word "six", the words "and seven".

Amendment adopted.

AMENDMENT No. 4.

Strike out all of Section 2, and insert the following:

"SEC 2. The management and control of said Yolo Basin Drainage District shall be vested in five trustees, who shall be land owners in said district, and Geo. B. Greene, Geo. Hollenbeck, W. E. M. Beardslee, G. K. Swingle and P. N. Ashley are hereby appointed and made the trustees of said district until their successors are

elected or appointed and qualified; all vacancies in the office of trustee shall be filled by the appointment of a qualified person, by the Governor of the State of California. The term of office of such trustees shall be four years."

Amendment adopted.

AMENDMENT No. 5.

After the word "draft", in line 8, Section 3, page 5, of the printed bill, insert the words "and adopt".

Amendment adopted.

AMENDMENT No. 6.

Strike out all of Section 5, of the printed bill, after the word "and", in line 2, and insert the following: "three new sections are hereby added to be numbered five, six and seven and to read as follows:

"SEC. 5. The board of trustees shall appoint competent engineers who shall make all necessary surveys and investigations to determine what lands will be benefited by a general system of drainage of all the lands bordering on, or drained into the Sacramento River, the outlet of which shall be through the Cache Creek Slough into the Sacramento River, and the best and most feasible system and plans to be adopted for such drainage, and said engineers shall also furnish to the trustees such other data, including the probable cost and expense of such drainage through a canal through what is known as the Montezuma Hills into Suisun Bay, on the line as near as may be of the last survey of such proposed canal made by the Government of the United States, as may be required of them by the trustees, and the trustees shall prepare from such surveys and investigations, and from such other data as they may obtain, a comprehensive report, which, with their recommendations pertaining to said matters, they shall submit to each branch of the Legislature of the State of California at its next regular session.

SEC. 6. The changes in the boundaries of said district shall not in any manner whatever impair or affect its rights, privileges or duties, nor in any manner whatever impair, affect or discharge any debt, contract, obligation or charge already incurred, or for, or upon which it was or might be liable had such change of said boundaries not have been made.

SEC. 7. There is hereby appropriated the sum of ten thousand dollars out of any money in the State treasury not otherwise appropriated for the purpose of paying the cost and expense of making surveys, borings, estimates and investigations, and of obtaining the data heretofore provided for, and all cost and expenses incidental thereto, and also to pay all expenses and debts already incurred or contracted by said district, and the State Treasurer shall pay the same on warrants drawn on said fund by the trustees of the district."

Amendment adopted.

AMENDMENT No. 7

Strike out all of section six of the printed bill.

Amendment adopted

Bill read second time, and ordered to reprint, engrossment, and third reading.

Assembly Bill No. 867—An Act to provide for the location, construction and maintenance of public school buildings, rooms and grounds, in such a manner as not to endanger the health of children attending such schools, and specifying the powers and duties of certain boards and officers in relation thereto.

Bill read second time, and ordered to engrossment, and third reading.

Assembly Bill No. 874—An Act making an appropriation of twenty thousand dollars for the purpose of paying the premium on bonds of state officials as provided to be paid in an Act entitled "An Act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903, and to reimburse those who have paid premiums on surety bonds of state officials since said Act has been in effect.

Bill read second time, and ordered to engrossment, and third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Com-

mittee of the Whole for the purpose of considering Assembly Bills Nos. 200, 742, 874, and 1455.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bills Nos. 200, 742, 874, and 1455 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Assembly Bills Nos. 200, 742, 874 and 1455, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried.

SECOND READING OF SENATE BILLS.

Senate Bill No. 347—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal Section 17 of an Act approved March 4, 1897, entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all Acts and parts of Acts inconsistent with this Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and provide penalties for the infraction thereof, and to appropriate money therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1160—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park in Santa Cruz County, California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1006—An Act to establish a tax on gifts, legacies,

inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all Acts and parts of Acts in conflict with this Act.

During second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, line 17, of Section 1, after the word "sale", insert a comma.

Amendment adopted.

AMENDMENT No. 2.

On page 7, line 7, of Section 7, strike out "th", and in lieu thereof insert the word "the".

Amendment adopted.

AMENDMENT No. 3.

On page 10, line 38, of Section 13, strike out the word "consent", and insert in lieu thereof the word "consents".

Amendment adopted.

AMENDMENT No. 4.

On page 13, line 80, of Section 15, after the word "Act", strike out the period and insert in lieu thereof a comma.

Amendment adopted.

AMENDMENT No. 5.

On page 15, before line designated "10-24", being the first line of said page 15, before the word "If", insert the following "Sec. 17."

Amendment adopted.

AMENDMENT No. 6.

On page 19, line 8, of Section 22, after the word "Act", strike out the period, and in lieu thereof insert the following " , provided, that no county treasurer shall be entitled to retain to his own use more than the sum of two hundred dollars out of the inheritance taxes paid on account of any transfer or transfers made by, or resulting from the death of, any one decedent."

Amendment adopted.

AMENDMENT No. 7.

On page 19, line 7, of Section 23, strike out the following: "fees now allowed the treasurer as provided in section twenty-two of this Act", and insert in lieu thereof the following: "money collected under the provisions of this Act a reasonable fee to be allowed by the probate court having jurisdiction."

Mr Bohnett offered the following substitute for committee amendment No. 7:

AMENDMENT No. 7.

On page 19, line 7, of Section 23, strike out the following. "fees now allowed the treasurer as provided in section twenty-two of this Act", and insert in lieu thereof the following. "money collected under the provisions of this Act a reasonable fee to

be allowed by the probate court having jurisdiction, said fee, together with the sum retained by the county treasurer, in no one case to exceed the per centum allowed in such case by section twenty-two of this Act."

Substitution made, and amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 155—An Act appropriating money for the erection of a hospital building at the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 562—An Act authorizing and naming the permanent employees of the State Agricultural Society, fixing their compensation, and providing how extra help may be employed and paid.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1234—An Act to appropriate money for the purchase of standards of weights and measures and to test and correct standards of weights and measures belonging to the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1243—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Beginning with the word "it", line 3, Section 1, of the printed bill as amended, strike out all of bill down to and including the word "protected", line 6, Section 1, and insert in lieu thereof the following:

"It shall be the duty of the State Board of Forestry, whenever it shall be deemed necessary, to notify the owner of any forest area within the State by a written notice to be served upon the person or persons or corporation, or either of them, owning or having charge of such area, or upon the agents, attorney or representative of either, by any firewarden, deputy firewarden or special firewarden, or any employee of the State Board of Forestry, in the same manner as a summons in a civil action, or if such area belongs to any non-resident person or corporation and there is no person in control or possession thereof, and such non-resident person or corporation has no tenant, attorney, representative or agent upon whom such service can be had, or if the owner or owners of such area or their tenants, attorneys, representatives, or agents, cannot after due diligence, be found, then by posting the said notice in some conspicuous place upon such area and by mailing a copy thereof to the owner thereof at his last known place of residence if the same is known or can be ascertained, that the said State Board of Forestry intends to cause an inspection to be made of the said forest area for the purpose of ascertaining whether or not the same constitutes a nuisance as hereinafter provided. The said notice shall describe the forest area to be inspected by general description and shall designate the time of such inspection. At the time so designated in said notice the said State

Board of Forestry shall cause an inspection to be made of the said forest area and the said owner or his agent shall be permitted to be present during such inspection and shall be given a full opportunity of showing that such forest area is not a nuisance as contemplated by this Act. If the said State Board of Forestry after such inspection finds any forest area inadequately protected".

Amendment adopted.

AMENDMENT No. 2.

On page 2, line 12, of the printed bill as amended, after the word "persons", insert the words "or corporation".

Amendment adopted.

AMENDMENT No. 3.

On page 2, line 13, of the printed bill as amended, strike out comma after the word "persons", and insert the following: "or corporation".

Amendment adopted.

AMENDMENT No. 4.

On page 2, line 20, of the printed bill as amended, after the word "person", insert the words "or corporation".

Amendment adopted.

AMENDMENT No. 5.

On page 2, line 22, of the printed bill as amended, after the word "person", insert the words "or corporation".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 887—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1014—An Act to amend Section 4233 of the Political Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class.

During the second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, line 39, of the printed bill, as amended in the Senate on March 10, 1911, before the period after the word "derived", insert the following: ", including fees allowed by the Government of the United States of America, in all matters pertaining to the naturalization of aliens".

Amendment adopted.

AMENDMENT No. 2.

On page 4, Subdivision 5, lines 9, 10, and 11, of the printed bill, strike out the following: ", except that he shall not be entitled to retain more than the sum of one hundred dollars out of the inheritance taxes paid on account of any one estate".

Amendment adopted.

AMENDMENT No. 3.

On page 6, Subdivision 12, line 9, of the printed bill, strike out the words "engineering and".

Amendment adopted.

AMENDMENT No. 4.

On page 12, Section 2, line 1, strike out the word "section", and insert in lieu thereof the following: "Act".

Amendment adopted.

AMENDMENT NO. 5.

On page 12, Subdivision 17, line 3, strike out the words "two and one half", and insert in lieu thereof the following: "three".

Amendment adopted.

By Mr. Bohnett:

On page 6, subdivision 12, line 3, of the printed bill, as amended in the Senate, March 10, 1911, strike out the word "fifteen", and insert in lieu thereof the following: "sixteen".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Mr. Schmitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 347, 339, 1160, 266, 155, 1234, and 1243.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bills Nos. 347, 339, 1160, 266, 155, 1234, and 1243 considered.

Mr. Schmitt moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 347, 339, 1160, 266, 155, 1234, and 1243, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman.

Mr. Schmitt moved the adoption of the report.

Motion carried.

REPORT OF CONFERENCE COMMITTEE.

The following report of Conference Committee was received and read:

MR. SPEAKER: Your Committee on Conference on Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts or parts of Acts now in force, relating to estrays, approved March 23, 1901"—report it has met with a like committee from the Senate, consisting of Senators Cutten, Juilliard and Shanahan, and that the said committees were unable to agree, and recommend the appointment of a Committee on Free Conference.

STEVENOT.
WILSON.
KEHOE

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The Speaker announced the appointment of Messrs. Stevenot, Wilson, and Kehoe as a Committee on Free Conference, to meet a like committee from the Senate to consider Assembly Bill No. 643.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Preisker asked for, and was granted, unanimous consent to have Assembly Bill No. 1578 taken up out of order.

Assembly Bill No. 1578—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 1, lines 16 and 17, strike out the word "majority", and insert in lieu thereof the following: "four fifths".

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

Mr. Rogers of Alameda asked for, and was granted, unanimous consent to have Senate Bill No. 964 taken up out of order.

Senate Bill No. 964—An Act to add a new section to the Penal Code, to be known as section three hundred and eleven *a*, relating to moving pictures, moving picture shows, nickelodeons, and penny arcades, and fixing the penalty for the violation thereof.

During the third reading of the bill, Mr. Rogers of Alameda moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 1, line 17, strike out the words "adult guardian", and insert in lieu thereof the following: "guardian or other adult person approved by such parent or guardian".

Motion carried.

The Speaker appointed Mr. Rogers of Alameda as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 964, with instructions, do now report that the instructions of the Assembly have been carried out.

ROGERS of Alameda. Select Committee

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

ADJOURNMENT.

At ten o'clock and forty-five minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Tuesday, March 21, 1911.

. IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., {
Tuesday, March 21, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—50.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Cunningham, its further reading was dispensed with.

LEAVE OF ABSENCE.

Mr. Mott asked for, and was granted, leave of absence until two o'clock P. M. of this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 1280—An Act to amend Section 4248 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks and assistants.

Also: Senate Bill No. 1278—An Act to amend section four thousand two hundred thirty-seven of the Political Code of the State of California, relating to counties of the eighth class.

Also: Senate Bill No. 1042—An Act to amend Section 4278 of the Political Code, relating to salaries and fees of officers of counties of the twenty-ninth class.

Also: Senate Bill No. 1283—An Act to amend section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty-second class.

Also: Senate Bill No. 1043—An Act to amend Section 4258 of the Political Code, relating to salaries and fees of officers of counties of the twenty-ninth class.

Also: Senate Bill No. 680—An Act to amend Section 4236 of the Political Code, relating to officers and salaries in counties of the seventh class, and to amend Section 4265 of the Political Code, relating to officers and salaries in counties of the thirty-sixth class.

Also: Senate Bill No. 974—An Act to amend section four thousand two hundred and seventy-five of the Political Code, relating to the compensation of officers of counties of the forty-sixth class.

Also Senate Bill No. 1279—An Act to amend Section 4266 of the Political Code of California, relating to salaries of officers of counties of the thirty-seventh class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 948—An Act to amend Section 4241 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the twelfth class—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a section thereto to be known as Section 12, of Article IX, relating to the exemption from taxation of the property of institutions of higher learning—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it be adopted as amended.

SUTHERLAND, Chairman.

The above reported Assembly constitution amendment ordered on file for adoption.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 137—An Act to amend an Act entitled "An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus, and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved March 4, 1907, and making an appropriation of \$150,000.00 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

Also: Senate Bill No. 450—An Act to provide for the repair of the hospital building at the Los Angeles department of the college of medicine of the University of California, and the construction of an addition thereto, and the purchase of such equipment as is necessary for the operation of the same, and for the expense of moving, improving and changing the present buildings on the property of the said Los Angeles department of the college of medicine of the University of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor, which was re-referred to us from the Committee on Agriculture—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 181—An Act to provide for the construction and furnishing and equipping of a sewing-room and dormitory over the dining-room of the female department at the Stockton State Hospital and connecting passageway, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman

The above reported bill ordered on file for second reading.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Assembly Bill No. 981—An Act to fix the salary of the State Forester, and to provide for a deputy state forester, and assistant state forester and two forest engineers, and to fix the salaries of the same—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Ways and Means.

FLINT, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 1565—An Act to amend Sections 1142 and 1204, and to repeal Section 1202 of the Political Code, relating to elections—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

YOUNG, Chairman.

The above reported bill ordered on file for second reading

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 382—An Act to amend the Political Code of the State of California by amending Sections 1094, 1097, 1109, 1145 and 1216 of said Political Code, and by adding to said Political Code two new sections to be known and numbered as Section 1106a, and Section 1072a of said Political Code, all relating to elections—have had the same under consideration, and respectfully report the same back with amendments, and recommend that the same do pass as amended.

YOUNG, Chairman.

The above reported bill ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS, LEVEES, AND RIVER IMPROVEMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State, and improving the navigability of such streams, and for acquiring land for necessary rights of way—have had the same under consideration, and respectfully report the same back and recommend that it do pass, and be re-referred to Committee on Ways and Means.

LYNCH, Chairman

The above reported bill re-referred to Committee on Ways and Means.

ON PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Concurrent Resolution No. 10—Relative to the appointing of a commission to select and to recommend to the Legislature a site for a public park in Humboldt County, California—have had the same under consideration, and respectfully report the same back and recommend that it be re-referred to the Committee on Ways and Means

HINKLE, Chairman.

The above reported Senate concurrent resolution re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 303—An Act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures or advertisements on or upon property of the State of California, or on or upon property of any city, city and county or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures or advertisements upon property of any person or private corporation without consent in writing therefor having been first obtained, and providing a penalty for the violation of the provisions of this act, and declaring such signs, mechanical devices, transparencies, pictures and advertisements to be a public nuisance—have had the same under consideration, and respectfully report the same back and recommend that it do pass

HINKLE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 1393—An Act to create for the State of California a Department of Architecture, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses of said Department of Architecture and repealing all Acts or parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back and recommend that the same be re-referred to the Committee on Ways and Means.

HINKLE, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 957—An Act to regulate contracts on behalf of the State, in relation to erections of buildings—have had the same under consideration, and respectfully report the same back, with the following recommendations: A majority recommend that it do not pass, a minority return no recommendation; a minority of one recommends that it do pass

HINKLE, Chairman.

The above reported bill ordered on file for second reading.

ON JUDICIARY

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 1138—An Act to amend Sections 1240, 1241, 1247, and 1248, of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

Have had the same under consideration, and respectfully report the same back as identical to Assembly Bills Nos. 1517 and 1518 respectively.

KEHOE, Chairman.

The above reported bills re-referred to Committee on Engrossed and Enrolled Bills.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 1177—An Act to amend sections eleven and twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes, the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds," as amended March 9, 1909.

Also: Senate Bill No. 1211—An Act to amend sections two and four of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Senate Bill No. 202—An Act to amend section thirteen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, relating to the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, and providing penalties for violation thereof and hereof, and for so practicing without having at the time of so doing a valid, unrevoked certificate as provided in said Act—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

HINSHAW, Chairman

The above reported bill ordered on file for second reading.

ON REVISION AND REFORM OF LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bill No. 1542—An Act to add a new section to the Political Code to be numbered 1034 and to repeal Section 424 of said code, relating to the accounts of state officers and appointees.

Also: Assembly Bill No. 1543—An Act to amend Section 2295a of the Political Code, relating to the distribution of the reports and other publications of state officers, boards, commissions and departments.

Also: Assembly Bill No. 1544—An Act to amend Sections 409, 412, 413, 414, 415 and 416 of the Political Code, and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422 and 423 of said Code, relating to the duties and salary of the Secretary of State and his appointees and their duties and salaries.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

MARCH, Chairman

The above reported bills ordered on file for second reading.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

SACRAMENTO, March 20, 1911.

To the Assembly of the State of California:

I return to you, without my approval, Assembly Bill No. 499, entitled, "An Act to amend Section 939 of the Code of Civil Procedure, relative to appeal."

This bill seeks to amend Section 939 of the Code of Civil Procedure by adding to Subdivision 3 thereof, a clause numbered 10, according the right of appeal from an order granting or denying a motion to quash the service of summons upon a defendant. I would be very glad, indeed, to accord this right if there were a companion measure which would avoid the necessity of a stay of proceedings in the action upon the taking of an appeal from an order made upon a motion to quash the

service of summons. There is no such companion measure, however, and under Section 949 of the Code of Civil Procedure, I think that an appeal from a motion to quash the service of a summons would quite likely stay proceedings in the action until the determination of that motion. I do not think that this was your intention in passing your bill; and I do not think that pending the determination of appeal of such a motion, proceedings in the action should be stayed. This would be the result if your bill became a law.

For the reasons stated, I have vetoed the bill.

HIRAM W. JOHNSON,
Governor of California

The question being, "Shall the bill become a law notwithstanding the veto of the Governor?"

The roll was called, and veto sustained by the following vote:

AYES—None.

NOES—Messrs. Beckett, Benedict, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Nolan, Polsley, Preisker, Randall, Rosendale, Ryan, Schmitt, Slater, Sutherland, Telfer, Tibbits, Wyllie, and Mr. Speaker—43.

GUESTS ANNOUNCED.

The Speaker announced the presence of the students from the Berkeley High School.

MOTION.

Mr. Young moved that the names of the visiting students and teachers be recorded in the Journal and that the Chief Clerk be instructed to have 250 extra copies of the Journal printed, to be mailed to the visiting students.

Motion carried

VISITING STUDENTS OF BERKELEY HIGH SCHOOL.

Miss Hazel Pfitzer	Miss Phoebe Bunker	Ralph Hoyt
Miss Frances Boelen	Miss Marguerite Darch	Carl Biedenbach
Miss Ellen Briggs	Ray Allen	Kersey Griffiths
Miss Marguerite Boone	Earle Myers	Cyril Sinclair
Miss Eunice Steele	Will Claypool	Harold Rison
Miss Mary Sorelle	Richard Stephens	Colis Mitchum
Miss Edna Rankin	Harry Gefken	Leslie Dent
Miss Irma Klaus	Howard Roberts	Edward Valentine
Miss Elizabeth Glenn	Earl Parrish	Willis Montgomery
Miss Margaret Weeks	Kenneth Thompson	George Ambrose
Miss Alice Freuler	Otis Marston	Whitney Redmond
Miss Lois Woods	Joseph Sturgis	Charles Austin
Miss Elsa Marston	Eugene Sturgis	Albert McCord
Miss Ruby Lamb	Wendell Henderson	Bert West
Miss Gladys Thayer	Geo. Geary	Robert Forbes
Miss Blanch Latta	Harry Geary	William Hoyt
Miss Aileen Clark	Benjamin Wheeler	Ming Lowe

In charge of W. J. Cooper, head of History Department, Berkeley schools, and Miss Cooper.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 46—An Act to amend Section 629 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat

Also Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907; amended, approved March 19, 1909, by

providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Also Assembly Bill No. 1402—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

Also Assembly Bill No. 667—An Act to regulate the keeping of bathing places and swimming resorts on rivers and streams.

Also Assembly Bill No. 1541—An Act to repeal an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Also Assembly Bill No. 737—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Also Assembly Bill No. 58—An Act providing for the improving and caring for the grounds of the Fresno State Normal School and making an appropriation therefor.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to the following Senate bills:

Senate Bill No. 774—An Act providing for the time of payment of wages.

Also Senate Bill No. 945—An Act to add a new section to the Penal Code of the State of California to be numbered Section 435½, relating to the protection and preservation of fish.

Also Senate Bill No. 182—An Act to add eleven new sections to the Political Code of the State of California, to be numbered 4225a, 4225b, 4225c, 4225d, 4225e, 4225f, 4225g, 4225h, 4225i, 4225j, and 4225k, and all relating to county boards of health and sanitary inspectors.

Also Senate Bill No. 251—An Act to amend sections twelve hundred and eighty-six, twelve hundred and eighty-nine, thirteen hundred and nine and thirteen hundred and forty-five of the Political Code of the State of California, relating to the mode of transmitting election returns.

Also Senate Bill No. 475—An Act to amend an Act entitled "An Act empowering the boards of supervisors of the several counties of the State, in their discretion, to establish and maintain fish hatcheries and provide for the expense of the establishment and maintenance thereof" (approved March 21, 1907).

Also Senate Bill No. 585—An Act making an appropriation for furnishing and equipping two groups of cottages at the Southern California State Hospital.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 25—Relative to election of Senators of the United States by a direct popular vote.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 568—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Also Committee Substitute for Senate Bill No. 915—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

Also Senate Bill No. 972—An Act to amend Section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class.

Also Senate Bill No. 1038—An Act to amend Section 4257 of the Political Code, relating to county and township officers of counties of the thirty-first class.

Also Senate Bill No. 462—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the San Bernardino forest reserve, and to make an appropriation therefor.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also :

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR SPEAKER. I am directed to inform your honorable body that the Senate on March 18, 1911, adopted Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof, to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

Also: Senate Constitutional Amendment No. 47—A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the Constitution of the State of California, to confer upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also :

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also :

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901."

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Joint Resolution No. 25 read, and referred to Committee on Federal Relations.

Senate Bill No. 568 read first time, and referred to Committee on Claims.

Committee Substitute for Senate Bill No. 915 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 972 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1038 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 462 read first time, and referred to Committee on Public Lands and Forestry.

Committee Substitute for Senate Constitutional Amendment No. 5 read, and referred to Committee on Constitutional Amendments.

Senate Constitutional Amendment No. 47 read, and referred to Committee on Engrossed and Enrolled Bills.

Senate Bill No. 874 read first time, and referred to Committee on Municipal Corporations.

Senate Bill No. 533 read first time, and referred to Committee on Public Health and Quarantine.

Also:

SENATE CHAMBER, SACRAMENTO. March 20, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section fourteen of article six thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the superior courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the district courts of appeal of its clerk, and also relating to the duties and compensation of such officers.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above Assembly constitutional amendment ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO. March 20, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted, as amended, Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11 and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts—and we respectfully request your honorable body to concur in the Senate amendments to said constitutional amendment.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO. March 20, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases.

Also: Assembly Bill No. 1293—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Also: Assembly Bill No. 1081—An Act to add a new section to the Political Code, relating to recording of notices of location of mining claims.

Also: Assembly Bill No. 1088—An Act to amend Section 349 of the Code of Civil Procedure of the State of California, relating to the time for commencing actions under Local Improvement Act of 1901.

Also: Assembly Bill No. 380—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices of the peace.

Also: Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State power to grant franchises to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

Also: Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Also: Assembly Bill No. 1086—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts.

And we respectfully request your honorable body to concur in the Senate amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put. "Shall the Assembly concur in the following Senate amendments to Assembly Constitutional Amendment No. 26?"

On page 2, Section 11, line 43, strike out all of line 43, and insert in lieu thereof the following: "each of the inferior incorporated cities or towns, and in townships, coun-".

Also: On page 2, Section 11, line 44, after "counties", insert in lieu thereof the following: "according to the population thereof".

Also: On page 2, Section 11, line 46, before the word "such", insert the following: "each of".

The roll was called, and Senate amendments to Assembly Constitutional Amendment No. 26 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Fairwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Nolan, Polsley, Freisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Schmitt, Sutherland, Telfer, Tibbits, Young, and Mr. Speaker—57.

NOES—None

Assembly constitutional amendment ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1328?"

By striking out of Section 1, line 6, the words "Commissioner of the Bureau of Labor Statistics", and inserting in lieu thereof the "State Board of Health"

Also: By striking out of Section 1, lines 12 and 13, the words "Commissioner of the Bureau of Labor Statistics", and inserting in lieu thereof the "State Board of Health".

Also: By striking out Section 3 and inserting in lieu thereof the following

"SEC. 3. It shall be the duty of the State Board of Health to enforce the provisions of this Act, and it may call upon local boards of health and health officers for assistance and it shall be the duty of all boards and officers so called upon for such assistance to render the same. It shall furthermore be the duty of said State Board of Health to transmit such data to the Commissioner of the Bureau of Labor Statistics."

The roll was called, and Senate amendments to Assembly Bill No. 1328 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Nolan, Polsley, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walker, Wilson, Young, and Mr. Speaker—58.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1293?"

By striking out of Section 1, page 2, of the amended bill, all of lines 16, 17, 18, 19 and 20.

Also: By striking out the figure "4", in line 21, page 2, of the printed bill

Also: By striking out Section 2.

The roll was called, and Senate amendments to Assembly Bill No. 1293 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Fairwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Nolan, Polsley, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Sutherland, Telfer, Tibbits, Walker, and Mr. Speaker—57.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1031?"

On page 1, Section 1, line 5, after the letter "a", insert the word "lod-

Also: On page 1, Section 1, line 7, strike out the word "appropriate" and insert in lieu thereof the following: "natural objects or permanent".

Also: On page 1, Section 1, line 7, after the comma (,) insert the following "at each corner thereof."

The roll was called, and Senate amendments to Assembly Bill No. 1031 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Wilson, and Mr Speaker—60.

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1088?"

On page 1, Section 1, line 4, strike out the word "Section".

Also On page 1, Section 1, line 7, strike out the following: (30).

The roll was called, and Senate amendments to Assembly Bill No. 1088 were concurred in by the following vote:

AYES—Messrs. Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Maloue, March, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, and Mr. Speaker—56.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 380?"

On page 2, Section 1, line 37, strike out the word "country", and insert in lieu thereof the following: "county".

Also On page 2, Section 1, line 46, strike out the words "two thousand and six hundred", and insert in lieu thereof the following: "three thousand".

The roll was called, and Senate amendments to Assembly Bill No. 380 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mullally, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Smith, Stuckenbruck, Telfer, Wilson, Wyllie, Young, and Mr Speaker—54.

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1150?"

On page 1, Section 1, lines 6, 7, and 8, strike out beginning with the word "all", in line 6, and down to the end of the section, and insert in lieu thereof the following: "The granting of such franchises shall be subject to the provisions of the Act entitled 'An Act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts,' and any Act or Acts amendatory thereof."

The roll was called, and Senate amendment to Assembly Bill No. 1150 was concurred in by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffiths, Guill, Harlan, Held, Hinkle,

Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, Mendenhall, Nolan, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, and Mr. Speaker—56.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 365?"

On page 1, Section 1, line 6, strike out the word "to" immediately after the word "flow", and insert in lieu thereof the following: "of"

Also: On page 1, Section 1, line 8, immediately after the word "defendant", insert the following: "unless it shall appear from the verified complaint or affidavits upon which the application therefor is made, that, within ten days prior to the time of such application, the plaintiff has been in the peaceable possession of the flow of such water, and that, within such time, said plaintiff has been deprived of the flow thereof by the wrongful diversion of such flow by the defendant, or that the plaintiff, at the time of such application, is, and, for ten days prior thereto, has been, in possession of the flow of said water, and that the defendant threatens to divert the flow of such water; and if such notice of such application be given".

Also. On page 1, Section 1, line 9, strike out the word "if".

The roll was called, and Senate amendments to Assembly Bill No. 365 were concurred in by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, and Mr. Speaker—54.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1086?"

Strike out all of lines 45 to 61, inclusive, pages 2 and 3, of printed bill, and insert in lieu thereof the following:

"*Seventh*—(a) To employ a principal for each school under their control, and in schools employing eight teachers or more, they may employ a supervising principal for one or more schools under their control, and in each city school district governed by a city board of education to employ a city superintendent of schools and when necessary deputy or assistant city superintendent of schools, and to fix and order paid the compensation of the same unless the same be otherwise prescribed by law; *provided*, that any supervising principal, or city superintendent, or deputy, or assistant city superintendent, who shall be employed after the passage of this Act, may be employed for four years.

(b) To employ the teachers and immediately notify the county superintendent of schools, in writing of such employment, naming the grade of certificate held by the teacher employed; also to employ janitors and other employees of the school, to fix and order paid their compensation, unless the same be otherwise prescribed by law; *provided*, that no board of trustees shall enter into any contract with such employees to extend beyond the close of the next ensuing school year; except that teachers may be elected on or after June first for the next ensuing school year, and each teacher so elected shall be deemed reelected from year to year thereafter unless the governing body of the school district shall on or before the tenth day of June give notice in writing to such teacher that his services will not be required for the ensuing school year. Such notice shall be deemed sufficient and complete when delivered in person to the teacher by the clerk or secretary of the governing body of the school district, or deposited in the United States mail with postage prepaid addressed to such teacher at his last known place of address; and *provided, further*, that any teacher who shall fail to signify his acceptance within twenty days after such election shall be deemed to have declined the same, and *provided, further*, that any board of trustees or city board of education may pay the teachers employed by them by the calendar month in twelve payments instead of by the school month, beginning such payments on the first Monday of the calendar month following the opening of the current school year, and continuing such payments in like manner from month to month until the teachers have been paid the full amount due to them."

Also Strike out all of subdivision twenty-second, lines 182 to 196, inclusive, and insert in lieu thereof the following:

'Twenty-second—To let all contracts involving an expenditure of more than two hundred dollars for work to be done or for materials or supplies to be furnished, except musical instruments, to the lowest responsible bidder who will give such security as the board may require or else to reject all bids; providing that continuing contracts for materials and supplies may be made with an accepted bidder for a period of one year; *and provided, further*, that the board may repair old buildings by day's labor. For the purpose of securing bids the board must publish a notice calling for bids, stating the work to be done or materials or supplies to be furnished, and the time when the place where bids will be opened, at least once a week for two weeks in some daily or weekly newspaper published in the county, or if there is no such paper, then in some newspaper circulated in such county."

The roll was called, and Senate amendments to Assembly Bill No. 1086 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Ryan, Shragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, and Mr. Speaker—53.

NOES—None.

Bill ordered to enrollment.

SPECIAL ORDER.

The hour of eleven o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 1337—An Act to provide for the regulation of smelters and the maintenance and operation thereof in the State of California, and for the licensing and supervision thereof.

TIME FOR DEBATE EXTENDED.

On motion of Mr. Slater, Mr. Cronin was granted an additional five minutes of time in which to continue his debate.

On motion of Mr. Smith, Mr. Jones was granted an additional five minutes of time in which to complete his debate.

On motion of Mr. Cattell, Mr. Cronin was granted an additional five minutes of time in which to close the debate.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Cronin moved a call of the House.

Motion carried.

Time, twelve o'clock and fifteen minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gavlord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rogers of Alameda, Rutherford, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—70.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Polsley, Denegri, Young, Hamilton, Rosendale and March were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and twenty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Cronin.

EXCUSED FROM VOTING.

Messrs. March and Young requested that they be excused from voting. Request granted.

The roll of absentees was called, and bill passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cronin, Farwell, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinsbaw, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Sbragia, Slater, Stevenot, Stuckenbruck, Telfer, Walker, Wilson, and Wyllie—45

NOES—Messrs. Beatty, Bennink, Callaghan, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Hall, Hinkle, Kehoe, Lamb, Malone, Mott, Mullally, Nolan, Rimlinger, Rutherford, Schmitt, Smith, Sutherland, Tibbits, Williams, and Mr. Speaker—29.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Jones gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1337 was this day passed.

SPECIAL ORDER CONTINUED.

On motion of Mr. Wyllie, consideration of Assembly Bill No. 40, heretofore set for eleven o'clock and thirty minutes A. M., was continued until three o'clock and thirty minutes P. M. of this day.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

LEAVE OF ABSENCE.

On motion, Mr. Ryan was granted leave of absence for the remainder of this day.

SPECIAL ORDER.

The hour of two o'clock A. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 7 of Article I thereof,

relating to the right of trial by jury by providing that five sixths of a jury may render a verdict in criminal cases except in cases where the death penalty may be inflicted or penalty of life imprisonment may be pronounced by the court.

The question being on the adoption of Senate constitutional amendment.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Sutherland moved a call of the House.

Motion carried.

Time, two o'clock and forty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names :

Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Malone, March, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Ramlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—70.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At two o'clock and fifty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Sutherland.

The roll of absentees was called, and Senate Constitutional Amendment No. 13 refused adoption by the following vote :

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Farwell, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Malone, Mendenhall, Mott, Polsley, Freisker, Randall, Rogers of Alameda, Rutherford, Slater, Stevenot, Sutherland, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—44

NOES—Messrs. Bishop, Brown, Callaghan, Coghlan, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Hall, Hayes, Jasper, Jones, Kennedy, Lynch, Lyon of San Francisco, Maher, March, McDonald, Mullally, Nolan, Ramlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stuckenbruck, Telfer, and Walker—32.

Senate constitutional amendment ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Jones gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 13 was this day refused adoption.

SPECIAL ORDERS.

The hour of two o'clock and thirty minutes P. M. having arrived, the special orders heretofore set for this hour were taken up for consideration.

Senate Bill No. 1192—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 926a, relating to keeping secret the proceedings of a grand jury and prescribing punishment for persons violating the provisions of said section.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1192 refused passage by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Clark, Cogswell, Farwell, Gerdes, Guill, Hamilton, Harlan, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Mendenhall, Mott, Preisker, Rogers of Alameda, Rutherford, Stevenot, Telfer, Wyllie, and Young—30.

NOES—Messrs. Beatty, Butler, Callaghan, Chandler, Coghlan, Cronin, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Griffiths, Hall, Hayes, Held, Hinkle, Hinshaw, Jones, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mullally, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Williams, and Mr. Speaker—41.

Bill ordered transmitted to the Senate.

Senate Bill No. 1193—An Act to amend Section 1487 of the Penal Code, relating to grounds of discharge on habeas corpus.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1193 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Flint, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Sutherland, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges.

The question being, "Shall the Assembly recede from the following amendments to the bill?"

In line 3, after the word "charged", insert the following "may"

Also: In line 5 strike out the words "fifteen", in each place where it appears in said line, and in each place where stricken out, insert in lieu thereof the word "twenty".

The roll was called, and the Assembly refused to recede by the following vote:

AYES—Messrs. Bohnett, Clark, Griffin of Modesto, and Preisker—4.

NOES—Messrs. Beatty, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, and Mr. Speaker—56.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Gerdes moved that the vote whereby Assembly Bill No. 794 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Deuegri, Farwell, Feeley, Flint, Gerdes, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, Wylie, and Mr. Speaker—55.

NOES—Messrs. Butler, Freeman, and Guill—3.

Assembly Bill 794—An Act to amend Section 599e of the Penal Code of California, relating to the subject of cruelty to animals.

During the consideration of the bill Mr. Gerdes moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all after the enacting clause and insert as follows:

SECTION 1. Section 599e of the Penal Code of California is hereby amended to read as follows:

599e. Every animal which is unfit, by reason of its physical condition, for the purpose for which such animals are usually employed, and when there is no reasonable probability of such animal ever becoming fit for the purpose for which it is usually employed, shall be by the owner or lawful possessor of the same deprived of life within twelve hours after being notified by the peace officer, or officer of said society, to kill the same, and such owner, possessor, or person omitting or refusing to comply with the provision of this section, shall upon conviction, be deemed guilty of a misdemeanor, and after such conviction the court or magistrate having jurisdiction of such offense shall order any peace officer, or officer of said society, to immediately kill such animal; *provided*, that this shall not apply to such owner keeping any old animal belonging to him with proper care; and further *provided*, that every owner, possessor, or person who shall sell, exchange or give away any animal which is unfit, by reason of disease, debility or lameness, for the purpose for which such animals are usually employed, and when there is no reasonable probability of such animal ever becoming fit for the purpose for which it is usually employed, shall on conviction be deemed guilty of a misdemeanor.

Motion carried.

The Speaker appointed Mr. Gerdes as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 794, with instructions, do now report that the instructions of the Assembly have been carried out.

GERDES, Select Committee.

Report of select committee, and amendment, adopted

Bill ordered to reprint, with a rush order, reëngrossment, and on file for passage.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Rogers of Alameda moved that the vote whereby Senate Bill No. 925 was refused passage be reconsidered.

The roll was called, and the same was reconsidered by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw,

Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Williams, Wilson, Wylhe, and Mr. Speaker—53.

NOES—Mr. Cunningham—1.

Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

During the consideration of the bill, Mr. Rogers of Alameda moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 9, line 251, strike out the word "twenty-five", and insert in lieu thereof the following: "ten".

Also: On page 9, line 252, strike out the word "ten", and insert in lieu thereof the following "two".

Also: Strike out all of Section 2

Also: Insert after Section 1, the following: "SEC. 2 This Act shall take effect and be in force on and after July 15, 1911."

Motion carried.

The Speaker appointed Mr. Rogers of Alameda as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 925, with instructions, do now report that the instructions of the Assembly have been carried out.

ROGERS of Alameda, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

SPECIAL ORDERS—(RESUMED).

Assembly Bill No. 40—An Act to amend Section 8 of an Act entitled "An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein and for the management and control of the same by the State, and repealing all Acts and portions of Acts in conflict with this Act."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 40 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Denegri, Farwell, Freeman, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, McGowen, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Williams, Wilson, Wylhe, and Young—50.

NOES—Messrs. Cunningham, Feeley, Flint, Gaylord, Gerdes, Guill, Kennedy, Lyon of San Francisco, March, McDonald, Mendenhall, Nolan, Rimlinger, Sutherland, and Mr. Speaker—15.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Harlan moved that the vote whereby Senate Bill No. 635 was passed be reconsidered.

Mr. Bishop moved that the consideration of motion be continued until four o'clock p. m. of Wednesday, March 22, 1911.

Motion lost.

The question reverting to the motion to reconsider.

The roll was called.

Pending the announcement of the vote, Mr. Harlan moved a call of the House.

Motion lost.

The roll of absentees was called, and motion lost by the following vote:

AYES—Messrs. Bishop, Bliss, Callaghan, Clark, Crosby, Denegri, Farwell, Feeley, Gerdes, Griffin of Modesto, Hall, Harlan, Hinsbaw, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Malone, Mullally, Nolan, Polesley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Sbragia, Slater, Smith, Stuckenbruck, Williams, Wylie, and Young—32

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cunningham, Flint, Freeman, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Jasper, Lamb, Maher, McDonald, McGowen, Mendenhall, Mott, Rimplinger, Rogers of Alameda, Rutherford, Schmitt, Sutherland, Telfer, Tibbits, Wilson, and Mr Speaker—35.

SENATE MESSAGES—(RESUMED).

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 1559—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class

Also: Assembly Bill No. 1492—An Act to add a new section to the Penal Code of the State of California, to be known and numbered as Section 628f, relating to gathering clams, and prescribing a penalty for gathering clams under a certain size, or having more than a certain number in one's possession

Also: Assembly Bill No. 1051—An Act to amend Section 4282 of the Political Code, providing for the compensation of officers in counties of the fifty-third class.

Also: Assembly Bill No. 1152—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319h, 2319j of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers, duties and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said commissioner and providing methods, means and penalties for the enforcement of such powers and duties and providing for the appointment of additional officers, fixing their compensation and prescribing their duties.

Also: Assembly Bill No. 1472—An Act authorizing and empowering Reclamation District No. 818 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Also: Assembly Bill No. 1474—An Act authorizing the payment of assessments levied in Reclamation District No. 818 to be made to the county treasurer of the county of Sutter.

Also: Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment.

Also :

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees, during strikes, lockouts and other labor troubles.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

Bill ordered to enrollment.

Also :

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed as amended Assembly Bill No. 1046—An Act to add a new section to the Penal Code of the State of California, relating to the regulation of loading and unloading of vessels, to be known as and numbered 368a of said Code.

Also Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202 and 1203, of the Code of Civil Procedure of the State of California and to repeal Sections 1183a, 1200 and 1203a of said Code, all relating to the liens of mechanics and others.

Also. Senate Committee Substitute for Assembly Bill No. 515—An Act to repeal Article XVIII of Chapter III of Title I of Part III of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the Board of Examiners, and to enact a new Article XVIII of Chapter III of Title I of Part III of said Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to and creating a State Board of Control and department of accounting therein, providing for the organization of such board; defining its powers and duties, prescribing the number and fixing the salaries of the members and employees thereof and of the department of accounting therein, and to include in such Article XVIII, new sections to be known and numbered respectively as Sections 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690 and 691.

And respectfully request your honorable body to concur in the amendments

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

The question being, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1046?"

On page 1, Section 1, line 9, before the word "shall", insert the following: "having a carrying capacity of fifty tons or greater"

The roll was called, and Senate amendment to Assembly Bill No. 1046 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowan, Mendenhall, Mott, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Slater, Smith, Stevenot, Sutherland, Wilson, Wythe, and Young—49.

NOES—None.

Bill ordered to enrollment.

Assembly Bill No. 278 ordered to unfinished business.

SPEAKER PRO TEM. IN THE CHAIR.

At four o'clock and forty minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 515?"

An Act to repeal Article XVIII of Chapter III of Title I of Part III of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the Board of Examiners, and to enact a new Article XVIII of Chapter III of Title I of Part III of said Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to and creating a State

Board of Control and department of accounting therein; providing for the organization of such board; defining its powers and duties, prescribing the number and fixing the salaries of the members and employees thereof and of the department of accounting therein, and to include in such Article XVIII, new sections to be known and numbered respectively as Sections 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690 and 691

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Article XVIII of Chapter III of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, is hereby repealed

Sec. 2 A new Article XVIII of Chapter III of Title I, of Part III, of said Political Code, consisting of thirty-four sections to be known and numbered respectively as Sections 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690 and 691, is hereby enacted to read as follows

ARTICLE XVIII.

654. A State Board of Control is hereby created to consist of three members who shall be appointed by the Governor and hold office at his pleasure. The Governor shall designate the chairman of such board and shall fill vacancies occurring from any cause in the membership thereof. The members of such board shall not engage in any private business requiring their personal attention between the hours of nine o'clock A. M. and five o'clock P. M. of each day excepting holidays during their term of office. Before entering upon the discharge of his duties each member of said board shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars conditioned on the faithful discharge of his duty according to law and shall take the oath of office as prescribed by this code for state officers. The members of such board shall be executive officers and shall be authorized to administer oaths. The board shall appoint a secretary, three clerks and two stenographers. Such appointees shall be civil executive officers. The board may also appoint a messenger.

655. The members of the State Board of Control shall each receive a salary of four thousand dollars per annum which shall be paid at the same time and in the same manner as the salaries of State officers are paid. The secretary shall receive a salary of twenty-four hundred dollars per annum, the clerks a salary of eighteen hundred dollars per annum each, the two stenographers fifteen hundred dollars per annum each, and the messenger nine hundred dollars per annum. The salaries of all such appointees shall be paid at the same time and in the same manner as the salaries of State officers.

656. The said board shall be in session during office hours whenever a majority of the members thereof are present at its offices in the State Capitol and may meet at other places in the State at such time as a majority of the board may determine.

657. The board must keep a record of all its proceedings and any member may cause his dissent to the action of the majority upon any matter to be entered upon such record.

658. The board or a majority thereof, may elect one of its members vice-chairman, and such officer shall have and exercise all the authority of the chairman in the absence of the latter. The board may also establish rules and regulations not inconsistent with law for its government. All such rules and regulations must be recorded in the minutes of the board.

659. The chairman may issue subpoenas and compel the attendance of witnesses before the board or any member thereof, in the same manner that any court in this State may, and whenever the testimony of any witness upon any matter pending before it is material, the chairman must cause the attendance of the witness before such board, or a member thereof, to testify concerning such matter, and the board may make a reasonable allowance therefor not exceeding the fees of witnesses in civil cases, which must be paid out of the appropriation for the contingent expenses of the board, but in no instance can an allowance be made in favor of a witness who appears in behalf of a claimant.

Each member of the board may take depositions to be used before it.

660. It shall be the duty of one or more members of the board as may be designated by the board, or as requested by the Governor, to examine and expert, or cause to be examined and experted, the books of the different state prisons, reformatories, state hospitals and other institutions, commissions, bureaus and officers of the State, at least once in each year, and as often as may be deemed necessary. The officers of said prisons, reformatories, hospitals and other institutions, boards, commissions and bureaus and the several officers of the State, must permit such examination and experting and must upon demand produce without unnecessary delay all books, contracts and papers in their respective offices, and must furnish upon demand the information touching books, papers and contracts and other matters pertaining to their respective offices.

661. It shall be the duty of one or more members of the board as may be designated by such board or as may be requested by the Governor to visit from time to time every public institution maintained in whole or in part, by state appropriations to ascertain the conditions of the same, and their wants and requirements, and also to visit public buildings in course of construction to ascertain if all the provisions of law in relation to such construction and of the contracts therefor are being faithfully executed.

662. The board upon completion of such examination must make a report in duplicate thereon and file one with the Governor, and one in the office of such board.

663. Every claim against the State for which an appropriation has been made or for which a state fund is available, must be presented to the board for its scrutiny before being paid. The board may for cause postpone action upon a claim for not exceeding one month.

664. Any person having a claim against the State for which an appropriation has been made, may present the same to the board in the form of an account or petition and the secretary of the board must date, number, and file such claim. The board must allow or reject the same within thirty days.

The concurrence of two members of the board shall be required to approve and allow any claim against the State in whole or in part.

665. If the board approve such claim the members approving the same must over their signatures endorse thereon the following "Approved for the sum of dollars", and the secretary shall immediately transmit the same to the office of the State Controller for his action thereon and if such action is favorable he shall draw his warrant for the amount so approved in favor of the claimant or he assigns; *provided*, that the Controller if he objects thereto for any reason may return the same to the secretary of said board and said claim shall not again be presented to the Controller except with the unanimous approval of the board.

666. If the board, or a majority thereof, disapprove any claim the same shall be filed with the records of the board with a statement showing such disapproval and the reasons therefor.

667. If no appropriation has been made, or if no fund is available for the payment of any claim against the State, the settlement of which is provided by law, or if an appropriation or fund has been exhausted, such claim must be presented to the board who shall audit the same and if approved by at least a majority vote thereof it shall, with the sanction of the Governor, be transmitted to the Legislature with a brief statement of the reasons for such approval.

668. The board shall cause to be printed for distribution among all state officers and for the use of any one desiring to present a claim against the State, a set of rules governing the presentation and audit of demands against the state funds and appropriations.

669. Any person having a claim against the State, the settlement of which is not otherwise provided for by law, must present the same to the board at least four months before the meeting of the Legislature, accompanied by a statement showing the facts constituting the claim, verified in the same manner as complaints in civil actions. Before finally passing upon any such claim, notice of the time and place of hearing must be mailed to the claimant at least fifteen days prior to the date set for final action.

At the time designated the board must proceed to examine and adjust such claims. It may hear evidence in support of or against them and, with the sanction of the Governor, report to the Legislature such facts and recommendations concerning them as may be proper. In making such recommendations the board may state and use any official or personal knowledge which any member thereof may have touching such claims.

670. The board must make up its report and recommendations concerning such matters as the law requires of it at least thirty days before the meeting of the Legislature. The board must give to the State Controller for his use at such time as he shall demand a statement showing all its recommendations for appropriation by the Legislature.

671. The board must not entertain, for the second time a demand against the State once rejected by it or by the Legislature unless such facts are presented to the board as in suits between individuals would furnish sufficient ground for granting a new trial. Any person interested, who is aggrieved by the disapproval of a claim by the board, may appeal from the decision to the Legislature of the State, by filing with the board a notice thereof, and upon the receipt of such notice the board must transmit the demand and all the papers accompanying the same, with a statement of the evidence taken before it, to the Legislature.

672. The Controller must not draw his warrant for any claim unless it has been approved by the State Board of Control and when hereafter, the Controller is directed to draw his warrant for any purpose, this direction must be construed as subject to the provisions of this section, unless the direction is accompanied by a special provision exempting it from the operation of this section.

673. Whenever the board has reason to believe that the Controller has drawn or is about to draw his warrant without authority of law, or for a larger amount than the State actually owes, the board must notify the Treasurer of State not to pay

the warrant so drawn or to be drawn; and thereupon the Treasurer is prohibited from paying the warrant, whether already drawn or not, until he is otherwise directed by the Legislature.

674. Claims upon the contingent fund of either House of the Legislature and for official salaries, are exempted from the operation of the provisions of this article.

675. The money in the state treasury must be counted by the State Board of Control at least once every month, without giving the Treasurer any previous notice of the day or hour of counting; the board may at any counting place any sum in bags or boxes and mark and seal the same with a seal to be adopted and kept by it, and may, at any subsequent counting count each bag or box separately and credit at the value stamped thereon the contents of such bags or boxes as part of the money counted without making a detailed count of such contents. They shall count as cash all evidence of money belonging to the State upon deposit outside the state treasury that may be held by the Treasurer in accordance with law and shall determine for themselves whether such evidence is sufficient according to law. After each count of money they must make and file with the Secretary of State and cause to be published in some newspaper in the city of Sacramento, an affidavit showing:

1. The amount of money or credit that ought to be in the state treasury.

2. The amount and kind of money or credit actually therein.

676. Whenever and as often as there is in the state treasury the sum of ten thousand dollars as the proceeds of the sale of state school lands the board must invest the same in the bonds of this State, or in the bonds of the United States, or in the bonds of any county, permanent road district, city and county, city, town, or school district of this State; the investments to be made in such manner and on such terms as the board shall deem best for the fund. All such bonds purchased by the board under the provisions of this section must be delivered to the State Treasurer who shall keep them as a special school fund deposit, and the interest upon such bonds when collected shall be placed by him to the credit of the State school fund.

677. Whenever and as often as there is in the state treasury to the credit of the estates of deceased persons fund (in excess of the retention hereinafter provided for) the sum of ten thousand dollars or more, the board must invest the same in the bonds of this State, or in the bonds of the United States, or in the bonds of the several counties, permanent road districts, city and county, cities and towns, or school districts of this State, the investments to be made in such manner and on such terms as the board shall deem best for the fund. No investment shall be made which with the amounts previously invested shall reduce the uninvested portion of the fund below the amount of ten thousand dollars, and whenever a demand presented against such fund will reduce the amount of cash therein below the specific amount of ten thousand dollars, it shall be the duty of the board to sell such bonds belonging to said fund as they may deem proper, for the purpose of making good the cash retention of ten thousand dollars. Bonds purchased by the board under the provisions of this section must be delivered to the State Treasurer, who shall keep them as a portion of said estates of deceased persons fund, and the interest upon such bonds shall be paid into the State School Fund and apportioned like other moneys employed for the support of common schools.

678. Whenever under the provisions of law the board of supervisors, trustees, common council, or other governing boards or bodies of any county, city or county, city or town, or school district of this State shall advertise the sale of bonds voted for any purpose, the clerk of such board, trustees, common council, or other governing board or body shall forthwith, by mail, postage prepaid, notify the State Board of Control and State Treasurer, at the capitol of such issuance and sale of bonds, and shall specify the purposes for which said bonds were voted, the amount of the total issue for each purpose, the denomination of each bond showing date of issuance and date of maturity, the rate of interest showing when and where payable, the assessed value of the property upon which such bonds are a lien and the total amount of other bonded indebtedness which is a lien upon said property.

679. At any sale of bonds by the State Treasurer the board may become bidders and purchase bonds with the funds at their disposal, and the appropriate transfer of funds must be made by the Controller and Treasurer on the books of their offices. No purchase of bonds shall be completed by the board until the Attorney General shall have approved the validity of the issue.

680. The board, with the consent of the Governor, shall have power to authorize the creation of deficiencies in any appropriations of money made by law in cases of actual necessity and shall authorize the payment of deficiencies out of any money which may be appropriated for such purpose. No deficiency shall be authorized except upon the written authority, first obtained, of a majority of the members of the board and of the Governor. Any indebtedness attempted to be created against the State in violation of these provisions shall be null and void, and shall not be allowed by the Board of Control or the Controller.

681. The board shall have power to authorize the sale or exchange of any property, except real estate, which belongs to the State and which, in their judgment, it shall be for the best interests of the State to sell or exchange.

682. The board shall have general powers or supervision over all matters concerning the financial and business policies of the State, and shall, whenever they

deem it necessary or at the instance of the Governor, institute or cause the institution of such investigations and proceedings as they may deem proper to conserve the rights and interests of the State.

683. All contracts entered into by any state officer, board, commission, department, or bureau, for the purchase of supplies and materials, or either, shall before the same becomes effective be transmitted with all papers, estimates and recommendations concerning same, to the State Board of Control for consideration. If a majority of such board approve the same, it shall from the date of such approval be in force and effect. No State officer, board, commission, department, or bureau, shall purchase supplies and materials, or either, in open market, unless permission has been given, upon a presentation of the necessity therefor, by the State Board of Control; *provided*, that to meet an emergency, supplies or materials of a perishable nature, in an amount not exceeding one hundred dollars in value, may be purchased by such state officer, board, commission, department, or bureau without the permission of said board of control.

684. Whenever by the provisions of this code or any statute or law now in force or that may hereafter be enacted a duty is imposed or authority conferred upon the "State Board of Examiners" or the "Board of Examiners" and the members thereof, such duty and authority are hereby imposed and conferred upon the State Board of Control and the members thereof, the same as though the title of the State Board of Control had been specifically set forth and named therein. For the purposes of this chapter the terms "State Board of Examiners" and "Board of Examiners" respectively shall be construed to mean and refer to the "State Board of Control", and whenever in this code or in any statute or law the term "Member of the State Board of Examiners" or "Member of the Board of Examiners" is used it shall be construed to mean and refer to a "Member of the State Board of Control".

685. Every state office, board, commission or department to whom is given by law the authority to make purchases of material or supplies, must upon the request of the Board of Control, designate some certain officer or employee in such office, board, commission or department whose duty it shall be to make such reports at such times and in such manner to the Board of Control as said board shall from time to time require.

686. There is hereby established in connection with and under the supervision of the State Board of Control a department of public accounting. The board shall appoint a superintendent of accounts at an annual salary of three thousand dollars, and two assistants at an annual salary of twenty-seven hundred dollars each. Such appointees shall be skillful accountants and well versed in public accounting. They shall (each) execute a bond to the State in the sum of ten thousand dollars. They shall be civil executive officers and their salaries shall be paid in the same manner and at the same time as the salaries of state officers are paid. The board may also appoint such additional accountants as may be necessary to carry on the work of the department at salaries not to exceed for any one of such appointees the sum of twenty-four hundred dollars per annum. Such salaries, upon authority of the board, shall be paid out of money appropriated for the use of the department at the same time and in the same manner as the salaries of state officers are paid. Such accountants shall be chosen from persons who have successfully taken an open competitive examination given along practical lines showing their fitness for the work required. They shall each execute to the State a bond in the sum of five thousand dollars. All of the appointees in this section are empowered to administer oaths in the furtherance of their official duties.

687. The Board of Control, through the Department of Public Accounting shall devise, install and supervise a uniform system of accounting and reporting for any and all officers or persons in this State permitted or charged by law with the keeping of public accounts and records, and the custody, control and handling of public money or its equivalent, to the end that there shall be obtained similar and comparable data for every public office and every public account of the same class, and that there shall be a general, systematic and uniform check upon the receipt and disbursement of all public revenue.

688. With the sanction of the State Board of Control, the Department of Public Accounting may require from all such officers or persons mentioned in the foregoing section financial and statistical reports, duly verified, covering the period of each fiscal year, which report shall be made out upon blank forms, prescribed and adopted and furnished by the Department of Public Accounting, and mailed to such officers or persons not less than sixty days before the time such reports are required to be filed with such department. When necessary, the department may require special reports, from any such officers or persons, which must be filed with the department without delay.

689. The Department of Public Accounting is given full power to examine, through any of its officers or appointees, all accounts and all financial affairs of every officer or person mentioned in Section 687 of this code, and shall have the right to enter into any public office or institution in this State and examine any books, papers or documents contained therein or belonging thereto, for the purpose of making such examination, and shall have access, in the presence of the custodian

thereof, or his deputy, to the cash drawers and cash in the custody of such officer or person and shall also have the right, during business hours to examine the public accounts in any depository which has public funds in its custody

690. Any officer or person who shall fail or neglect to make, verify and file with the Department of Public Accounting any such report as is required by this article, or who shall fail or neglect to follow the directions of the Department of Public Accounting in keeping the accounts of his office, or who shall refuse to permit the examination or access to the books, accounts, papers, documents or cash drawer or cash of his office to a representative of said department, or who shall in any way interfere with such examination, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars or shall be imprisoned in the county jail not less than thirty days, or both.

691. The board must biennially report to the Legislature a history of its transactions and investigations "

The roll was called, and Senate amendment to Assembly Bill No. 515 was concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gerdes, Guill, Harlan, Hayes, Hinshaw, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rutherford, Sbraga, Slater, Smith, Sutherland, Wilson, and Young—42.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on March 4, 1911, amended, and on this day passed, as amended, Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing—and respectfully request your honorable body to concur in the amendment.

WALTER N. PARRISH, Secretary of Senate.

By W. H. WRIGHT, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1106?"

On page 1, Section 1, line 5, after the word "State", insert a comma and add the following "with the advice and consent of the Senate".

The roll was called, and Senate amendment to Assembly Bill No. 1106 was concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Chandler, Cogswell, Cronin, Denegri, Farwell, Feeley, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kennedy, Lamb, Lyon of San Francisco, Maher, Mullally, Nolan, Polsley, Preisker, Rimhuger, Rosendale, Rutherford, Slater, Smith, Wilson, Wyllie, and Young—42.

NOES—None

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 490—An Act relating to hotels, making it the duty of every owner, manager or person in charge of any hotel to provide sheets of certain dimensions and individual towels for the guests of such hotel.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, relating to the exemption of property

from taxation, to be known as section one and one quarter of article thirteen of the Constitution of the State of California.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly constitutional amendment ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate constitutional amendment read, and referred to Committee on Constitutional Amendments.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to the following Senate bills.

Senate Bill No 758—An Act to amend Section 10 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors and marines, and to provide for the government thereof by the State."

Also: Senate Bill No. 1029—An Act to amend Section 1230 of the Code of Civil Procedure, relating to proceedings to exercise the right of eminent domain.

Also: Senate Bill No 1011—An Act to amend section eleven hundred and ninety-one of the Penal Code of the State of California, relating to the time for pronouncing judgment.

Also: Senate Bill No 953—An Act to amend the Penal Code of California, by adding new sections thereto, to be numbered 270d, 270e, and 273h, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove and the punishment of such offenses.

Also: Senate Bill No 940—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, 124, and 121 thereof, and by adding new Sections 12a, 52, 53, and 84 thereto.

Also: Senate Bill No. 359—An Act adding four new sections to an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, to be numbered 752a and 752b, 852a and 852b thereof, relating to the government of municipalities of the fifth and sixth classes, and providing for the so-called commission form of government.

Also: Senate Bill No. 276—An Act to amend Section 628b of the Penal Code of the State of California, relating to the protection and preservation of fish.

Also: Senate Bill No 996—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 20, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed the following.

Senate Bill No 902—An Act to add a new section to the Political Code, to be known and numbered as Section 4153a, providing for the powers and duties of district attorneys in actions for divorce or annulment of marriage and to authorize the appointment of additional deputies by district attorneys in counties of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth classes, and providing for their compensation.

Also: Senate Bill No 399—An Act granting certain lands and salt marsh and tide lands of the State of California, including the right to wharf out therefrom to the city of Oakland, and regulate the management, use and control thereof.

Also: Senate Bill No 1054—An Act to amend Section 4271 of the Political Code, relating to salaries of officers of counties of the forty-second class.

Also Senate Bill No. 1245—An Act to cede to the United States of America certain lands in possession of the United States to which the State of California holds a tax title.

Also. Senate Bill No. 1247—An Act to provide for the formation, government and control of overflow districts

Also. Senate Bill No. 445—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

Also. Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths.

Also. Senate Bill No. 1134—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty, and one thousand two hundred forty-two, of the Penal Code, all relating to appeals to the Supreme Court.

Also. Senate Bill No. 1241—An Act declaring a State highway from the Shasta County line through Lassen County to the Modoc County line, and making an appropriation for its improvement and maintenance

Also. Senate Bill No. 1246—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 902 read first time, and referred to Committee on Judiciary.

Senate Bill No. 399 read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements.

Senate Bill No. 1054 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 1245 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1247 read first time, and referred to Committee on Swamp and Overflowed Lands, Levees and River Improvements

Senate Bill No. 445 read first time, and referred to Committee on Engrossed and Enrolled Bills.

Senate Bill No. 691 read first time, and referred to Committee on Education.

Senate Bill No. 1134 read first time, and referred to Committee on Engrossed and Enrolled Bills.

Senate Bill No. 1241 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1246 read first time, and referred to Committee on Municipal Corporations.

RE-REFERENCE OF BILL.

On motion of Mr. Brown, Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885, approved March 23, 1901"—was recalled from the Committee on Public Health and Quarantine, and referred to Committee on Medical and Dental Laws.

RESOLUTIONS.

The following resolutions were offered:

By Mr. McDonald:

WHEREAS, Hon. Fred C. Gerdes, Member of the Assembly from the thirty-fifth Assembly District, has just been presented by his wife with a baby daughter; therefore, be it

Resolved, That the Assembly hereby congratulates Mr. Gerdes on his good fortune, and also wishes a long life and a happy one for young Miss Gerdes.

Resolution read, and on motion, adopted.

By Mr. Rosendale:

WHEREAS, Under the provisions of the report of the Chief of Engineers, U. S. Army, printed in document No. 1084 of the House of Representatives of the United States, sixty-first Congress, third session, there is contained a recommendation for the construction of a breakwater in Monterey Bay, California, in aid of commerce and navigation and estimating the cost thereof at the sum of \$800,000; and

WHEREAS, The said recommendation was made conditional upon an appropriation either by the local community affected thereby or the State of the sum of \$200,000; and

WHEREAS, The Legislature of the State of California at its thirty-ninth session passed, and the Governor of the State has approved an Act providing for an appropriation of said sum of \$200,000, conditional on the appropriation of the sum of \$600,000 by the Congress of the United States for the construction of said project; therefore, be it

Resolved by the Assembly of the State of California, That the Congress of the United States is hereby petitioned to make an appropriation of \$600,000 for said project in accordance with the said report of said Chief of Engineers, be it further

Resolved, That our Senators and Representatives in Congress be and are hereby requested to use all honorable means to secure the passage of the bill making the appropriation aforesaid; and be it further

Resolved, That a duly certified copy of this resolution be transmitted to each of the following official bodies and officers: To the United States Senate, House of Representatives, Secretary of War, Chief of Engineers, and to our Senators and Representatives in Congress

Resolution read, and on motion, adopted.

By Mr. Bohnett:

Resolved, That there is hereby appropriated out of the Contingent Fund of the Assembly the sum of \$615.00, or so much thereof as may be needed, for the purpose of purchasing boxes, packing, marking, and expressing all papers and documents belonging to Assemblymen to their places of residence at the close of the session. The Sergeant-at-Arms of the Assembly shall cause this work to be done, and he shall file with the Controller of State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant in favor of the Sergeant-at-Arms for the amount necessarily expended, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

CONSIDERATION OF ASSEMBLY CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Mr. Bohnett asked for, and was granted, unanimous consent to have Assembly Constitutional Amendment No. 51 taken up, out of order.

Assembly Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a section thereto to be known as Section 12, of Article IX, relating to the exemption from taxation of the property of institutions of higher learning.

During consideration of Assembly constitutional amendment, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 1, line 11, Section 12, of the printed resolution, after the word "taxation", strike out the period and the words "Such institution shall not be", and insert in lieu thereof a semicolon and the words "provided, however, that such exemption shall not be allowed to any institution."

Amendment adopted.

AMENDMENT No. 2.

On page 1, line 12, Section 12, of the printed resolution, after the words "profit or", insert the words "which derives".

Amendment adopted.

Assembly constitutional amendment ordered to reprint, engrossment, and on file for passage.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 857—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts, and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891, and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein", approved March 21, 1901, and all other Acts in conflict herewith

Assembly Bill No. 874—An Act making an appropriation of twenty thousand dollars for the purpose of paying the premium on bonds of state officials as provided to be paid in an Act entitled "An Act to provide for the payment by the state or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies," approved March 25, 1903, and to reimburse those who have paid premiums on surety bonds of State officials since said Act has been in effect.

Assembly Bill No. 364—An Act to amend Section 1618 of the Code of Civil Procedure of the State of California, relating to commissions of executors and administrators

Assembly Bill No. 391—An Act to amend Section 1874 of the Political Code, relative to the duties of the Text-book Committee.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills

Assembly Bill No. 1575—An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards, defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a Boulevard Commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts, providing for the election of such commission, their term of office, and of elections to be held in such districts, and repealing all Acts and parts of Acts in conflict therewith

Assembly Bill No. 1406—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter, the Board of Police Commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the Police Department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such Police Department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations; all such rules

and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such Police Department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed," approved March 23, 1907, by amending the title of said Act, and making said Act applicable to certain cities of the second and one half class.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 1483—An Act to establish a standard for evaporated milk and condensed milk—with Senate Bill No. 1049.

Also Assembly Bill No. 1518—An Act to amend Sections 1240 and 1241, 1247, 1248 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act—with Senate Bill No. 1138.

And report that the same are identical.

RANDALL, Chairman.

Senate Bill No. 1049 read second time, and ordered on file for third reading.

Assembly Bill No. 1483 withdrawn.

Senate Bill No. 1138 read second time, and ordered on file for third reading.

Assembly Bill No. 1518 withdrawn.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment have compared Assembly Constitutional Amendment No. 39—A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the Constitution of the State of California, to confer upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public—with Senate Constitutional Amendment No. 47, and report that the same are identical.

RANDALL, Chairman.

Senate Constitutional Amendment No. 47 ordered on file for adoption.

Assembly Constitutional Amendment No. 39 withdrawn.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 1517—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act—with

Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

And report that the same are not identical.

RANDALL, Chairman.

Senate Bill No. 1137 referred to Committee on Judiciary.

GUESTS ADMITTED TO THE FLOOR OF ASSEMBLY.

Through the courtesy of Mr. Mott, Messrs. F. G. Gabbert and D. G. Bowker were granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Mr. M. M. Granaghan was granted the privilege of the floor of the Assembly for this day.

RECESS.

At five o'clock and five minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker pro tem. Cattell in the chair.

RULE SUSPENDED.

On motion of Mr. Maher, Rule No. 71 of the Standing Rules of the Assembly was suspended for the evening.

SPECIAL URGENCY FILE.

Assembly Bill No. 912—An Act to amend Section 499a of the Penal Code of California, relating to the stealing of electric current and the injuring of electric wires or appliances, and providing a punishment therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 912 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Cattell, Clark, Coghlan, Cronin, Farwell, Feeley, Freeman, Griffin of Modesto, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, McDonald, McGowen, Mendenhall, Polesy, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, and Wyllie—44.

NOES—Mr. Walker—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 822—An Act relating to regulation of the sale of intoxicating liquors in the State of California by the prohibition of treating and to provide a penalty for the violation thereof and to amend the Penal Code of the State of California by adding a new section thereto to be known as Section 397c.

During the third reading of the bill, Mr. Joel moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, line 4, of amended bill, strike out the word "drank", and insert in lieu thereof the word "drunk".

Also: On page 1, line 2, strike out the word "drank", and insert in lieu thereof the word "drunk".

Also: On page 2, line 4, strike out the word "drank", and insert in lieu thereof the word "drunk".

Also: On page 2, line 6, strike out the word "drank", and insert in lieu thereof the word "drunk".

Also: On page 2, line 3, strike out the word "drank", and insert in lieu thereof the word "drunk".

Motion lost.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Polsley moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Brown, Butler, Cattell, Cronin, Farwell, Freeman, Gerdes, Hall, Harlan, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Lynch, Lyon of San Francisco, Maher, Mendenhall, Mott, Polsley, Rogers of Alameda, Rosendale, Rutherford, Telfer, Walker, Wilson, and Young—31.

NOES—Messrs. Benedict, Bishop, Bohnett, Chandler, Clark, Coghlan, Cunningham, Denegri, Feeley, Griffin of Modesto, Griffiths, Hamilton, Jones, Joel, Kennedy, Lamb, Lyon of Los Angeles, March, McDonald, McGowen, Mullally, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Williams, and Wylie—34.

The roll of absentees was called, and Assembly Bill No. 822 refused passage by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Denegri, Farwell, Gerdes, Hall, Harlan, Held, Hinshaw, Jasper, Judson, Kehoe, Lamb, Maher, Mott, Polsley, Preisker, Randall, Rosendale, Stuckenbruck, Wilson, Wylie, and Young—29.

NOES—Messrs. Beckett, Bishop, Clark, Coghlan, Cronin, Cunningham, Feeley, Freeman, Griffin of Modesto, Griffiths, Hamilton, Hayes, Jones, Joel, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, and Williams—37.

Assembly Bill No. 887—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts and to repeal an Act entitled "An Act to divide the State into legislative districts as required by section six, article four of the Constitution, and to provide for the election of Assemblymen and Senators in such districts," approved March 11, 1891; and also to repeal an Act entitled "An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein," approved March 21, 1901, and all other Acts in conflict herewith.

Mr. Coghlan moved that bill be made a special order for two o'clock p. m. of Wednesday, March 22, 1911.

Motion lost.

Mr. Rodgers of San Francisco moved that bill be made a special order for eleven o'clock a. m. of Wednesday, March 22, 1911.

POINT OF ORDER.

Mr. Smith rose to the following point of order: "That the motion was out of order."

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

Mr. Rodgers of San Francisco moved that bill be re-referred to Committee on Judiciary, with instructions to report back on the next legislative day.

POINT OF ORDER.

Mr. Smith rose to the following point of order: "That the motion was out of order."

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

DECISION APPEALED FROM.

Mr. Rodgers of San Francisco appealed from the decision of the chair.

CHAIR SUSTAINED.

The question being put, "Shall the decision of the chair be the judgment of the Assembly?"

A vote was taken, and the decision of the chair sustained.

Mr. Rodgers of San Francisco moved that further consideration of bill be continued until ten o'clock P. M. of this day.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Bliss, Coghlan, Cunningham, Denegri, Feeley, Gerdes, Joel, Kennedy, Lyon of San Francisco, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Rosendale, Sbragia, Schmitt, and Williams—18.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Farwell, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, March, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Slater, Smith, Stevenot, Sutherland, Telfer, Wyllie, and Young—45.

POINT OF ORDER.

Mr. Schmitt rose to the following point of order: "That bills on the special file can not be taken up when objected to by seven members of the Assembly."

POINT OF ORDER WELL TAKEN.

The Speaker ruled the point of order well taken.

MEMBERS OBJECTING TO THE BILL.

Messrs. Coghlan, Schmitt, Joel, Rodgers of San Francisco, McDonald, Nolan, Sbragia, Denegri, Gerdes, Mullally, Cunningham, Kennedy, and Lyon of San Francisco, objected to taking up Assembly Bill No. 887.

MOTION.

Mr. Bohnett moved that Assembly Bill No. 887 be made a special order for nine o'clock and fifteen minutes P. M. of this day.

Mr. Rodgers of San Francisco moved as an amendment that the time be nine o'clock and forty-five minutes.

Amendment adopted.

The question reverting to the original motion, as amended, a vote was taken, and motion, as amended, carried.

Committee Substitute for Assembly Bill No. 1448—An Act to amend section one hundred thirty of the Political Code, relating to the division of the State into railroad districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 1448 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cunningham, Denegri, Farwell, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Rutherford, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Williams, and Young—49

NOES—Mr. Mullally—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1509—An Act to amend Section 3106 of the Political Code of the State of California, relating to cemeteries, and defining what constitutes a public cemetery.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1509 passed by the following vote.

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Cunningham, Denegri, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hayes, Held, Hinkle, Hinshaw, Judson, Lamb, Lyon of San Francisco, Maher, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Sutherland, Williams, and Wyllie—41

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1217—An Act to amend Sections 2, 7, 13, 35 and 53 of an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, and to add to said Act certain sections to be numbered Sections 54 and 55, relating to proceedings to effect local improvements, and to repeal Section 20 of said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1217 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Denegri, Freeman, Gaylord, Gerdes, Guill, Hamilton, Held, Hinshaw, Jasper, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Polsley, Preisker, Rimlinger, Rosendale, Rutherford, Slater, Smith, Stuckenbruck, Sutherland, Williams, Wilson, and Wyllie—41

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 987—An Act to repeal an Act entitled "An Act to provide for work upon and the construction of sidewalks and curbing within municipalities," approved March 6, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 987 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Cunningham, Denegri, Feeley, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hinshaw, Jasper, Jones, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stuckenbruck, Sutherland, and Telfer—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 759—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

On motion of Mr. Chandler, bill made a special order for eleven o'clock and thirty minutes A. M. of Wednesday, March 22, 1911.

Assembly Bill No. 1313—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1313 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Cunningham, Feeley, Gaylord, Gerdes, Griffin of Modesto, Guill, Harlan, Held, Hinshaw, Jasper, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Sutherland, Williams, Wilson, and Young—41.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

Senate Bill No. 793—An Act amending section ten of an Act entitled "An Act providing for the laying out, constructing, straightening, improvement and repair of main public highways in any county, providing for the voting, issuing, and selling of county bonds and the acceptance of donations to pay for such work and improvements, providing for a highway commission to have charge of such work and improvements, and authorizing cities and towns to improve the portions of such highways within their corporate limits and to issue and sell bonds therefor," approved March 19, 1907.

Bill read third time

The question being on the passage of the bill

The roll was called, and Senate Bill No. 793 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Cronin, Cunningham, Freeman, Gaylord, Gerdes, Guill, Hall, Ham-

ilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McGowen, Mott, Preisker, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stuckenbruck, Sutherland, Williams, Wilson, and Young—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 416—An Act to amend Section 758 of the Political Code, relating to the employment and compensation of the officers of the District Courts of Appeal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 416 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Lamb, Lynch, Lyon of Los Angeles, McDonald, McGowen, Mott, Polsley, Preisker, Rogers of Alameda, Smith, Stevenot, Sutherland, and Young—42.

NOES—Mr. Coghlan—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1077—An Act to amend an Act entitled "An Act to amend section fourteen hundred and forty-four of the Code of Civil Procedure of the State of California, relating to appraisement of estates and pay of appraisers."

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Gerdes moved a call of the House.

Motion carried.

Time, nine o'clock and forty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, and Young—65.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At nine o'clock and fifty-five minutes P. M., Mr. Bohnett moved that further proceedings under the call of the House be dispensed with.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Gaylord, Griffiths, Guill, Hamilton, Harlan, Held, Jasper, Judson, Kehoe, Lamb, Maher, McGowen, Mendenhall, Mott, Polsley, Rutherford, Slater, Stuckenbruck, Sutherland, Telfer, Wyllie, and Young—35.

NOES—Messrs. Coghlan, Cunningham, Denegri, Feeley, Gerdes, Hinshaw, Joel, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, Mullally, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Sbragia, Schmitt, and Williams—20.

The roll of absentees was called, and Assembly Bill No. 1077 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Slater, Sutherland, Telfer, Wilson, and Young—45.

NOES—Messrs. Coghlan, Cunningham, Denegri, Feeley, Griffin of Modesto, Harlan, Hayes, Lyon of San Francisco, March, McDonald, Mullally, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Walker, Williams, and Wyllie—23.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Cronin gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1077 was this day passed.

SPECIAL ORDER.

The time having arrived for the consideration of the special order heretofore set was taken up for consideration.

Assembly Bill No. 887—An Act to amend sections seventy-eight and ninety of the Political Code, relating to the division of the State into legislative districts and defining and establishing such districts and to repeal an Act entitled “An Act to divide the State into legislative districts as required by section six, article IV of the Constitution, and to provide for the election of Assemblymen and Senators in such districts,” approved March 11, 1891; and also to repeal an Act entitled “An Act to divide the State into legislative districts and to provide for the election of Senators and Assemblymen therein,” approved March 21, 1901, and all other Acts in conflict herewith.

The question being on the passage of the bill.

POINT OF ORDER.

Mr. Joel rose to the following point of order: “That the consideration of the bill was out of order at this time, unless by unanimous consent, and stated that he for one objected.”

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

POINT OF ORDER.

Mr. Schmitt rose to the following point of order, and sent the following statement relative thereto to desk:

"That there is nothing before the House because 'The bill, No 887, should have been returned to its former place on the Assembly file', as provided for in the following resolution and rule:

Resolved, That there shall be prepared each day by the file clerk, a special urgency file on which each member of the Assembly shall be permitted to place one bill.

Before six o'clock P. M. of each day each member desiring to place a bill on the special urgency file for the succeeding day shall give to the file clerk the number of the bill he desires placed on the special urgency file together with the number of the same on the file for that day.

The bills shall then be arranged on the special urgency file in the alphabetical order in which the names of the parties placing them on the file appear.

Such file shall be considered at least once each day, commencing on Saturday, March 11, 1911. Such file shall be considered before the general third-reading file if that order of business is reached in the morning, and if it is not, then immediately following the consideration of the Senate bills. In the event that the entire file is not completed, the consideration of the same shall be commenced on each succeeding day at the place it was discontinued.

During the consideration of such special urgency file no bill shall be considered if objection thereto has been made by at least seven members of the Assembly. But if the bill is thus objected to by seven members, the member who has placed such bill upon the file shall have the right to call up another bill in its place under the same regulation as to objections. Any bill that appears on such special urgency file which shall be passed or objected to shall be returned to its former place on the Assembly file.

During the consideration of such special urgency file no other business shall be in order except by unanimous consent.

I rely on this resolution and rule to support my point of order."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

POINT OF ORDER.

Mr. Coghlan rose to the following point of order: "That the consideration of the bill was out of order, not having unanimous consent granted for its consideration."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

TIME FOR DEBATE EXTENDED.

On motion of Mr. Randall, Mr. Schmitt was granted an additional five minutes of time in which to complete his debate.

On motion of Mr. Randall, Mr. Coghlan was granted an additional ten minutes of time in which to complete his debate.

SPEAKER IN THE CHAIR.

At ten o'clock and fifty-five minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

During the consideration of the bill Mr. Gerdes moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 14, strike out all of line 68, where it first appears on that page, and insert the following in lieu thereof: "ket to Haight, Haight to Buchanan, Buchanan to".

Roll call regularly demanded.

The roll was called and motion lost by the following vote:

AYES—Messrs. Coghlan, Cunningham, Denegri, Feeley, Gerdes, Hayes, Joel, Kennedy, Lyon of San Francisco, McDonald, Mullally, Nolan, Rimlinger, Rodgers of San Francisco, Sbragia, Schmitt, and Walker—17.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinshaw, Jasper, Judson, Lamb, Lamb, Lynch, Lyon of Los Angeles, Maher, March, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Slater, Stuckenbruck, Sutherland, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—47.

The roll was called, and Assembly Bill No. 887 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinshaw, Jasper, Jones, Judson, Lamb, Lynch, Lyon of Los Angeles, Maher, March, Mendenhall, Mott, Polsley, Preisker, **Randall**, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Slater, Stuckenbruck, Sutherland, Tibbits, Walker, Wyllie, Young, and Mr. Speaker—47.

NOES—Messrs. Coghlan, Cunningham, Denegri, Feeley, Gerdes, Hayes, Joel, Kennedy, Lyon of San Francisco, March, McDonald, Mullally, Nolan, Rimlinger, Rosendale, Sbragia, Schmitt, Smith, Telfer, and Williams—20.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Rodgers of San Francisco gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 887 was this day passed.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1518—An Act to amend Sections 1240, 1241, 1247 and 1248 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

Assembly Bill No. 1519—An Act to add a new section to the Penal Code to be known and numbered as Section 3836, relating to adulteration, misbranding, mislabeling and sale of white lead, pigments, varnishes, house, shingle or wood stains of all kinds, kal-ommes for walls and ceilings, house paints, roof or floor paints, paint mixtures of all kinds, turpentine, paint oils or compounds used as such, and linseed oil or compound intended to be used as such, and the proper labeling thereof; charging the California State Board of Health with the duty thereof, charging the district attorneys of the different counties of the State with the enforcement hereof; and to repeal an Act entitled "An Act to prevent the adulteration of paints, oils, varnishes and pigments," approved March 22, 1907.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education, and free textbooks.

Assembly Bill No. 742—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

And report that the same have been correctly engrossed

RANDALL, Chairman.

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 742—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor, with Senate Bill No 568—and report that the same are identical.

RANDALL, Chairman

Senate Bill No. 568 ordered on file for second reading.
Assembly Bill No. 742 withdrawn.

ADJOURNMENT.

At eleven o'clock and forty minutes P. M., on motion of Mr. Bohnett, the Assembly was declared adjourned until ten o'clock A. M. of Wednesday, March 22, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Wednesday, March 22, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names :

Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogulan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polesley, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wythe, Young, and Mr. Speaker—77.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Gerdes, its further reading was dispensed with.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Monday, March 13th, Tuesday, March 14th, Wednesday, March 15th, Thursday, March 16th, Friday, March 17th, and Saturday, March 18th, were approved as corrected by the Minute Clerk.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Mott, Mr. G. Kellog was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Stuckenbruck, Mr. J. B. Bevon was granted the privilege of the floor of the Assembly for this day.

ANNOUNCEMENT.

The following was filed and ordered printed in the Journal:

SACRAMENTO, CAL., March 22, 1911.

To the Assembly of the State of California:

GENTLEMEN: On account of sickness, James H. Anderson has been dropped as bookkeeper to the Committee on Ways and Means by that committee, and for that reason he is hereby dropped from the pay roll of the Assembly, his discharge dating from the 18th of March.

A. H. HEWITT, Speaker.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER: Your Committee on County and Township Governments, to whom was referred Senate Bill No. 915—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants.

Also: Senate Bill No. 972—An Act to amend Section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class.

Also: Senate Bill No. 1038—An Act to amend Section 4260 of the Political Code, relating to county and township officers of counties of the thirty-first class.

Also: Assembly Bill No. 1574—An Act to amend Section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class.

Also: Senate Bill No. 1054—An Act to amend Section 4271 of the Political Code, relating to salaries of officers of counties of the forty-second class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROGERS of Alameda, Chairman.

The above reported bills ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

Also: Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

SUTHERLAND, Chairman.

The above reported constitutional amendments ordered on file for adoption.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution

was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

HELD, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled: "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled: 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1900.

Also: Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State, which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

Also: Senate Bill No. 1053—An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to the Committee on Ways and Means.

HELD, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 22 1911

MR. SPEAKER Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 1256—An Act to authorize certain cities and cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spurs there along, betterments appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction, or any part thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purpose—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SCHMITT, Chairman.

The above reported bill ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution

Resolved, That there is hereby appropriated out of the Contingent Fund of the Assembly the sum of \$615 00, or so much thereof as may be needed, for the purpose

of purchasing boxes, packing, marking, and expressing all papers and documents belonging to Assemblymen to their places of residence at the close of the session. The Sergeant-at-Arms of the Assembly shall cause this work to be done, and he shall file with the Controller of State vouchers covering the different items of expense, whereupon the Controller shall draw his warrant in favor of the Sergeant-at-Arms for the amount necessarily expended, and the Treasurer is directed to pay the same—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

STEVENOT, Chairman

Mr Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Clark, Cogswell, Cronin, Farwell, Flint, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Polsley, Rodgers of San Francisco, Rosendale, Schmitt, Stevenot, Stuckenbruck, Sutherland, Teifer, Tibbits, Walker, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER. Your Committee on Election Laws, to whom was referred Senate Bill No. 772—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14 and 16 of an Act entitled an Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903, and adding a new section thereto to be known and designated as Section 16a, relating to voting or ballot machines—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

YOUNG, Chairman.

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin, and Feather rivers, and other river channels of the State and improving the navigability of such streams, which was re-referred to us from the Committee on Swamp and Overflowed Lands, Levees and River Improvements—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER. Your Committee on Ways and Means, to whom was referred Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards, which was re-referred to us from the Committee on Judiciary—have had the same under consideration, and respectfully report the same back with amendments, and recommend that it do pass as amended.

COGSWELL, Chairman

The above reported bill ordered on file for second reading.

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 1027—An Act appropriating money to pay the claim of J W Kavanagh against the State of California.

Also Senate Bill No. 258—An Act making an appropriation of thirty-five hundred dollars to pay the claim of Don M Stewart against the State of California.

Also Senate Bill No. 1037—An Act appropriating money to pay the claim of Francisco Silva Brun against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to the Committee on Ways and Means

WALKER, Chairman

The above reported bills re-referred to Committee on Ways and Means.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 1338—An Act authorizing the payment of the claim of Lewis A. Hilborn against the State of California, and making an appropriation therefor.

Also Assembly Bill No. 1145—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Also Assembly Bill No. 1561—An Act making an appropriation to pay the claim of McNear Company, a corporation, against the State of California, for rent of the armory building at Petaluma, California.

Also Assembly Bill No. 1573—An Act appropriating money to pay the claims of Mrs. J. G. Garrison, Remler Brothers, D. K. McAulay, Major A. W. Chase, Ed C. Ellsworth, Phoenix Hotel, Colfax Livery and Feed Stable, C. D. McKinley, Geo. F. McCall, James Crooks, Auburn-Colfax and Forest Hill Stage Company, Keena's Livery Stable, Ma Wing Chong, Geo. Campbell, Harold T. Power, W. J. McCleary & Son, and Russell's Livery Stable against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they be re-referred to the Committee on Ways and Means

WALKER, Chairman.

The above reported bills re-referred to Committee on Ways and Means.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 961—An Act controlling the sanitation of shellfish grounds and premises where shellfish are opened, packed or prepared for the market, and controlling the sale of oysters and shellfish for food purposes, and providing a penalty for the violation thereof

Also Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948.

Have had the same under consideration, and respectfully report the same back, with amendments, and recommend that they do pass as amended. Majority, do pass, minority, do not pass.

MALONE, Chairman

The above reported bills ordered on file for second reading

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read:

SACRAMENTO, March 21, 1911

To the Assembly of the State of California:

I send you herewith, without my approval, Assembly Bill No. 663, entitled "An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing."

The bill amends the present law in two particulars. First, it gives to compositors, pressmen and bookbinders, steadily employed by the State Printer a monthly salary of one hundred and twenty-five (125) dollars, and next, instead of regulating the rate of wages of assistants by the rate paid in the city of Sacramento, the regulation is made by the rate paid for like work in the State of California.

The objection to the bill is that it establishes a system which may become pernicious. Those engaged in the particular occupations mentioned are paid by the day in private employment. The policy of the law heretofore has been to pay them in like fashion when employed by the State, and to give to those in the employment of the State the best wages like employees receive in private employment. If now we change this rule, disregard the wages paid by private enterprises and fix a flat rate to be paid by the State, we will have established a precedent which may hereafter grow into something of an abuse in those matters wherein the State is doing mechanically the same work as private individuals. The policy of all governmental institutions, I think, has ever been, where these governmental institutions mechanically perform work similar to that done by a private enterprise, to have employees paid in like fashion. This policy would be abrogated by the present bill. The State Printer informs me that the present bill would increase the expenses of his office about \$9,400 a year, and while this of course is an item to be considered, I do not make it as the main reason for my veto. The principal reason is as I have indicated, that the policy of the law in respect to the payment of those wages should not be abrogated.

Respectfully submitted

HIRAM W. JOHNSON,
Governor of California

The question being, "Shall the bill become a law notwithstanding the veto of the Governor?"

The roll was called, and veto sustained by the following vote:

AYES—None.

NOES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Cattell, Clark, Cogswell, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Malone, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Wyllie, and Mr. Speaker—48.

REQUEST FOR PERMISSION TO INTRODUCE ASSEMBLY JOINT RESOLUTION.

The following request for permission to introduce an Assembly Joint Resolution was filed.

By Mr. Benedict:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR SPEAKER: I ask your permission to introduce the accompanying Assembly joint resolution, the title of which reads as follows, viz: "A resolution, relative to requesting the Secretary of the Interior to confirm selections to the State of California.

BENEDICT,
Member Seventy-second District.

Referred to Committee on Introduction of Bills.

APPOINTMENT OF CONFERENCE COMMITTEE.

The Speaker announced the appointment of Messrs. Bishop, Held and March as a Committee on Conference to meet a like committee from the Senate to consider Senate Bill No. 301.

CONSIDERATION OF BILL OUT OF ORDER.

Mr. Held asked for, and was granted, unanimous consent to have Senate Bill No. 13 taken up out of order.

Senate Bill No. 13—An Act to provide for the separation of state from county taxation.

During second reading of bill, the following amendments were submitted by the committee:

Amend Senate Bill No. 13 as follows:

AMENDMENT No. 1.

On page 3, Section 2, line 33 of the printed bill, strike out the words "and business".

Amendment adopted.

AMENDMENT No. 2.

On page 3, Section 3, line 11 of the printed bill, strike out the words "and business".

Amendment adopted.

AMENDMENT No. 3.

On page 3, Section 3, line 12 of the printed bill, strike out the words "including licenses upon their agents,".

Amendment adopted.

AMENDMENT No. 4.

On page 4, Section 4, line 16 of the printed bill, strike out the words "and business".

Amendment adopted.

AMENDMENT No. 5.

On page 5, Section 4, line 51 of the printed bill, strike out the words "or banker".

Amendment adopted.

AMENDMENT No. 6.

On page 5, Section 4, line 53 of the printed bill, strike out the words "and business".

Amendment adopted.

AMENDMENT No. 7.

On page 5, Section 4, lines 56 and 57 of the printed bill, strike out the words "it is the intention of this paragraph that all", and insert in lieu thereof the word "All".

Amendment adopted.

AMENDMENT No. 8.

On page 5, Section 4, line 68 of the printed bill, strike out the word "act" and insert in lieu thereof the word "section".

Amendment adopted.

AMENDMENT No. 9.

On page 5, Section 4, strike out all beginning with the word "unincorporated", on line 69, down to and including the word "deposits", on line 73 of said page, and insert in lieu thereof the following: "savings and loan societies, and trust companies,".

Amendment adopted.

AMENDMENT No. 10.

On page 6, Section 5, lines 22 and 23 of the printed bill, beginning with the word "other", on line 22, strike out down to and including the word "act", on line 23.

Amendment adopted.

AMENDMENT No. 11.

On page 6, Section 5, of the printed bill, strike out all beginning with the word "these", on line 6, down to and including the word "right", on line 20 of said section.

Amendment adopted.

AMENDMENT No. 12.

On page 6, Section 7, line 2 of the printed bill, strike out the words "for the" and all of lines numbered 3 and 4 on page 7, Section 7, except the word "all", on line numbered 4

Amendment adopted.

AMENDMENT No. 13.

On page 7, Section 7, line 6 of the printed bill, strike out the words "last preceding", and insert in lieu thereof the following: "prior to the levy of the taxes provided for in Section 14, Article XIII of the Constitution of California".

Amendment adopted.

AMENDMENT No. 14.

On page 7, Section 7, line 7 of the printed bill, after the word "from", insert "any and all sources on account of".

Amendment adopted.

AMENDMENT No. 15.

On page 7, Section 7, line 9 of the printed bill, strike out the words "from any and all sources".

Amendment adopted.

AMENDMENT No. 16

On page 7, Section 7, of the printed bill, strike out all beginning with the word "engaged", on line 10 of said section, down to and including the word "done", on line 16 of said section, and insert in lieu thereof "operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and the proportion based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into or out of this State".

Amendment adopted.

AMENDMENT No. 17.

On page 7, Section 7, line 9 of the printed bill, after the word "companies", insert the following "described in Section 2 of this Act".

Amendment adopted.

AMENDMENT No. 18.

On page 7, Section 8 of the printed bill, strike out all beginning with line 3 to the end of said page 7 and strike out all of page 8, and also strike out the colon () after the word "include", on line 2 of said Section 8, and insert in lieu thereof the following: "The franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way and other property, or any part thereof, used exclusively in the operation of their business in this State by all or any of the following, to wit: railroad companies, including street railways, whether operated in one or more counties, all sleeping cars, dining cars, drawing room cars and palace car companies, all refrigerator, oil, stock, fruit and other car loading and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State, all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity."

Amendment adopted.

AMENDMENT No. 19.

On page 9, Section 8 of the printed bill, strike out all of lines 48 and 49, down to and including the word "of", on said line 49, and insert in lieu thereof the following: "Operative property mentioned in".

Amendment adopted.

AMENDMENT No. 20.

On page 9, Section 8 of the printed bill, strike out all beginning with line 52 on said page to the end of said page 9 and all of page 10 down to and including the figure "4", on line 90, and insert in lieu thereof the figure "2".

Amendment adopted.

AMENDMENT No. 21.

On page 10, Section 9, line 18 of the printed bill, after the word "it", strike out the period () and insert in lieu thereof the following: "and the names and addresses of any company of which it may be subsidiary".

Amendment adopted.

AMENDMENT No. 22.

On page 12, Section 9, lines 82 and 83 of the printed bill, strike out the words "in the same line of business" and insert in lieu thereof "as that term is herein-after defined in this section".

Amendment adopted.

AMENDMENT No. 23.

On pages 13 and 14, of the printed bill, strike out all of Section 10, and insert in lieu thereof the following:

Sec 10 There is hereby created a board of arbitration to be known and designated as "The State Board of Arbitration," said board to consist of the members of the Board of Equalization and of six county assessors.

The Governor shall appoint six county assessors as members of the State Board of Arbitration, who shall serve during the pleasure of the Governor.

Said county assessors shall be appointed to hold office for a term not exceeding four years, and in no instance shall such appointment exceed their incumbency of office as county assessor.

Upon written notice to the members thereof all meetings of the State Board of Arbitration shall be held at the call of the State Board of Equalization. Such meeting shall be held at the office of the State Board of Equalization. The secretary of the State Board of Equalization shall act as the secretary of the State Board of Arbitration, and a record of the proceedings of all such meetings shall be kept and entered in the minutes of the board.

At such meetings the duties of the State Board of Arbitration shall be:

1. To finally determine, in the event of a dispute between the State Board of Equalization, the assessor and the company, what property, taxed exclusively for State purposes under subdivision (a) of Section 14, article XIII, of the Constitution of this State, is operative, and what property non-operative, or in what proportion partially operative, or in what proportion partially non-operative.

2. To equalize the assessed value of the following property when such property has been assessed above its full cash value. (a) The real estate belonging to any insurance company subject to taxes under subdivision (b) of Section 14, Article XIII, of the Constitution of this State.

(b) The real estate belonging to any bank, under subdivision (c) of Section 14, Article 13, of the Constitution of this State.

(c) The property and the franchise of any company when said franchise is taxable, under subdivision (d) of Section 14, Article XIII, of the Constitution of this State.

(d) The property taxed exclusively for state purposes which is subject to a tax for any bonded indebtedness existing prior to November 8, 1910, as provided in subdivision (c) of Section 14, Article XIII, of the Constitution of this State.

The six assessors acting as members at any meeting of said board shall be entitled to their actual traveling expenses.

At any meeting of said board a quorum shall consist of not less than three members of the State Board of Equalization and three county assessors, members of said board, and a decision of a majority of such quorum shall be binding; provided, that if no quorum can be secured within five days after a proper notice of any meeting has been given by the State Board of Equalization, then, in that event, the State Board of Equalization shall assume the duties of and act as a State Board of Arbitration, and take final action on the matter under consideration.

If any assessor finds in the report of the operative property in his county, city and county, municipality or district furnished to him by any of the companies, as required in Section 9 of this Act, any piece or parcel of property which he regards as non-operative, he shall within thirty days after receiving such report, notify the State Board of Equalization thereof by mail, which notice shall contain a general description of the property and the assessor's reasons for regarding the same non-operative. He shall also mail a copy of the notice to the company whose property is involved. The said board shall investigate the nature of the property and its use, and if an agreement between the said board, the assessor, and the company as to the proper classification of such property cannot be reached, then said board shall immediately call a meeting of the State Board of Arbitration.

If the State Board of Equalization shall find in the report of operative property furnished to said board by any company, under the provisions of Section 9, of this Act, any piece or parcel of property which said board regards as non-operative, the board shall within thirty days after receiving such report notify said company thereof in writing, which notice shall contain a general description of the property and the reasons for regarding the same non-operative. It shall also mail a copy of the notice to any assessor in whose county, city and county, municipality, or district the property is located. If an agreement between the said board, the assessor and the company as to the proper classification of such property cannot be reached, then the said board shall immediately call a meeting of the State Board of Arbitration.

At such meetings the State Board of Arbitration shall, under such rules of notice as it may deem reasonable, set a date for hearing, at which the assessor and the company may be present or represented.

At such hearings the board shall, from the evidence presented and from the best information it can obtain, decide the matter in dispute, and determine whether such property is operative or non-operative or in what proportion operative and in what proportion non-operative. The said board shall enter its decision in its minutes, and shall send a copy thereof to the assessor and the company, and also to the proper officers of any city affected thereby. Said decision shall be binding upon all parties, the State, the county, city and county, municipality, or district, and the company, unless set aside by a court of competent jurisdiction, and each such assessor must note the decision on his assessment roll and must assess such property accordingly.

If any company or owner of any of the following described property, finds that any

of said property has been assessed above its cash value, it may appeal to the State Board of Arbitration, by first filing written objections with the State Board of Equalization thereof, within ten days after receiving a report of said assessment, said objections to said assessment to be sent by mail to the secretary of said State Board of Equalization, and shall contain a general description of said property so assessed and also a statement of its actual cash value. The said State Board of Arbitration shall within ten days after said objections have been received and filed by said secretary, take up the matter for hearing before said State Board of Arbitration, who shall investigate the property and ascertain its cash value and thereupon fix the assessed value thereof, which assessment shall be deemed conclusive. The property herein referred to consisting of:

(a) The real estate belonging to any insurance company subject to taxes under subdivision (b) of Section 14, Article XIII. of the Constitution of this State;

(b) The real estate belonging to any bank, under subdivision (c) of Section 14, Article 13, of the Constitution of this State;

(c) The property and the franchise of any company when said franchise is taxable under subdivision (d) of Section 14, Article XIII. of the Constitution of this State;

(d) The property taxed exclusively for state purposes which is subject to a tax for any bonded indebtedness existing prior to November 8, 1910, as provided for in subdivision (e) of Section 14. of the Constitution of this State.

Amendment adopted.

AMENDMENT No. 24.

On page 10, Section 9, line 1. of the printed bill, strike out all beginning with the word "such" on line 1, down to and including the comma after the word "designate" on line 2. of Section 9, and insert in lieu thereof the following. "The president or vice-president and the treasurer or secretary".

Amendment adopted.

AMENDMENT No. 25.

On page 10, Section 9, line 5. of the printed bill, strike out all of said line 5, beginning with the word "one", and insert the following. "the officers so filing the same".

Amendment adopted.

AMENDMENT No. 26.

On page 15, Section 12, line 1, of the printed bill, strike out the word "or" after the word "cashier", and insert in lieu thereof the word "or" before the word "cashier"; and strike out all of line 2 of said Section 12, and the word "mine" on line 3 of said section.

Amendment adopted.

AMENDMENT No. 27.

On page 17, Section 14, line 1. strike out all beginning with the word "every" on said line 1, down to and including the comma after the word "franchise" on line 2. of said Section 14, and insert in lieu thereof the following: "the owner or holder of every franchise subject to taxation,".

Amendment adopted.

AMENDMENT No. 28.

On page 17, Section 14, lines 5 and 6. of the printed bill, strike out all beginning with the word "one", on said line 5, down to and including the comma after the word "designate". on line 6, and insert in lieu thereof the following: "the holder or owner himself, if an individual, or by one of the copartners if such owner or holder is a copartnership, or by the president or vice-president and the treasurer or secretary if the owner is a corporation,".

Amendment adopted.

AMENDMENT No. 29.

On page 17, Section 14, strike out all beginning with the word "company", on line 8 of said section, down to and including the word "corporation". on line 9, and insert in lieu thereof the following: "owner or holder", and on line 10 of said section insert a comma after the word "prescribe".

Amendment adopted.

AMENDMENT No. 30.

On page 18, Section 14, line 28. strike out the words "receive therefor", and insert in lieu thereof the following: "paid in thereon".

Amendment adopted.

AMENDMENT No. 31.

On page 18, Section 14, of the printed bill, strike out all beginning with the numeral "3", on line 29, down to and including the period after the numeral "5", on line 38, and insert in lieu thereof the numeral "3".

Amendment adopted.

AMENDMENT No. 32.

On page 18, Section 14, of the printed bill, strike out all beginning with the numeral "6", on line 42, down to and including the numeral "10", on page 19, line 60, and insert in lieu thereof the numeral "4".

Amendment adopted.

AMENDMENT No. 33.

On page 19, Section 14, of the printed bill, strike out all of lines 63 to 66, both inclusive.

Amendment adopted.

AMENDMENT No. 34.

On page 18, Section 14, line 40, of the printed bill, after the word "dates", insert the following: "during the preceding year".

Amendment adopted.

AMENDMENT No. 35.

On page 19, Section 14, lines 68 and 69, of the printed bill, strike out all beginning with the word "the" where it occurs the second time, in said line 68, down to and including the word "obtain", on line 69, and insert in lieu thereof the following: "any public record".

Amendment adopted.

AMENDMENT No. 36.

On page 20, Section 17, of the printed bill, strike out all of lines 6 and 7, and insert in lieu thereof the following: "reports provided for in Sections 9 and 14 of this Act may be filed at any time within twenty-five days after the approval of this Act."

Amendment adopted.

AMENDMENT No. 37.

On page 21 of the printed bill, strike out all beginning with the word "upon", on line 7, down to and including the word "for", on line 19, and insert in lieu thereof the following: "as and in the manner provided for in this Act and".

Amendment adopted.

AMENDMENT No. 38.

On page 21, line 22, of the printed bill, strike out the word "same", and insert in lieu thereof the following: "property subject to said tax;"

Amendment adopted.

AMENDMENT No. 39.

On page 21, Section 18, line 25, of the printed bill, strike out all of said line to and including the word "assessed", and insert in lieu thereof the following: "such assessment must be made".

Amendment adopted.

AMENDMENT No. 40.

On page 21, Section 18, line 35, of the printed bill, insert a comma after the word "same".

Amendment adopted.

AMENDMENT No. 41.

On page 21, Section 18, line 36, of the printed bill, strike out the word "promise", and insert in lieu thereof the following: "agree in writing".

Amendment adopted.

AMENDMENT No. 42.

On page 22, Section 18, of the printed bill, strike out all beginning with the word "which" on line 40, down to and including the word "Then" on line 51, and insert in lieu thereof the word "then".

Amendment adopted.

AMENDMENT No. 43.

On page 22, Section 18, of the printed bill, in line 52 thereof, strike out the word "promise", and insert in lieu thereof the word "agreement".

Amendment adopted.

AMENDMENT No. 44.

On page 23, Section 19, of the printed bill, strike out all beginning with the period after the word "assessed", on line 7, down to and including the word "be", on line 12, and insert in lieu thereof the following: ", and such assessments shall be classified and".

Amendment adopted.

AMENDMENT No. 45

On page 21, line 28 of the printed bill, strike out the period after the word "assessment", and insert in lieu thereof a semicolon, and strike out the capital "P" in the word "Provided", on said line, and insert in lieu thereof a small letter "p".

Amendment adopted.

AMENDMENT No. 46

On page 23, Section 19 of the printed bill strike out all of lines 31, 32 and all of line 33 except the last two words of said line 33.

Amendment adopted.

AMENDMENT No. 47.

On page 24, Section 20, line 15 of the printed bill, strike out the period after the word "thereof", and insert in lieu thereof a semicolon; and strike out the capital letter "P" and insert in lieu thereof a small letter "p".

Amendment adopted.

AMENDMENT No. 48

On page 24, Section 20 lines 15 and 16 of the printed bill strike out all beginning with the word "upon", on said line 15, down to and including the word "when", on line 16, and insert in lieu thereof the following: "provided for or levied under this act which are".

Amendment adopted.

AMENDMENT No. 49

On page 24, Section 20, line 17 of the printed bill, strike out the words "upon assessment" and insert in lieu thereof the following: "at the time assessment is made,".

Amendment adopted.

AMENDMENT No. 50.

On page 24, Section 20, line 22 of the printed bill, strike out the words, "following the assessment", and insert in lieu thereof the words "thereafter".

Amendment adopted.

AMENDMENT No. 51.

On page 22, Section 18, line 68 of the printed bill after the word "power", insert the following "at any time on or before the first Monday in July".

Amendment adopted.

AMENDMENT No 52

On page 24, Section 20, lines 31 and 32 of the printed bill, strike out all beginning with the word "by", on line 31, down to and including the period after the word "county" in line 32, and insert in lieu thereof the following: "if there be no newspaper of general circulation published in such county, then by posting of such notice in three public places in such county. Said notice shall contain a description of the property to be sold together with a statement of the amount of the taxes, penalties and costs due thereon and the name of the owner of said property and a further statement that unless the taxes, penalties and costs are paid on or before the day fixed in said notice for such sale of said property, or so much thereof as may be necessary to pay said taxes, penalties and costs, said property will be sold in accordance with law and said notice."

Amendment adopted.

AMENDMENT No. 53.

On page 25, Section 20, line 39, strike out the comma before the word "heirs", and insert in lieu thereof the following: "thereof, his".

Amendment adopted.

AMENDMENT No. 54.

On page 26, Section 22, line 38 of the printed bill, strike out the words "three years" and insert in lieu thereof the following: "one year".

Amendment adopted.

AMENDMENT No. 55.

On page 27, Section 23, line 5 of the printed bill, strike out the period after the word "assessment" and insert in lieu thereof a comma, and strike out the capital letter "B", in the word "But", and insert in lieu thereof a small letter "b".

Amendment adopted.

AMENDMENT No. 56.

On page 27, Section 24 of the printed bill, strike out all of lines 1, 2, 2a and 2b in said Section 24.

Amendment adopted.

AMENDMENT No. 57.

On page 28, Section 24 of the printed bill, after the word "corporation", on line 14, insert the following: ", and thereupon said charter shall be so forfeited".

Amendment adopted.

AMENDMENT No. 58.

On page 28, Section 24, line 16, of the printed bill, after the quotation marks after the word "forfeited" insert the following: ", and thereupon said right to do business shall be so forfeited".

Amendment adopted.

AMENDMENT No. 59.

On page 28, Section 24 of the printed bill, insert a comma after the word "redemption", on line 47.

Amendment adopted.

AMENDMENT No. 60.

On page 28, Section 24 of the printed bill, strike out the period after the word "office", on line 53, and in lieu thereof insert a semicolon and the following: "*provided*, the rehabilitation of a corporation under the provisions of this Act shall be without prejudice to any action, defense or right which accrued by reason of the original forfeiture; *and provided*, that in case the name of any corporation which has suffered the forfeiture prescribed in this Act, or a name so closely resembling the name of such corporation as will tend to deceive, has been adopted by any other corporation since the date of said forfeiture, then said corporation having suffered such forfeiture shall be relieved therefrom pursuant to the terms of this section only upon the adoption by said corporation seeking revivor of a new name, and in such case nothing in this Act contained shall be construed as permitting such corporation to be revived or carry on any business under its former name; and such corporation shall have the right to use its former name or take such new name only upon filing an application therefor with the Secretary of State and upon the issuing of a certificate to such corporation by the Secretary of State setting forth the right of such corporation to take such new name or use its former name, as the case may be; *provided, however*, that the Secretary of State shall not issue any certificate permitting any corporation to take or use the name of any corporation heretofore organized in this State, and which has not suffered a forfeiture prescribed by this Act, or to make or use a name so closely resembling the name of such corporation heretofore organized in this State as will tend to deceive. The provisions of Title IX, Part III of the Code of Civil Procedure, in so far as they conflict with this section, are not applicable to corporations seeking revivor under this Act."

Amendment adopted.

AMENDMENT No. 61.

On page 30 of the printed bill, strike out all beginning with the word "make", on line 5, Section 25, down to and including the period after the word "state", on line 8, and insert in lieu thereof the following: "prescribe the form upon which the reports required by Sections 9, 12 and 14 of this Act shall be made."

Amendment adopted.

AMENDMENT No. 62.

On page 30, Section 25 of the printed bill, strike out all beginning with the comma after the word "to", on line 11, down to and including the word "cities", on line 12, and insert in lieu thereof the following: "any portion of this State".

Amendment adopted.

AMENDMENT No. 63.

On page 30, Section 25, line 17 of the printed bill, strike out the words "officers of the county", and insert in lieu thereof the words "public official".

Amendment adopted.

AMENDMENT No. 64.

On page 30, Section 25, line 17 of the printed bill, strike out the word "them", and insert in lieu thereof the word "him".

Amendment adopted.

AMENDMENT No. 65.

On page 30, Section 25, line 22 of the printed bill, strike out the period after the word "person", and insert in lieu thereof a semicolon and add the following: "*provided, however,* that nothing in this section shall be construed as authorizing the said board to subpoena any witnesses or to require the production of any books concerning the affairs of those companies whose franchises alone are to be taxed under subdivision (a) of Section 14, Article XIII of the Constitution of this State."

Amendment adopted.

AMENDMENT No. 66.

On page 30, Section 25, line 25 of the printed bill, before the word "or" insert the following: "except those companies whose franchises alone are to be taxed under subdivision (d) of Section 14, Article XIII of the Constitution of this State,".

Amendment adopted.

AMENDMENT No. 67.

On page 30, Section 25, line 36 of the printed bill, after the word "it" insert the following: ", except those companies whose franchises alone are to be taxed under subdivision (d) of Section 14 of Article XIII of the Constitution of this State,".

Amendment adopted.

AMENDMENT No. 68.

On page 30, Section 25, line 38 of the printed bill, strike out the word "company" and insert in lieu thereof the words "such companies".

Amendment adopted.

AMENDMENT No. 69.

On page 31, Section 25, line 42 of the printed bill, before the word "to" insert the following: "or for any person who may at any time have obtained such knowledge from any of the foregoing officers or persons,".

Amendment adopted.

AMENDMENT No. 70.

On page 31, Section 25, line 40, insert after "member" the following: "or ex-member", and on line 42, after "Controller" the following: "or ex-controller", and strike out all after the word "nine" on line 5, down to and including the word "Act" on line 52.

Amendment adopted.

AMENDMENT No. 71.

On page 30, Section 25, lines 31 and 32, strike out the words "organization or business of such company", and insert in lieu thereof the following: "assessment to be made under this Act".

Amendment adopted.

AMENDMENT No. 72.

On page 31, Section 25, strike out all of lines 63 to 66, both inclusive.

Amendment adopted.

AMENDMENT No. 73.

On page 31, Section 26, line 6 of the printed bill, strike out all beginning with the word "other" down to and including the word "therein", on said line 6.

Amendment adopted.

AMENDMENT No. 74.

On page 35, Section 28, line 88 of the printed bill, strike out the comma after the word "treasurer" and the words "and the" following said comma, and insert a period and the word "The".

Amendment adopted.

AMENDMENT No. 75.

On page 36, Section 29, line 19 of the printed bill, after the word "of" insert the word "any", and after the word "outstanding" insert the following: "by any city, city and county, county, town, township or district".

Amendment adopted.

AMENDMENT No. 76.

On page 36, Section 29, line 23 of the printed bill, strike out all beginning with the word "him" to the end of said line, and insert in lieu thereof the following: "said Controller under this section for the moneys due said county or city and county and the townships and districts within such county or city and county."

Amendment adopted.

AMENDMENT No. 77.

On page 36, Section 29, line 28 of the printed bill, after the word "city" where it first occurs in said line, insert the words "and town", and after the word "city" where it occurs the second time in said line insert the words "or town".

Amendment adopted.

AMENDMENT No. 78.

On page 36, Section 29, line 30 of the printed bill, after the word "settlement" insert the word "shall", and after the word "city" insert the words "or town", and after the word "city", on line 31, insert the words "or town", and after the word "city", on line 32 insert the words "or town", and after the word "city", on line 34, insert the words "or town", and after the word "city", on line 40, insert the words "or town".

Amendment adopted.

AMENDMENT No. 79.

On page 36, Section 29, of the printed bill, at the end of line 41 add the following: "The treasurer of the county or city and county shall forthwith, upon receipt by him of the moneys so hereinbefore directed to be paid by said Controller, credit the amount so received by him to the county, city and county, township or district, respectively entitled thereto, and pay the same in the manner provided by law."

Amendment adopted.

AMENDMENT No. 80.

On page 36, Section 29, line 43 of the printed bill, after the word "or" insert the following: "to a county or city and county for any township or".

Amendment adopted.

AMENDMENT No. 81.

On page 36, Section 29, line 45 of the printed bill, before the word "or" insert the word "township".

Amendment adopted.

AMENDMENT No. 82.

On page 37, Section 29 of the printed bill, strike out all of lines 48 and 49.

Amendment adopted.

AMENDMENT No. 83.

On page 37, Section 32, lines 10 and 11, strike out the word "The" and all of said section after said word "the".

Amendment adopted.

AMENDMENT No. 84.

On page 31, at the end of Section 25, insert the following "The members of the State Board of Equalization are hereby authorized and empowered to act as members of said board as defined in Section 10 of this Act."

Amendment adopted.

AMENDMENT No. 85.

On page 32, Section 26, line 13, after the word "shall", insert the following: "immediately call a meeting of the State Board of Arbitration. The State Board of Arbitration shall".

Amendment adopted.

AMENDMENT No. 86.

On page 32, Section 26, line 24, strike out the words "the State Board of Equalization", and insert in lieu thereof the following "said board".

Amendment adopted.

AMENDMENT No. 87.

On page 32, Section 27, line 11, after the word "shall", insert the following: "immediately call a meeting of the State Board of Arbitration. The State Board of Arbitration shall".

Amendment adopted.

AMENDMENT No. 88.

On page 32, Section 27, line 24, strike out the words "the State Board of Equalization", and insert in lieu thereof the following "said board".

Amendment adopted.

AMENDMENT No. 89.

On page 34, Section 28, line 46, after the word "shall", insert the following: "immediately call a meeting of the State Board of Arbitration. The State Board of Arbitration shall".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

MOTION.

Mr. Wyllie moved that the Committee on Judiciary be instructed to report back to this House Assembly Bill No. 1014, with or without recommendation; said report to be made not later than March 23, 1911.

POINT OF ORDER.

Mr. Schmitt rose to the following point of order: "That the bill had not been in the committee ten days."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

The question being on the motion by Mr. Wyllie, a vote was taken and motion lost.

UNFINISHED BUSINESS.

Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1186, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202 and 1203 of the Code of Civil Procedure of the State of California, and to repeal Sections 1183a, 1200 and 1303a of said Code, all relating to the liens of mechanics and others.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 278?"

On page 6, Section 4, line 33, after the word "thereof", strike out the period, and insert in lieu thereof the following. " ; the filing of the notice hereinafter provided for."

Also: On page 1, title, line 2, strike out the figures "1186".

Also: On page 1, Section 1, line 2, after the word "follows" strike out all the rest of the printed bill, and insert in lieu thereof the following.

1183. Mechanics, materialmen, contractors, subcontractors, artisans, architects, machinists, builders, miners, teamsters, and draymen, and all persons and laborers of every class performing labor upon, or bestowing skill or other necessary services, or furnishing materials to be used or consumed in or furnishing appliances, teams and power contributing to the construction, alteration, addition to or repair, either in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, wagon road or other structure, shall have a lien upon the property upon which they have bestowed labor or furnished materials, for the value of such labor done and materials furnished and for the value of the use of such appliances, teams or power, whether at the instance of the owner, or of any other person acting by his authority or under him, as contractor or otherwise, and every contractor, subcontractor, architect, builder or other person having charge of the construction, alteration, addition to or repair either in whole or in part of any building, or other improvement as aforesaid shall be held to be the agent of the owner for the purposes of this chapter.

Any person who performs labor in any mining claim or claims, or in or upon any real property worked as a mine, either in the development thereof or in working thereon by the subtractive process or furnishes materials to be used or consumed therein, has a lien upon the same and the works owned and used by the owners for milling or reducing the ores from the same, for the value of the work or labor done or materials furnished by each respectively, whether done or furnished at the instance of the owner of such mining claim or claims or real property worked as a mine, or his agent, and every contractor, subcontractor, superintendent or other person having charge of any mining or work or labor performed in and about such mining claim or claims or real property worked as a mine, either as lessee or under a working bond or contract thereon shall be held to be the agent of the owner for the purposes of this chapter.

The liens in this chapter provided for shall be direct liens, and shall in the case of all claimants be limited, as to amount, by the contract price agreed upon between the contractor and the owner; but said several liens shall not in any case exceed in amount the reasonable value of the labor done or material furnished, or both, for which the lien is claimed, nor the price agreed upon for the same between the claimant and the person by whom he was employed; nor in any case, where the claimant was employed by a contractor, or subcontractor, shall the lien extend to any labor or materials not embraced within or covered by the original contract between the contractor and the owner, or any modification thereof made by or with the consent of such owner, nor in any case shall such lien exceed the amount fixed by such contract and all modifications thereof. The original contract, and any modification thereof, shall be recorded in the office of the county recorder of the county, where the property is situated, and if so recorded before the commencement of the work, such recording shall be equivalent to the giving of actual notice by the owner to all persons performing work or furnishing materials thereunder. It shall be lawful for the owner to protect himself against any failure of the contractor to perform his contract and make full payment for all work done and materials furnished thereunder by exacting such bond or other security as he may deem satisfactory.

Sec. 2 Section 1184 of the Code of Civil Procedure is hereby amended to read as follows:

1184. Any of the persons mentioned in the preceding section, except the contractor, may at any time give to the owner a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter. Such notice may be given by delivering the same to said owner personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, or by leaving it at the latter's office with some person in charge. No such notice shall be invalid by reason of any defect in form, provided it is sufficient to inform the owner of the substantial matters herein provided for. Upon such notice being given it shall be lawful for the owner to withhold, and in the case of property which, for reasons of public policy or otherwise, are not subject to the liens in this chapter provided for, the owner or

person who contracted with the contractor, shall withhold from his contractor sufficient money due or that may become due to such contractor to answer such claim and any lien that may be filed therefor including the reasonable cost of any litigation thereunder.

Sec. 3. Section 1185 of the Code of Civil Procedure is hereby amended to read as follows:

1185. The land upon which any building, improvement, well or structure is constructed, together with a convenient space about the same, or so much as may be required for the convenient use and occupation thereof, to be determined by the court on rendering judgment, is also subject to the lien, if at the commencement of the work, or of the furnishing of the material for the same, the land belonged to the person who caused said building, improvement, well or structure to be constructed, altered or repaired, but if such person owned less than fee simple estate in such land, then only his interest therein is subject to such lien, except as provided in Section 192 of this Code.

Sec. 4. Section 1187 of the Code of Civil Procedure is hereby amended to read as follows:

1187. Every original contractor, claiming the benefit of this chapter, within sixty days after the completion of his contract, and every person save the original contractor claiming the benefit of this chapter, within thirty days after he has ceased to labor or has ceased to furnish materials, or both; or at his option, within thirty days after the completion of the original contract, if any, under which he was employed, must file for record with the county recorder of the county or city and county in which such property or some part thereof is situated a claim of lien containing a statement of his demand after deducting all just credits and offsets, with the name of the owner or reputed owner, if known, also the name of the person by whom he was employed, or to whom he furnished the materials, with a statement of the price if any agreed upon for the same and when payable, and of the work agreed to be done and when the same was to be done, if agreed upon, and also a description of the property to be charged with the lien, sufficient for identification, which claim must be verified by the oath of himself or of some other person. Any trivial imperfection in the said work, or in the completion of any contract by any lien claimant, or in the construction of any building, improvement or structure, or of the alteration, addition to, or repair thereof, shall not be deemed such a lack of completion as to prevent the filing of any lien, and, in all cases, any of the following shall be deemed equivalent to a completion for all the purposes of this chapter: the occupation or use of a building, improvement, or structure by the owner, or his representative; or the acceptance by said owner or said agent, of said building, improvement, or structure, or cessation from labor for thirty days upon any contract or upon any building, improvement or structure or the alteration, addition to, or repair thereof.

Sec. 5. Section 1190 of the Code of Civil Procedure is hereby amended to read as follows:

1190. No lien provided for in this chapter binds any property for a longer period than ninety days after the same has been filed, unless proceedings be commenced in a proper court within that time to enforce the same; or, if a credit be given, then ninety days after the expiration of such credit; but no lien continues in force for a longer time than one year from the time the work is completed, by any agreement to give credit, and in case such proceedings be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution, and in all cases the dismissal of such action (unless it be expressly stated that the same is without prejudice) or a judgment rendered therein that no lien exists, shall be equivalent to the cancellation and removal from the record of such lien.

Sec. 6. Section 1192 of the Code of Civil Procedure is hereby amended to read as follows:

1192. Every building or other improvement or work mentioned in any of the preceding sections of this chapter constructed, altered or repaired upon any land with the knowledge of the owner or of any person having or claiming any estate therein, and the work or labor done or materials furnished mentioned in any of said sections with the knowledge of the owner or person having or claiming any estate in the land, shall be held to have been constructed, performed or furnished at the instance of such owner or person having or claiming any estate therein, and such interest owned or claimed shall be subject to any lien filed in accordance with the provisions of this chapter, unless such owner or person having or claiming any estate therein shall, within ten days after he shall have obtained knowledge of such construction, alteration or repair or work or labor, give notice that he will not be responsible for the same by posting a notice in writing to that effect in some conspicuous place upon the property, and shall also, within the same period, file for record a verified copy of said notice in the office of the county recorder of the said county in which said property or some part thereof is situated. Said notice shall contain a description of the property affected thereby sufficient for identification, with the name, and the nature of the title or interest of the person giving the same, said copy so recorded may be verified by anyone having a knowledge of the facts, on behalf of the owner or person for whose protection the notice is given.

SEC. 7. Section 1193 of the Code of Civil Procedure is hereby amended to read as follows:

1193. Any contractor shall be entitled to recover, upon a lien filed by him, only such amount as may be due to him according to the terms of his contract, after deducting all claims of other parties for work done and materials furnished, as aforesaid, and embraced within his contract; and in all cases where a lien shall be filed under this Act for work done or for materials furnished to any contractor, he shall defend any action brought thereon at his own expense; and during the pendency of such action, the owner may withhold from the contractor the amount of money for which such lien is filed; and in case of judgment against the owner or his property upon the lien, the said owner shall be entitled to deduct from any amount due, or to become due by him to the contractor, the amount of such judgment and costs; and if the amount of such judgment and costs shall exceed the amount due by him to the contractor, or if the owner shall have settled with the contractor in full, he shall be entitled to recover back from the contractor, or his bondsmen or sureties on any bond given for the faithful performance of his contract, any amount so paid by him, the said owner, in excess of the contract price, and for which the contractor was originally the party liable. No act done by such owner in compliance with any of the provisions of this chapter shall be held to be a prevention of the performance of any such contract by the contractor, or to have exonerated the sureties on such or any bond given for faithful performance, or for the payment of liens of persons performing labor or furnishing materials, or both; provided that such act was done in good faith and without design to injure or harass any one.

SEC. 8. Section 1194 of the Code of Civil Procedure is hereby amended to read as follows:

1194. Whenever on the sale of the property subject to any of the liens provided for in this chapter, under the judgment or decree of foreclosure of such lien, there is a deficiency of proceeds, judgment for the deficiency may be docketed against the party personally liable therefor in like manner and with like effect as in action for the foreclosure of mortgages.

SEC. 9. Section 1195 of the Code of Civil Procedure is hereby amended to read as follows:

1195. Any number of persons claiming liens may join in the same action and when separate actions are commenced, the court may consolidate them. The court must also allow as a part of the costs, the money paid for verifying and recording the lien, such costs to be allowed to each claimant whose lien is established, whether he be plaintiff or defendant, or whether they all join in one action or separate actions are consolidated.

SEC. 10. Section 1197 of the Code of Civil Procedure is hereby amended to read as follows:

1197. Nothing contained in this chapter shall be construed to impair or affect the right of any person to whom any debt may be due for work done or materials furnished to maintain a personal action to recover said debt against the person liable therefor; and the person bringing such personal action may take out an attachment therefor, notwithstanding his lien, and in his affidavit to procure an attachment need not state that his demand is not secured by a lien; but the judgment, if any, obtained by the plaintiff in such personal action shall not be construed to impair or merge any lien held by said plaintiff under this chapter; *provided*, only, that any money collected on said judgment shall be credited on the amount of such lien in any action brought to, enforce the same, in accordance with the provisions of this chapter.

SEC. 11. Section 1202 of the Code of Civil Procedure is hereby amended to read as follows:

1202. Any person who shall wilfully give a false notice of his claim to the owner under the provisions of section one thousand one hundred and eighty-four shall forfeit his lien. Any person who shall wilfully include in his claim filed under section one thousand one hundred and eighty-seven work or materials not performed upon or furnished for the property described in the claims shall forfeit his lien.

SEC. 12. Section 1203 of the Code of Civil Procedure is hereby amended to read as follows:

1203. No mistake or errors in the statement of the demand, or of the amount of credits and offsets allowed or of the balance asserted to be due to claimant, nor in the description of the property against which the claim is filed, shall invalidate the lien, unless the court finds that such mistake or error in the statement of the demand, credits and offsets, or of the balance due, was made with the intent to defraud, or the court shall find that an innocent third party, without notice, direct or constructive, has since the claim was filed, become the bona fide owner of the property liened upon, and that the notice of claim was so deficient that it did not put the party upon further inquiry in any manner.

SEC. 13. Sections 1183a, 1200, and 1200a of the Code of Civil Procedure are hereby repealed.

SEC. 14. The provisions of this Act shall be liberally construed with a view to effect its purpose. They are not intended as a reenactment of the provisions of former statutes, with the policy heretofore impressed upon the same by the courts of

this State, but are intended to reverse that policy to the extent of making the liens provided for direct, and independent of any account of indebtedness between the owner and contractor, thereby making the policy of this State conform to that of Nevada and other Pacific coast states.

Also: On page 2, line 40, after the word "shall", insert the word "not".

Also: On page 2, line 40, after the word "of", strike out the word "all", and insert in lieu thereof the word "any".

Also: On page 2, line 40, after the comma following the word "claimants", insert the words "other than the contractor".

Also: On page 2, line 42, after the word "owner", insert the following: "except as hereinafter provided".

Also: On page 2, line 41, strike out the word "the", and brackets enclosing same, and insert in lieu thereof the word "any".

Also: On page 3, beginning with the bracket on line 51 thereof, strike out down to and including the period after the word "thereunder", in line 59, and in lieu thereof insert the following: "and of which such contract, or modification thereof the claimant shall have had actual notice before the performance of such labor or the furnishing of such materials. The filing of such original contract, or modification thereof, in the office of the county recorder of the county where the property is situated, before the commencement of the work, shall be equivalent to the giving of such actual notice by the owner to all persons performing work or furnishing materials thereunder. In case said original contract shall, before the work is commenced, be so filed, together with a bond of the contractor with good and sufficient sureties in an amount not less than fifty (50) per cent of the contract price named in said contract, which bond shall in addition to any conditions for the performance of the contract, be also conditioned for the payment in full of the claims of all persons performing labor upon or furnishing materials to be used in such work, and shall also by its terms be made to inure to the benefit of any and all persons who perform labor upon or furnish materials to be used in the work described in said contract so as to give such persons a right of action to recover upon said bond in any suit brought to foreclose the liens provided for in this chapter or in a separate suit brought on said bond, then the court must, where it would be equitable so to do, restrict the recovery under such liens to an aggregate amount equal to the amount found to be due from the owner to the contractor, and render judgment against the contractor and his sureties on said bond for any deficiency or difference there may remain between said amount so found to be due to the contractor and the whole amount found to be due to the claimants for such labor or materials or both. No change or alteration of the work or modification of any such contract between the owner and his contractor shall release or exonerate any surety or sureties upon any bond given under this section".

"It is the intent and purpose of this section to limit the owner's liability, in all cases, to the measure of the contract price where he shall have filed or caused to be filed in good faith with his original contract, a valid bond with good and sufficient sureties in the amount and upon the conditions as herein provided."

Also: On page 4, line 25, strike out the word "are", and insert in lieu thereof the word "is".

Also: On page 5, line 33, insert after the period the following: "The owner may within ten days after the completion of any contract, or within forty days after the cessation from labor thereon, file for record in the office of the county recorder of the county where the property is situated, a notice setting forth the date when the same was completed, or on which cessation from labor occurred, together with his name and the nature of his title, and a description of the property sufficient for identification, which notice shall be verified by himself or some other person on his behalf. The fee for recording the same shall be one dollar. In case such notice be not so filed, then the said owner and all persons deraigning title from or claiming any interest through him shall be estopped in any proceedings for the foreclosure of any lien provided for in this chapter from maintaining any defense therein based on the ground that said lien was not filed within the time provided in this chapter; *provided*, that all claims of lien must be filed within ninety days after the completion of any building improvement or structure, or the alteration, addition or repair thereto."

The roll was called, and Senate amendments to Assembly Bill No. 278 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Fitzgerald, Flint, Freeman, Gaylor, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hunsaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maloue, March, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Roseudale, Rutherford, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, and Mr. Speaker—53.

NOES—Mr. Brown—1.

Bill ordered to enrollment.

CONSIDERATION OF CONSTITUTIONAL AMENDMENTS.

Senate Constitutional Amendment No. 47—A resolution proposing to the people of the State of California an amendment to article twelve of the Constitution of the State of California, by adding to said article a new section, to be numbered twenty-two *a* (22*a*), conferring upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

The question being on the adoption of Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 47 adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Young, and Mr. Speaker—56.

NOLs—Mr. Polsley—1.

Senate constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT No. 47.

A resolution proposing to the people of the State of California an amendment to section twenty-three of article twelve of the Constitution of the State of California, to confer upon the Railroad Commission power and jurisdiction to regulate and control the business of furnishing certain commodities and performing certain services to or for the public.

The Legislature of the State of California, at its regular session, commencing on the second day of January one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that section twenty-three of article twelve of the Constitution of the State of California be amended so as to read as follows:

SEC 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant or equipment, or any part of such railroad, canal, pipe line, plant or equipment within this State, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the Railroad Commission as may be provided by the Legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation.

The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the Legislature, and the right of the Legislature to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this condition.

From and after the passage by the Legislature of laws conferring powers upon the Railroad Commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad Commission, *provided however* that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated town as, at an election to be held pursuant to laws to be passed hereafter by the Legislature, a majority of the electors of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers

they shall thereafter vest in the Railroad Commission as provided by law; and *provided, further*, that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by vote of a majority of its electors, thereafter surrender such powers to the Railroad Commission in the manner to be prescribed by the Legislature; or if such municipal corporation shall have surrendered any powers to the Railroad Commission, it may, by like vote, thereafter reinvest itself with such power.

Nothing in this section shall be construed as a limitation upon any power conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith.

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

The question being on the adoption of Senate constitutional amendment.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Young moved a call of the House.

Motion carried.

Time, eleven o'clock and twenty-five minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polesky, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—73

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and fifty minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Schmitt.

The roll of absentees was called, and Senate Constitutional Amendment No. 6 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, Mendenhall, Mott, Mullally, Polesky, Preisker, Randall, Rimlinger, Rosendale, Sbragia, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie and Young—50.

NOES—Messrs. Bennink, Brown, Callaghan, Cronin, Crosby, Fitzgerald, Guill, Jasper, Kehoe, Lynch, Maher, March, McDonald, McGowen, Nolan, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Schmitt, Smith, Walker, and Mr. Speaker—22

Senate constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT NO. 6.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature.

The Legislature of the State of California, at its regular session, commencing on the second day of January, nineteen hundred and eleven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section two of Article IV of the Constitution of the State of California be amended so as to read as follows:

Section 2 The sessions of the Legislature shall be biennial, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock M., on the first Monday after the first day of January next succeeding the election of its members, and shall continue in session for a period not exceeding thirty days thereafter, whereupon a recess of both houses must be taken for not less than thirty days. On the reassembling of the Legislature, no bill shall be introduced in either house without the consent of three fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling. The members of the Legislature shall be entitled to receive mileage at the rate fixed by law for their attendance on said session after said recess.

SPECIAL ORDERS.

The time for considering special orders having arrived, the special orders heretofore set for this hour were taken up for consideration.

Assembly Bill No 759—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Chandler moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beatty, Bennink, Bohnett, Chandler, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Held, Hinshaw, Jones, Kehoe, Kennedy, Lunch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mullally, Nolan, Raudall, Rodgers of San Francisco, Rogers of Alameda, Sbragia, Slater, Stevenot, Sutherland, and Mr. Speaker—35.

NOES—Messrs. Beckett, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Crosby, Freeman, Griffiths, Hall, Hamilton, Hayes, Hinkle, Jasper, Judson, Lamb, Maher, Mott, Polsley, Preisker, Rosendale, Smith, Stuckenbruck, Telfer, Tibbits, Walker, Wilson, Wylie, and Young—30.

Time, twelve o'clock and twenty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lunch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley,

Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Wilson, Wyllie, Young, and Mr. Speaker—72.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Schmitt, Benedict, Griffin, Williams, and Cogswell were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At twelve o'clock and thirty-five minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Chandler.

The roll of absentees was called, and Assembly Bill No. 759 refused passage by the following vote:

AYES—Messrs. Beatty, Bishop, Callaghan, Chandler, Coghlan, Cogswell, Croshy, Cunningham, Denegri, Feelev, Fitzgerald, Flint, Gerdes, Griffiths, Guill, Hinkle, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maloue, March, McDonald, Mendenhall, Mullally, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Slater, Sutherland, Wilson, and Mr. Speaker—35.

NOES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cronin, Farwell, Freeman, Gaylord, Griffin of Modesto, Hall, Hamilton, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Lamb, Maher, McGowen, Mott, Polsley, Preisker, Rosendale, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Williams, Wyllie, and Young—39.

RECESS.

At twelve o'clock and forty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 483 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Cattell, Chandler, Clark, Cogswell, Flint, Freeman, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Lamb, Lynch, Lyon of Los Angeles, March, McDonald, McGowen, Mott, Polsley, Preisker, Rogers of Alameda, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 97—An Act to amend Section 848 of the Code of Civil Procedure of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 97 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Cattell, Chandler, Clark, Cogswell, Cunningham, Flint, Freeman, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hunshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Maher, Malone, McDonald, McGowen, Mott, Polesley, Preisker, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Young, and Mr. Speaker—49

NOES—Messrs. March and Walker—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure, to be known and designated as Section 604, relating to the payment of jurors' and reporters' fees in actions other than criminal.

During the third reading of the bill Mr. March moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 9, strike out the words "including mileage".

Motion carried.

The Speaker appointed Mr. March as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Senate Bill No. 786, with instructions, do now report that the instructions of the Assembly have been carried out.

MARCH, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 576—An Act to provide for the erection of one group of cottages for female patients at the Southern California State Hospital, and making an appropriation therefor.

Bill passed to foot of file.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Bill passed to foot of file.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands

Bill passed to foot of file.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill passed to foot of file.

Senate Bill No. 616—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Bill dropped from file.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Bill passed to foot of file.

Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue thereof.

Bill passed to foot of file.

Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven, thereof, relating to free and reduced-rate transportation for freight and passenger.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1147 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Benniuk, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hall, Harlan, Hayes, Held, Hinshaw, Joel, Judson, Keboe, Kennedy, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Willie, Young, and Mr. Speaker—56.

NOES—Messrs. Cunningham, Feeley, Guill, and Lamb—4.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Schmitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1147 was this day passed.

Senate Bill No. 401—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 401 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths,

Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Polsley, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Wilson, and Young—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and forty minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Bill passed on file.

Senate Bill No. 1250—An Act to regulate the public service of stallions and jacks in the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1250 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chaudler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Gaylord, Gerdes, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Williams, and Young—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 439—An Act to amend Section 4238 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the ninth class, and to the number, appointment and salaries of their assistants and deputies.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 439 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Cattell, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Gaylord, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Polsley, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Williams, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 502—An Act to add a new section to the Penal Code of the State of California to be numbered Section 367d, defining certain misdemeanors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 502 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Polsley, Preisker, Randall, Rimlinger, Rosendale, Ryan, Smith, Stevenot, Sutherland, Telfer, Tibbits, Williams, Wilson, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 589—An Act to amend Section 292 of the Code of Civil Procedure of the State of California so as to provide for service by publication of a citation requiring the accused to answer in proceedings for the removal or suspension of attorneys and counselors at law.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 589 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bohnett, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Harlan, Hinkle, Hinshaw, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Williams, and Wilson—44.

NOES—Messrs. Brown, Cunningham, and Mullally—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 590—An Act to amend Section 287 of the Code of Civil Procedure of the State of California, relating to the causes and proceedings for the removal or suspension of attorneys and counselors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 590 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, Mendenhall, Preisker, Randall, Rosendale, Smith, Telfer, Tibbits, and Wilson—42.

NOES—Messrs. Coghlan, Cunningham, March, Mullally, Rimlinger, Ryan, and Shragia—7.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1194—An Act to amend Section 199 of the Penal Code of the State of California, relating to the competency of jurors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1194 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Rimlinger, Rodgers of San Fran-

cisco, Rosendale, Rutherford, Sbragia, Schmitt, Smith, Sutherland, Telfer, and Wilson—48.

NOES—Mr. Stevenot—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1061 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hinkle, Hushaw, Jasper, Jones, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stevenot, Telfer, and Wilson—48.

NOES—Messrs. Lamb and Sutherland—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 548—An Act authorizing the State Veterinarian to employ throughout the sixty-third and sixty-fourth fiscal years such inspectors as he may deem necessary to inspect and supervise the dipping of sheep infected and exposed to the disease known as scabies; providing for the compensation and expenses of such inspectors, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 548 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Telfer, Wilson, and Young—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 563—An Act providing for the erection of a grand stand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 566—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of

California, a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 559—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 626—An Act to amend section three thousand and seventy-five of the Political Code of the State of California, relating to the office of the State Registrar of the Bureau of Vital Statistics and the State Board of Health, and providing for deputies, clerks and assistants and their compensation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 626 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Hall, Harlan, Hinkle, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, and Wilson—40

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 627—An Act to add a new section to the Political Code of the State of California, to be known as number two thousand nine hundred eighty-two, providing for an engineer inspector and sanitary chemist to the State Board of Health, and fixing their salaries.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 627 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Hall, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Tibbits, and Wilson—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 933—An Act making an additional appropriation for the support of the Preston School of Industry for the sixty-second fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 933 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Butler, Callaghan, Cattell, Chandler, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Harlan, Hayes, Hinkle, Hinshaw, Kennedy, Lamb, Lyon of Los Angeles,

Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimplinger, Rogers of Alameda, Rosendale, Ruth-erford, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Wilson, and Young—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522*a*, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Bill passed on file.

Senate Bill No. 1235—An Act making an appropriation for furnish-
ing and equipping the exposition building at Los Angeles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1235 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jones, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Rimplinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Sutherland, Tibbits, and Wilson—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Bill passed on file.

Senate Bill No. 64—An Act to provide for the erection and equipment for a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 64 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mott, Polsley, Preisker, Randall, Rimplinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, and Wilson—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At three o'clock and twenty-five minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair

Senate Bill No. 60—An Act to provide an appropriation for the

erection and equipment of a building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 60 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 61—An Act making an appropriation for the purchase of additional lands for the use and benefit of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 61 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Cattell, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 63—An Act to provide an appropriation for the erection and equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 63 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Cunningham, Feeley, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF BILLS OUT OF ORDER.

Mr. Jones asked for, and was granted, unanimous consent to have Senate Bill No. 1006 taken up for consideration.

Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for

its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all Acts and parts of Acts in conflict with this Act.

During the third reading of the bill Mr Jones moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 34, page 2, of the printed bill, strike out the words "five years", and insert in lieu thereof the words "one year".

Also: On page 2, strike out all of lines 37 and 38, down to and including the word "Act", and insert in lieu thereof the following: "the lien of such tax shall cease in any event at the end of five years after the date when it accrues."

Motion carried.

The Speaker appointed Mr. Jones as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 1006, with instructions, do now report that the instructions of the Assembly have been carried out.

JONES, Select Committee.

Report of select committee, and amendments, adopted.

Also:

During the third reading of the bill Mr. Jones moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 14a, on page 5, of the printed bill, insert after the word "widow", a comma and the word "husband".

Also: In line 14a, page 5, of the printed bill, strike out the words "a minor", and insert in lieu thereof the words "any of the lineal issue, or any legally adopted."

Motion carried.

The Speaker appointed Mr. Jones as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 1006, with instructions, do now report that the instructions of the Assembly have been carried out.

JONES, Select Committee.

Report of select committee, and amendments, adopted.

Also:

During the third reading of the bill Mr. Jones moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 1 of Section 14, on page 10, strike out the words "State Controller", and insert in lieu thereof the following: "judge of the superior court in each county".

Also: Strike out in line 2, Section 14, on page 10, the word "each", and down to

and including the word "State", and insert in lieu thereof the words "the county in which such superior court is located."

Motion carried.

The Speaker appointed Mr. Jones as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 1006, with instructions, do now report that the instructions of the Assembly have been carried out.

JONES, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Mr. Cattell asked for and was granted unanimous consent to have Senate Bill No. 915 taken up out of order.

Senate Bill No. 915—An Act to amend Section 4231 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies, and assistants.

During second reading of bill, the following amendments were submitted by Mr. Cattell:

AMENDMENT No. 1.

On page 2, line 18, of the printed bill, after the semicolon after the word "month", strike out the rest of line 18, and all down to and including line 31, to the semicolon, and insert in lieu thereof the following: "one deputy who shall be an assistant to the registration clerk at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be an assistant to the registration clerk at a salary of one hundred and ten dollars per month; one deputy who shall be clerk of the board of supervisors, at a salary of one hundred and fifty dollars per month; fourteen deputies who shall be court room clerks at salaries of one hundred and twenty-five dollars each per month; one deputy who shall be judgment clerk at a salary of one hundred and fifty dollars per month; one deputy who shall be an assistant judgment clerk at a salary of one hundred and twenty-five dollars per month; one deputy who shall be assistant judgment clerk at a salary of ninety dollars per month."

Amendment adopted.

AMENDMENT No. 2.

On page 3, paragraph 2, line 13, of the printed bill, after the word "and", strike out the word "fifteen", and insert in lieu thereof the word "twenty-five".

Amendment adopted.

AMENDMENT No. 3

On page 3, paragraph 2, line 22, of the printed bill, after the word "and", strike out the word "fifteen", and insert in lieu thereof the word "twenty-five".

Amendment adopted.

AMENDMENT No. 4.

On page 5, line 69, paragraph 4, of the printed bill, after the word "and", strike out the word "fifteen", and insert in lieu thereof the word "twenty-five".

Amendment adopted.

AMENDMENT No. 5.

On page 4, line 46, of the printed bill, paragraph 3, after the word "and", strike out the word "thirty", and insert in lieu thereof the word "fifty".

Amendment adopted.

AMENDMENT No. 6.

On page 5, line 60h, paragraph 4, of the printed bill, after the word "month", add the following: "two deputies at a salary of one hundred and fifty dollars each per month who shall be accountants and department auditors".

Amendment adopted.

Bill read second time, and ordered to reprint, with a rush order, and on file for third reading.

SPECIAL URGENCY FILE.

Assembly Bill No. 395—An Act to amend Section 1f of an Act entitled "An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the State, county, city and county, or incorporated city or town government in this State," approved March 23, 1901, relating to the employment of citizens of the United States.

During the third reading of the bill Mr. Callaghan moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 8, after the comma, strike out the words "or a person who has declared his intention to become such citizen".

Motion carried.

The Speaker appointed Mr. Callaghan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 395, with instructions, do now report that the instructions of the Assembly have been carried out.

CALLAGHAN, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Jones moved that the vote whereby Assembly Bill No. 1337 was passed be reconsidered.

TIME FOR DEBATE EXTENDED.

On motion of Mr. Jones, Mr. Cronin was granted an additional five minutes of time in which to complete his debate.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Jones moved a call of the House

Motion carried.

Time, four o'clock and fifty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Fhot, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—70.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House

Messrs. Rodgers of San Francisco, Slater, Sutherland, Shragia, and Polsley were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At five o'clock and fifteen minutes P. M. further proceedings under the call of the House were dispensed with, on motion of Mr. Jones.

The roll of absentees was called, and motion carried by the following vote:

AYES—Messrs. Beatty, Bennink, Callaghan, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Hall, Hayes, Held, Hinkle, Jones, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Slater, Smith, Stevenot, Sutherland, Tibbits, Williams, Wilson, and Mr. Speaker—41.

NOES—Messrs. Beckett, Benedict, Bishop, Bohnett, Brown, Butler, Cattell, Clark, Cronin, Farwell, Freeman, Gaylord, Guill, Hamilton, Harlan, Hinshaw, Jasper, Joel, Judson, Lamb, Lynch, Maher, McDonald, McGowen, Mott, Preisker, Randall, Rogers of Alameda, Rosendale, Schmitt, Stuckenbruck, Telfer, Walker, Wyllie, and Young—35.

Assembly Bill No. 1337—An Act to provide for the regulation of smelters and the maintenance and operation thereof in the State of California, and for the licensing and supervision thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1337 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bohnett, Brown, Butler, Cattell, Clark, Cronin, Farwell, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Held, Hinshaw, Jasper, Joel, Judson, Lamb, Lynch, Maher, March, McDonald, McGowen, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Stevenot, Stuckenbruck, Telfer, Walker, Wilson, Wyllie, and Young—41.

NOES—Messrs. Beatty, Bennink, Callaghan, Chandler, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Gerdes, Hall, Hayes, Hinkle, Jones, Kehoe, Lyon of San Francisco, Malone, Mott, Mullally, Rimlinger, Rodgers of San Francisco, Rutherford, Schmitt, Sutherland, Tibbits, Williams, and Mr. Speaker—28.

Title read and approved.

Bill ordered transmitted to the Senate.

WITHDRAWAL OF BILLS.

Mr. March asked for, and was granted, unanimous consent to withdraw Assembly Bills Nos. 438, 440, 446, 448, 451, 453, 462, 1208, 1210, 1213, 1224, 1226, 1253, 1272, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1248, 1249, 1250, 1251, 1252, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280 and 1281.

Bills withdrawn and ordered stricken from the file.

NOTICE OF MOTION TO RECONSIDER CONTINUED.

On motion of Mr. Jones, the notice of motion to reconsider the vote whereby Senate Constitutional Amendment No. 13 was refused adoption, continued until two o'clock P. M. of Thursday, March 23, 1911.

RECESS.

At five o'clock and forty minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

LEAVE OF ABSENCE.

On motion of Mr Mott, leave of absence was granted Mr. Hall for the evening.

ANNOUNCEMENT.

The Speaker announced the receipt of the following communication :

SACRAMENTO, March 22, 1911.

Hon A. H. Hewitt, Speaker of Assembly:

I desire to inform you that I have suspended W. B McKnight, Bill Clerk, on account of absence from duty, said suspension to date from Thursday, March 23, 1911.

L. B MALLORY, Chief Clerk

RULES SUSPENDED.

On motion of Mr Bishop, Rule No 71 of the Standing Rules of the Assembly was suspended for the evening.

SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 732—An Act to amend Section 241 of the Penal Code, relating to the punishment of the crime of assault.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 732 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Clark, Denegri, Gavlord, Hamilton, Harlan, Hayes, Held, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McDonald, Mendenhall, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—41.

NOES—Mr. Mullally—1

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1152—An Act to provide for the release of all claims and liens arising from irrigation district bonds and interest coupons voluntarily surrendered for cancellation, and to provide for the establishment of record of such release

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1152 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Cunningham, Farwell, Gaylord, Hamilton, Harlan, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McDonald, Menden-

hall, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, and Mr. Speaker—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 16—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system and to that end amending Section 1760 of the Political Code of the State of California, relating to the State High School Fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 16 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Cronin, Cunningham, Denegri, Farwell, Freeman, Gaylord, Hamilton, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, Mendenhall, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Williams, and Mr. Speaker—43.

NOES—Messrs. Maher, Rosendale, and Walker—3.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At eight o'clock and twenty-five minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Assembly Bill No. 705—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

Pending the announcement of the vote, Mr. Bishop moved a call of the House.

Motion lost.

The roll of absentees was called, and Assembly Bill No. 705 refused passage by the following vote:

AYES—Messrs. Benedict, Bishop, Bohnett, Butler, Cattell, Cronin, Denegri, Farwell, Freeman, Gaylord, Hamilton, Judson, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, March, Preisker, Ryan, Stuckenbruck, Sutherland, Walker, and Wilson—24.

NOES—Messrs. Beatty, Bennink, Brown, Coghlan, Cunningham, Feeley, Harlan, Held, Hinshaw, Jasper, Kehoe, Lyon of San Francisco, McDonald, Mendenhall, Mullally, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Smith, Stevenot, Tibbits, Walsh, Williams, and Mr. Speaker—28.

SPEAKER IN THE CHAIR.

At eight o'clock and thirty minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

Senate Bill No. 941—An Act to amend Section 4251 of the Political Code, relating to the salaries and fees of officers of counties of the twenty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 941 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Brown, Butler, Callaghan, Cattell, Coghlan, Denegri, Farwell, Freeman, Gaylord, Harlan, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Smith, Stevenot, Sutherland, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 875—An Act to amend an Act entitled “An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,” approved March 14, 1907, as amended March 19, 1909, by amending sections one, six, seven and thirteen of said Act.

During the third reading of the bill, Mr. Denegri moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, Section 1, line 10, of the printed bill, strike out the word “eleven”, and insert in lieu thereof the word “twelve”.

Also, On page 2, Section 1, line 14, of the printed bill, after the word “system”, insert the following: “one member from the Naturopath school.”

Roll call regularly demanded.

The roll was called.

Pending the announcement of the vote, Mr. Denegri moved a call of the House.

Motion lost.

The roll of absentees was called, and motion to amend lost by the following vote:

AYES—Messrs. Bennink, Callaghan, Coghlan, Cunningham, Denegri, Feeley, Gerdes, Held, Hinshaw, Jones, Kennedy, Lyon of San Francisco, March, Mullally, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Stevenot, Walker, Walsh, Williams, and Wilson—23.

NOES—Messrs. Beatty, Benedict, Bishop, Bohnett, Brown, Butler, Farwell, Freeman, Hamilton, Harlan, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, McDonald, Mendenhall, Mott, Polsley, Preisker, Randall, Rosendale, Rutherford, Smith, Sutherland, Tibbits, and Mr. Speaker—28

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 875 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Brown, Callaghan, Cattell, Coghlan, Cronin, Denegri, Farwell, Fitzgerald, Gaylord, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—47.

NOES—Mr. Mott—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1334—An Act to regulate the employment of females in public places.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1334 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cronin, Farwell, Freeman, Gerdes, Hamilton, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, March, Mendenhall, Mullally, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Smith, Stevenot, Stuckenbruck, Tibbits, Walker, Williams, Wilson, and Mr. Speaker—43

NOES—Messrs Cunningham, Denegri, Feeley, Fitzgerald, Harlan, McDonald, Rodgers of San Francisco, Sbragia, Schmitt, Sutherland, and Walsh—11.

Title read and approved.

Bill ordered transmitted to the Senate.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr Rodgers of San Francisco moved that the vote whereby Assembly Bill No 887 was passed be reconsidered.

Mr. Gerdes moved that the consideration of motion be continued until eleven o'clock a. m. of Thursday, March 23, 1911.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs Beatty, Callaghan, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Kennedy, Lyon of San Francisco, March, McDonald, Mullally, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Walsh, and Williams—19

NOES—Messrs Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Clark, Cronin, Farwell, Flint, Freeman, Gaylord, Hamilton, Harlan, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Wilson, Young, and Mr Speaker—40

The question reverting to the motion to reconsider.

TIME FOR DEBATE EXTENDED.

On motion of Mr. Ryan, Mr. Coghlan was granted an additional ten minutes of time in which to complete his debate.

On motion of Mr. Ryan, Mr. Clark was granted an additional five minutes of time in which to complete his debate.

The roll was called.

Pending the announcement of the vote, Mr. Ryan moved a call of the House.

Motion lost.

The roll of absentees was called, and motion to reconsider lost by the following vote:

AYES—Messrs Beatty, Callaghan, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Hayes, Hinkle, Jones, Kennedy, Lynch, Lyon of San Francisco, March, McDonald, McGowen, Mullally, Rumliger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Telfer, Walker, Walsh, Williams, and Wilson—31.

NOES—Messrs Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Held, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, Mendenhall, Mott, Polsley, Preisker, Randall, Rutherford, Slater, Stuckenbruck, Sutherland, Tibbits, Willie, Young, and Mr. Speaker—43.

Senate Bill No 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen and sixteen thereof, relating to officers and salaries in counties of the ninth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 453—An Act to prevent the manufacture and sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor, and to repeal Section 17 of an Act approved March 4, 1897, entitled "An Act to prevent deception in the manufacture and sale of butter and cheese to secure its enforcement, and to appropriate money therefor," and to repeal all Acts and parts of Acts inconsistent with this Act.

On motion of Mr. Schmitt, bill made a special order for two o'clock P. M. of Thursday, March 23, 1911.

Senate Bill No. 562—An Act authorizing and naming the permanent employees of the State Agricultural Society, fixing their compensation, and providing how extra help may be employed and paid.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 562 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Denegri, Farwell, Fitzgerald, Gaylord, Griffin of Modesto, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—51.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1155—An Act to amend section one thousand eight hundred and eighty-one of the Code of Civil Procedure of the State of California, relating to confidential communications.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1155 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Callaghan, Cattell, Cunningham, Farwell, Gerdes, Griffin of Modesto, Hamilton, Harlan, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Young, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1160—An Act to provide for the construction and maintenance of fire trails in the California Redwood Park in Santa Cruz County, California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1160 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Callaghan, Cattell, Cronin, Cunningham, Farwell, Feeley, Gaylord, Gerdes, Griffin of Modesto, Harlan, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, Mendenhall, Mott, Mullally, Polsley, Preisker, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1043—An Act to amend Section 4258 of the Political Code, relating to salaries and fees of officers of counties of the twenty-ninth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1544—An Act to amend Sections 409, 412, 413, 414, 415 and 416 of the Political Code, and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422½ and 423 of said Code, relating to the duties and salary of the Secretary of State and his appointees and their duties and salaries.

Bill read second time, and ordered to engrossment and third reading.

Assembly Bill No. 1194—An Act to amend Section 4259 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1194 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Harlan, Hinshaw, Jasper, Kehoe, Kennedy, Lamb, Lynch, Maher, March, Mendenhall, Mott, Mullally, Polsley, Preisker, Rodgers of San Francisco, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 347—An Act appropriating money to pay the claim of J. B. Curtin against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 347 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Callaghan, Clark, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Hamilton, Harlan, Held, Jones, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mott, Mullally, Polsley, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Wyllie, Young, and Mr. Speaker—46.

NOES—Messrs. Bohnett, Farwell, and Mendenhall—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 803—An Act entitled an Act to amend Section 594 of the Political Code, relating to the classification of insurance and the capital stock insurance companies are required to have.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 803 passed by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bohnett, Brown, Callaghan, Clark, Cronin, Cunningham, Denegri, Farwell, Feeley, Gerdes, Harlan, Held, Jones, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Walker, Williams, Wilson, Young, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 6—An Act to carry into effect the provisions of paragraph (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the said Political Code, to be numbered 461, all relating to the State School Fund.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Callaghan, Cattell, Clark, Cronin, Cunningham, Farwell, Feeley, Gerdes, Griffin of Modesto, Harlan, Held, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Ryan, Schmitt, Smith, Stuckenbruck, Telfer, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1283—An Act to amend section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty-second class.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 1517—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act—with

Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

And report that the same are not identical.

RANDALL, Chairman.

Senate Bill No. 1137 re-referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1305—An Act to amend "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Assembly Bill No. 534—An Act to add a new section to the Penal Code, to be numbered Section 574, and relating to contributions of corporate funds for political purposes and providing punishment therefor.

Assembly Bill No. 1578—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs.

Assembly Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a section thereto to be known as Section 12, of Article IX, relating to the exemption from taxation of the property of institutions of higher learning.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER. Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 200—An Act to establish the California State Reformatory; to provide for purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor—and report that the same has been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 1459—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty and one thousand two hundred forty-two, of the Penal Code, all relating to appeals to the Supreme Court—with Senate Bill No. 1134.

Also: Assembly Bill No. 704—An Act granting to the city of Los Angeles the tide lands and submerged lands of the State within the boundaries of the said city—with Senate Bill No. 445.

And report that the same are identical.

RANDALL, Chairman.

Senate Bill No. 1134 read second time, and ordered on file for third reading.

Assembly Bill No. 1459 withdrawn.

Senate Bill No. 445 read second time, and ordered on file for third reading.

Assembly Bill No. 704 withdrawn.

ADJOURNMENT.

At eleven o'clock and twenty-five minutes P. M., on motion of Mr. Ryan, the Assembly was declared adjourned until ten o'clock A. M. of Thursday, March 23, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.,
Thursday, March 23, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr Speaker—79.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Joel, its further reading was dispensed with.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON BANKS AND BANKING.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Banks and Banking, to whom was referred Assembly Bill No. 309—An Act to amend an Act entitled "An Act to define and regulate the business of banking," and known as the Bank Act, approved March 1, 1909, by adding thereto a new section numbered 149, to provide for the supervision and regulation of the business of making loans on pledges of personal property, chattel mortgages, or assignments of salary or wages, by the banking department under the direction of the Superintendent of Banks of the State of California, and under the immediate direction of a deputy, clerks and examiners, to authorize the appointment of same by the Superintendent of Banks and to fix their compensation and to defray the expenses thereof

Also: Assembly Bill No. 591—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending section sixty-one thereof, relating to what securities savings banks may invest their funds in.

Also: Assembly Bill No. 952—An Act to amend an Act entitled "An Act to provide for and regulate the deposit of county and municipal moneys in banks and banking corporations, limiting the amount of public moneys that may be deposited therein and providing a penalty for the illegal deposit and use thereof," approved March 23, 1907, by amending section one thereof.

Also: Assembly Bill No. 1119—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 11, 20, 23, 33, 35, 39, 43, 49, 60, 62, 80, 82, 83, 96, 123, 133, and 124 thereof and by adding new sections 12a, 52, 53, and 84 thereto.

Also: Assembly Bill No. 1120—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61 and 68 thereof and by adding a new section to be numbered Section 68a.

Also: Assembly Bill No. 1163—An Act to amend section sixty-eight of an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909.

Also: Assembly Bill No. 1301—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending sections forty-six, sixty-one and sixty-seven thereof, relating to what securities banks may invest in or loan their funds upon.

Also: Assembly Bill No. 1490—An Act to regulate the business of loaning money on security of any kind by persons, firms, companies or corporations other than those engaged in or conducting said business under the supervision and control of such official or officials as are by law vested therewith; providing for the supervision and control of such business under the direction of the official who is by law vested with the supervision and control of banks and banking, and who is herein designated as the Superintendent of Banks, and under the immediate direction of a deputy, clerks and examiners; to authorize the appointment of such deputy, clerks and examiners and providing for their compensation, prescribing the duties, powers and authority of the deputy, who is to be known as the "Loan Supervising Deputy"; providing for the office of the said deputy, to be known as the "Loan Supervising Bureau"; providing for a fund, to be known as the "Loan Supervising Fund"; providing for a system for licensing and supervising persons, firms, companies and corporations doing the business herein defined, and for assessing and collecting the license fees and other sums necessary to meet the salaries and other expenses thereof; prescribing what Acts or omissions shall constitute violations of the Act; providing a course of procedure; providing penalties for violations of law regulating such business or failure to comply with the provisions of this Act; and repealing inconsistent Acts or parts of Acts, including an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909.

Have had the same under consideration, and respectfully report the same back without recommendation.

JONES, Chairman.

The above reported bills ordered on file for second reading.

ON SWAMP AND OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Senate Bill No. 1247—An Act to provide for the formation, government and control of overflow districts—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

LYNCH, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, Levees and River Improvements, to whom was referred Senate Bill No. 399—An Act granting certain lands and salt marsh and tide lands of the State of California, including the right to wharf out therefrom, to the city of Oakland, and regulate the management, use and control thereof—have had the same under consideration, and respectfully report the same back, without recommendation.

LYNCH, Chairman.

The above reported bill ordered on file for second reading.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No. 462—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the Angeles National Forest, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Ways and Means.

FLINT, Chairman.

The above reported bill re-referred to Committee on Ways and Means.

PUBLIC BUILDINGS AND GROUNDS.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 737—An Act to amend section six of an Act entitled "An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto," approved March 14, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HINKLE, Chairman.

The above reported bill ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1132—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as section one *a*, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities.

Also: Senate Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2*a*, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending Section 4 of said Act.

Also: Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation, at the port of Wilmington and the bay of San Pedro," approved March 19, 1889.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGHLAN, Chairman.

The above reported bills ordered on file for second reading.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 1099—An Act to amend Section 352 of the Political Code, relating to the State Board of Equalization.

Also: Senate Bill No. 735—An Act to provide for payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California, as said Constitution was amended November 8, 1910, providing for the separation of State from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

HELD, Chairman.

The above reported bills ordered on file for second reading.

ON EDUCATION

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 1184—An Act to amend Section 4 of an Act approved March 26, 1895, entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State," as amended March 29, 1897; as amended March 23, 1901, as amended March 20, 1903, as amended March 11, 1909—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WYLLIE, Chairman.

The above reported bill ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 19—Relating to a proposed amendment to the Constitution of the United States so that the laws governing marriage and divorce shall be

established by Federal statute and divorce proceedings heard and determined in the Federal courts, and by uniform law throughout the United States—have had the same under consideration, and respectfully report the same back, with recommendation that it be adopted.

FREEMAN, Chairman

The above reported Assembly joint resolution ordered on file for adoption.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bill No. 1233—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing or tracking of deer with dogs—have had the same under consideration, and respectfully report the same back without recommendation.

GRIFFITHS, Chairman.

The above reported bill ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

KEHOE, Chairman.

The above reported bill ordered on file for second reading

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 1037—An Act appropriating money to pay the claim of Francisco Silva Brun against the State of California, which was re-referred to us from the Committee on Claims—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 939—An Act making an appropriation for printing for the State Board of Forestry for the balance of the sixty-second fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 1035—An Act to make appropriations for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant Ranch on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California, which was re-referred to us from the Committee on Roads and Highways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State, which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

Also: Senate Bill No. 1053—An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation," which have been re-referred to us from the Committee on Revenue and Taxation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGSWELL, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor, and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1909, which was re-referred to us from the Committee on Revenue and Taxation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 940—An Act to create a system of firewardens to prevent and suppress forest fires, providing for their appointment and compensation, creating a forest fire fund, providing for cooperation with the State on the part of the counties and private owners of timber land in fire protection, declaring certain Acts a nuisance and making the expense of the abatement thereof a lien, and providing for the enforcement of such lien, and making an appropriation for the purpose of carrying out the provisions of this Act, which was re-referred to us from the Committee on Conservation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violations hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885, approved March 23, 1901."

Also: Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the California Home for the Care and Training of Feeble-Minded Children, of convicts in the state prisons, and idiots and fools, and

repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Have had the same under consideration, and respectfully report the same back with a majority recommendation that it do pass, and minority recommendation that it do not pass.

HINSHAW, Chairman.

The above reported bills ordered on file for second reading.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on March 20, 1911, passed as amended Assembly Bill No. 846—An Act to amend section one of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March twenty-third, 1907—and we respectfully request your honorable body to concur in the Senate amendments to said Assembly bill.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put. "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 846?"

On page 1, Section 1, line 7, beginning with the word "owned", strike out all of lines 7, 8, 9, 10 and 11, and insert in lieu thereof the following: "planted to growing crops, vines, fruit trees or vegetables, or which at the time is in a state of cultivation, owned by, or lawfully in possession of any person, firm or corporation, other than the owner of such animal"

Also: On page 1, at the end of Section 1, add the following

SEC. 2 This act shall take effect and be in force from and after July 1, 1911.

The roll was called, and Senate amendments to Assembly Bill No. 846 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McGowan, Mendenhall, Mott, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbits, Walsh, Williams, Wyllie, and Young—49

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 23—Relative to keeping alive open competition on the sea highway between Atlantic and Pacific ports of the United States

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate joint resolution referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 12—Relative to the treatment by the Russian Government of its citizens by reason of their religious belief or political views.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate joint resolution referred to Committee on Federal Relations.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Committee Substitute for Senate Bills Nos. 2, 24, 167 and 1074—

An Act to regulate the ownership and possession of real property in the State of California by certain classes of aliens and corporations.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bill read first time, and referred to Committee on Judiciary.

Also:

SENATE CHAMBER, SACRAMENTO, March 21, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III, of the Political Code to be designated Article XX, providing for the management and control of the Capitol building and grounds; providing for the appointment of a superintendent of the capitol building and grounds, his assistants and employees; defining their powers and duties and fixing their compensations, repealing Sections 425 and 426 of the Political Code, relating to the appointees of the Board of Capitol Commissioners, and repealing all Acts and parts of Acts in conflict herewith.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bill ordered to enrollment.

SPEAKER IN THE CHAIR.

At eleven o'clock A. M. Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

SENATE MESSAGES—(RESUMED)

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 92—An Act to provide for the painting, inside and outside, of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Also Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof.

Also Assembly Bill No. 76—An Act authorizing and directing the board of managers of the Napa State Hospital to construct and restore the principal tower of the buildings at the Napa State Hospital damaged by the earthquake of April 18, 1906—and install a clock therein, and making an appropriation therefor.

Also Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company "C," at the Veterans' Home of California, located at Yountville, Napa County, California.

Also Assembly Bill No. 386—An Act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Also Assembly Bill No. 768—An Act providing for the erection of a grandstand on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also Assembly Bill No. 769—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Also Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment, and making an appropriation therefor.

Also Assembly Bill No. 767—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Also Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

Also Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof.

Also Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of

forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "Conservation Commission of the State of California"; prescribing the powers and duties of said commission and its members, and providing for the expenses of said commission and appropriating money therefor.

Also: Assembly Bill No. 1011—An Act to add a new section to the Political Code to be numbered 4264a, relating to and fixing the compensation of grand and trial jurors in counties of the thirty-fifth class

Also: Assembly Bill No. 111—An Act to amend Section 4242 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirteenth class.

Also: Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Also: Assembly Bill No. 1536—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 1074—An Act to amend Section 4243 of the Political Code of the State of California, providing for the salaries and fees of jurors and public officers in counties of the fourteenth class

Also: Assembly Bill No. 167—An Act making an appropriation for the equipment, support and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Also: Assembly Bill No. 1058—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund

Also: Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Also: Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home located at Evergreen, Santa Clara County, and appropriate money therefor.

Also: Assembly Bill No. 1329—An Act to add four new sections to the Political Code of the State of California, to be numbered and known as Sections 3224, 3225, 3226 and 3227, relating to weights and measures.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following

Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

Also: Senate Bill No. 730—An Act making an appropriation for printing and for the State Board of Forestry for the balance of the sixty-second fiscal year.

Also: Senate Bill No. 1282—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights and supplies for the Legislature and state officers for the sixty-first and sixty-second fiscal years.

Also: Committee Substitute for Senate Bill No. 124—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor

Also: Senate Bill No. 1016—An Act to provide for the collection, compilation and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor.

Also: Senate Bill No. 757—An Act to add a new section to the Political Code of the State of California to be numbered 4125a, relating to the attendance of the county assessor or a deputy county assessor at a state convention of county assessors.

Also: Senate Bill No. 451—An Act granting certain tide lands and submerged lands of the State of California to the city of Oakland and regulating the management, use and control thereof.

Also: Senate Bill No. 51—An Act to amend the Political Code of the State of California by adding thereto a new article to be designated and numbered Article IXa, of Chapter III, of Article III of Part III of said code, relating to elementary and secondary schools.

Also: Committee Substitute for Senate Bill No. 411—An Act to create the State Commission of Industrial Education; to provide for its organization; to define its powers and duties, to provide for and fix the compensation of its officers and

employees and define their powers and duties and the powers and duties of county, city and county and municipal boards of education and trustees of districts organized and established for the government of any of the secondary and elementary schools of the State.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER SACRAMENTO, March 22, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as cases of urgency:

Senate Bill No. 1284—An Act granting relief to counties by extending the time within which county treasurers are required to make semi-annual settlements with the State Controller and State Treasurer in cases in which school money of such counties have been misappropriated

Also: Senate Bill No. 1285—An Act making an appropriation for the purchase and installment of improved material and machinery and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller and State Treasurer in relation thereto.

Also: Senate Bill No. 1288—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature and directing the State Controller and State Treasurer to make such transfer

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 22 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 27—Relative to requesting Secretary of Interior to confirm selections of land to the State of California.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 965 read first time, and referred to Committee on Judiciary.

Senate Bill No. 730 read first time, and referred to Committee on Engrossed and Enrolled Bills.

Senate Bill No. 1282 read first time, and referred to Committee on Ways and Means.

Committee Substitute for Senate Bill No. 124 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1016 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 757 read first time, and referred to Committee on County and Township Governments.

Senate Bill No. 451 read first time, and referred to Committee on Commerce and Navigation.

Senate Bill No. 51 read first time, and referred to Committee on Education.

Committee Substitute for Senate Bill No. 411 read first time, and referred to Committee on Education.

Senate Bill No. 1284 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 1285 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1288 read first time, and referred to Committee on Ways and Means.

Senate Joint Resolution No. 27 read and referred to Committee on Federal Relations

Also :

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed as amended Assembly Bill No. 81—An Act to provide for the building, equipping and purchasing of machinery for an ice and cold-storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same

Also : Assembly Bill No. 82—An Act to provide for the building, equipping and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same

Also : Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Also : Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institute for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Also : Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers of the eighteenth class

Also : Assembly Bill No. 42—An Act to provide for the continuation of the construction of the highway known as Kings River Highway, and to make an appropriation therefor.

Also : Assembly Bill No. 961—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the commissioner of public works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventh, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Debris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all Acts or parts of Acts amendatory thereof, by amending Sections 1, 14, 2, 3, 7, 9, 11, 17 and 19 thereof and by adding a new section thereto to be numbered Section 6a, relating to the officers and employees of the Department of Engineering, their powers, duties and salaries.

Also : Assembly Bill No. 519—An Act to establish a state highway from the town of Folsom, in Sacramento County, California, to connect with the western terminus of Lake Tahoe wagon road, a state highway, at Smith's Flat, in the county of El Dorado, California, via Shingle Springs, El Dorado and the city of Placerville, to define its course; to provide for its supervision, location, survey, construction, repair and maintenance and to make an appropriation therefor.

Also : Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint an assistant deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics," approved March 3, 1883, and the several Acts amendatory thereof; prescribing his duties; providing for his compensation and making an appropriation therefor.

Also : Assembly Bill No. 1550—An Act to amend Section No. 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies, to township officers and their compensation, and to the compensation of jurors and grand jurors in counties of the twentieth class.

Also: Assembly Bill No. 1093—An Act to amend Section 4254 of the Political Code of California, relating to salaries of officers of counties of the twenty-fifth class.

Also: Assembly Bill No. 1157—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Also: Assembly Bill No. 381—An Act to amend Sections 1, 2, 3, and 6 of an Act entitled "An Act to create a State Board of Charities and Corrections, prescribing its duties and powers and appropriating money therefor," approved March 25, 1903, and to add two new sections thereto to be numbered Sections 5 and 6 and to renumber Sections 5, 6, 7, and 8 of said Act, all relating to the State Board of Charities and Corrections.

Also: Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Also: Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 59 of said Act, relative to the levying of assessments.

And we respectfully request your honorable body to concur in the Senate amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 81?"

In Section 1, line 4, strike out the words "to be paid to the Board of Managers of the Napa"

Also: In Section 1, strike out lines 5, 6, 7, and 8, of the printed bill, and insert in lieu thereof the following "to be used for the building, equipping, and purchasing of machinery for an ice and cold storage plant on the grounds of the Napa State Hospital".

Also: In Section 2, lines 2 and 3, strike out the words "said Board of Managers", and insert in lieu thereof the following "officer or officers authorized by law to receive the same".

The roll was called, and Senate amendments to Assembly Bill No. 81 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Feeley, Flint, Gerdes, Griffiths, Guill, Hall, Hamilton, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Mendenhall, Mott, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Williams, Wilson, Young, and Mr. Speaker—44.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 82?"

In Section 1, line 3, strike out the words "to be paid to"

Also: In Section 1 strike out lines 4, 5, 6, 7 and 8, and insert in lieu thereof the following: "to be used for the building, equipping and purchasing of machinery for a laundry building on the grounds of the Napa State Hospital."

Also: In Section 2, line 2, strike out the words "said Board of Managers", and insert in lieu thereof the following: "officer or officers authorized by law to receive the same"

The roll was called, and Senate amendments to Assembly Bill No. 82 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Feeley, Flint, Gerdes, Griffiths, Guill, Hall, Hamilton, Held, Hinshaw, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, McDonald, Mendenhall, Mott, Mullally, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Williams, Wilson, Wyllie, and Mr. Speaker—49.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 549?"

In Section 1, lines 3, 4 and 5, strike out the words "to be paid to the Directors of the California Institution for the Deaf and the Blind at Berkeley".

Also: In Section 1, line 5, strike out the words "by them".

Also: In Section 1, line 7, strike out the words "said institution", and insert in lieu thereof the following: "the California Institution for the Deaf and the Blind".

Also: In Section 2, line 2, strike out the words "said Directors", and insert in lieu thereof the following: "officer or officers authorized by law to receive the same".

The roll was called, and Senate amendments to Assembly Bill No. 549 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hamilton, Held, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Smith, Stevenot, Sutherland, Tibbits, Williams, Wilson, and Mr. Speaker—51.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 550?"

Strike out of lines 3 and 4, Section 1, of the printed bill, the words "to be paid to the Directors of the California Institution for the Deaf and the Blind at Berkeley".

Also: Strike out of line 5, Section 1, of the printed bill, the words, "said institution", and insert in lieu thereof the following: "California Institution for the Deaf and the Blind at Berkeley".

Also: Strike out of lines 2 and 3, Section 2, of the printed bill, the words, "said Board of Directors", and insert in lieu thereof the following: "the officer or officers authorized by law to receive the same".

The roll was called, and Senate amendments to Assembly Bill No. 550 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Denegri, Feeley, Fitzgerald, Gerdes, Griffiths, Guill, Hall, Harlan, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, Mendenhall, Mott, Mullally, Polesley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Schmitt, Smith, Sutherland, Tibbits, Williams, Wilson, Young, and Mr. Speaker—49.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1556?"

Strike out subdivision 2, on page 2, of the printed bill, and insert in lieu thereof the following:

"2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of the Superior Court in and for his county. He shall appoint a jailer, to take charge of the branch county jail, at a salary of nine hundred dollars per annum, and a deputy jailer, at a salary of nine hundred dollars per annum, who shall act as a jailer for the county jail (the salaries of which deputies shall be paid by the county in the same manner and out of the same fund as the salaries of the other county officers are paid)".

The roll was called, and Senate amendment to Assembly Bill No. 1556 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Griffiths, Guill, Hamilton, Harlan, Held, Hinshaw, Jasper, Judson, Kehoe, Lynch, Lyon of San Francisco, McDonald, McGowan, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Williams, Young, and Mr. Speaker—50.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 42?"

In line 3, Section 1, of the printed bill, strike out the word "fifty", and insert in lieu thereof the words "twenty-five".

Also: In line 3, Section 2, of the printed bill, strike out the words "twenty-five thousand", and insert in lieu thereof the words "twelve thousand five hundred".

Also: In lines 3 and 4, Section 2, of the printed bill, strike out the words "twenty-five thousand", and insert in lieu thereof the words "twelve thousand five hundred".

The roll was called, and Senate amendments to Assembly Bill No. 42 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bohnett, Brown, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Griffin of Modesto, Guill, Hamilton, Harlan, Held, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Malone, Mendenhall, Mott, Nolan, Preiske, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Stevenot, Sutherland, Tibbits, Wilson, Young, and Mr. Speaker—45.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 519?"

Strike out the title of the printed bill, and insert in lieu thereof, the following:

"An Act to establish a state highway from the town of Folsom, in Sacramento County, California, to connect with the western terminus of Lake Tahoe wagon road, a state highway, at Smith's Flat, in the county of El Dorado, California, via Shingle Springs, El Dorado and the city of Placerville, to define its course; to provide for its supervision, location, survey, construction, repair and maintenance and to make an appropriation therefor."

Also: On page 1, Section 1, line 4, strike out the word "and", and on the same line, after the word "constructing", insert the words "repairing and maintaining".

Also: On page 1, Section 1, line 6, after the word "road", insert the words "via Shingle Springs and El Dorado".

Also: On page 1, Section 1, lines 7 and 8, strike out the words "over the boundary line of Placerville", and insert in lieu thereof the word "on".

Also: On page 1, Section 1, line 8, strike out the comma after the word "road".

Also: On page 1, Section 1, line 8, after the word "to", insert the words "connect with".

Also: On page 2, Section 2, line 1, after the word "be", insert the words "and established".

Also: On page 2, Section 2, line 3, strike out the following: "State Engineer, or the State Engineering Department.", and insert in lieu thereof "Department of Engineering of the State of California."

Also: On page 2, Section 2, line 4, strike out the following: "Engineer, or said State Engineering." On same line, strike out the comma after the word "Department".

Also: On page 2, Section 2, lines 4 and 5, strike out the words "at once".

Also: On page 2, Section 2, line 6, strike out the words "may be", and insert in lieu thereof the words, "appropriations are available therefor."

Also: On page 2, Section 2, line 7, strike out the words "securing the right of way for, and".

Also: On page 2, Section 2, line 8, after the letters "structing", insert a comma and also the words, "repairing and maintaining".

Also: On page 2, Section 2, line 8, after the word "said", insert the word "State".

Also: Following Section 2, of the printed bill, insert a new section, to be numbered Section 3 and to read as follows:

"Sec. 3. The Controller of the State of California is hereby authorized and directed to draw his warrant on the State Treasurer for the sum appropriated by this Act in such sums and at such times as required, in favor of the Department of Engineering and the State Treasurer is hereby directed to pay the same."

Also: In Section 3, of the printed bill, strike out the letters and figure "Sec. 3.", and insert in lieu thereof "SEC. 4."

The roll was called, and Senate amendments to Assembly Bill No. 519 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bohnett, Brown, Callaghan, Chandler, Clark, Cronin, Crosby, Farwell, Fitzgerald, Freeman, Gerdes, Griffiths, Guill, Hamilton, Harlan, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch,

Lyon of San Francisco, Malone, McDonald, Mott, Nolan, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Williams, Wilson, Young, and Mr. Speaker—45.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1392?"

In line 2, of title, after the word "appoint", strike out the letter "a", and insert in lieu thereof the following: "an assistant".

Also: In Section 1, line 2, after the word "appoint", strike out the letter "a", and insert in lieu thereof the following: "an assistant".

Also: In Section 1, line 7, after the word "said", insert the following: "assistant".

Also: On page 2, Section 1, line 14, after the word "such", insert the following: "assistant".

Also: On page 2, Section 1, line 16, after the word "said", insert the following: "assistant".

The roll was called, and Senate amendments to Assembly Bill No. 1392 were concurred in by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bohnett, Brown, Callaghan, Cattell, Clark, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, Malone, McDonald, Mott, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1550?"

On page 3, Section 1, line 71, strike out the period after the word "month", and insert in lieu thereof the following: A semicolon (:) and add the following: "he may also appoint one indexer, which office is hereby created, at a salary of seventy-five dollars per month, for four months in each year, whose duty it shall be, under the direction of the tax collector, to compile an index of the assessment rolls of the county, and of the assessment rolls of each sanitary district, said index to be a public record, and to be kept in the office of the tax collector for public use".

Also: On page 3, Section 1, line 71, strike out the word "salary", and insert in lieu thereof the words "clerk and indexer".

Also: Strike out the words "tax collector", in line 90, on page 3, Section 1, and insert in lieu thereof the following: "assessor".

Also: Add a new section as follows:

SEC. 2. This Act shall take effect immediately.

The roll was called, and Senate amendments to Assembly Bill No. 1550 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Cattell, Chandler, Clark, Cronin, Farwell, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Nolan, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Ryan, Schmitt, Smith, Stuckenbruck, Telfer, Tibbits, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1093?"

On page 2, line 51, of amended bill, strike out the period and insert in lieu thereof a semicolon, and the following words: "provided, that in counties of this class there shall be allowed one deputy who shall be appointed by the district attorney, and who shall receive a salary of one thousand dollars per year, to be paid, in equal monthly installments, out of the same fund, at the same time, and in the same manner as the salary of the district attorney is paid."

Also: On page 4, line 106, of amended bill, strike out the word "one", following the word "than", and insert in lieu thereof the word "two".

The roll was called, and Senate amendments to Assembly Bill No. 1093 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Clark, Cronin, Denegri, Farwell, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Smith, Stevenot, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1157?"

On page 9, Section 1, of the printed bill, after line 288, insert the following: "SEC 2. This Act shall take effect and be in force from and after its passage."

The roll was called, and Senate amendment to Assembly Bill No. 1157 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Clark, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Hinkle, Hinshaw, Jones, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 381?"

On page 1, strike out all of the title, and insert in lieu thereof the following: "An Act to amend Sections 1, 2, 3 and 6 of an Act entitled 'An Act to create a State Board of Charities and Corrections, prescribing its duties and powers and appropriating money therefor, approved March 25, 1903,' and to add two new sections thereto to be numbered Sections 5 and 6 and to renumber Sections 5, 6, 7, and 8 of said Act, all relating to the State Board of Charities and Corrections".

Also, On page 1, Section 1, line 12, strike out the words "June 30th", and insert in lieu thereof the following: "February 17th".

Also On page 1, Section 1, line 13, strike out the words "June 30th", and insert in lieu thereof the following: "February 17th".

Also On page 1, Section 1, line 14, strike out the words "June 30th", and insert in lieu thereof the following: "February 17th".

The roll was called, and Senate amendments to Assembly Bill No. 381 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Callaghan, Cattell, Clark, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 79?"

In Section 1, of the printed bill, strike out lines 4, 5, 6 and 7, and insert in lieu thereof the following: "to be for the installation of irrigating pipe lines at the Napa State Hospital".

The roll was called, and Senate amendment to Assembly Bill No. 79 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Farwell, Fitzgerald, Flint,

Gerdes, Griffiths, Guill, Harlan, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Telfer, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 780?"

In line 20, page 2, of the printed bill, strike out the word "Assessments" in the two places in which it occurs in said line, and insert in lieu thereof in each place the word "assessment".

Also: In line 22, on page 2, of the printed bill, insert after the word "shall" a comma, and after the words "annual levy" the word "hereunder".

Also, in line 26, of page 2, of the printed bill, insert after the word "vote", the words "by the adoption of a resolution by at least four fifths of the members of the board of directors", and strike out the semicolon in said line and insert in lieu thereof a comma.

Also: In line 29, on page 2, of the printed bill, strike out the word "twenty-five", and insert in lieu thereof the word "fifteen".

Also: In line 35, on page 2, of the printed bill, after the word "election" strike out the comma.

Also: In line 42, on page 2, of the printed bill, insert after the word "levied", the words "by the adoption of a resolution of at least four fifths of the members of the board of directors", and insert after said words a comma.

The roll was called, and Senate amendments to Assembly Bill No. 780 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Callaghan, Cattell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Slater, Stuckenbruck, Telfer, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Bill ordered to enrollment.

WITHDRAWAL OF BILLS.

Mr. Cogswell asked for and was granted unanimous consent to withdraw Assembly Bills Nos. 236, 49, 216, 35, 73, 617, 112, 114, 115, 770, 772, 774, 567, 692, 693, 565, 588, 586, 271, 203, 204, 205, 228, 235, 14, 233, 582, 583, 850, 1007, 738, 220, 1139, 1140, 1129, 1438, 1315, 238, 1026, and 1027.

Bills withdrawn, and ordered stricken from the file.

On motion, Assembly Bills Nos. 65, 66, 24, 64, 309, 591, 952, 1119, 1120, 1163, 1301, 443, 444, 951, 953, 1462, 1463, 1456, 1461, 1037, 948, 1014, 1489, 321, 20, 263, 990, 750, and Senate Bills Nos. 403, and 576 were withdrawn and ordered stricken from the file.

RE-REFERENCE OF BILLS.

On motion of Mr. Farwell, Assembly Bill No. 1519—An Act to add a new section to the Penal Code to be known and numbered as Section 383b, relating to adulteration and sale of white lead, paint or compound intended to be used as such, providing for its enforcement, and making an appropriation therefor—was referred to Committee on Commissions and Public Expenditures.

On motion of Mr. Malone, Senate Bill No. 533—An Act to amend section one of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries.

and defining their duties and providing for their compensation, and repealing an Act entitled 'An Act to authorize the board of supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," approved February 20, 1901, relating to the appointment and dismissal of inspectors of apiaries, and adding to the said Act one new section to be numbered and designated as section twelve, relating to the appointment and to the term of office of the Board of Examiners of the California State Bee Keepers' Association—was re-referred to Committee on Public Health and Quarantine.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Mott:

Resolved, That we request our Chaplain, Rev. Frank K. Baker, to furnish the Chief Clerk with a copy of his morning prayers during the session, and that the Chief Clerk be instructed to have printed in suitable form, five hundred copies of the same for distribution.

Resolution read and on motion adopted.

By Mr. Bohnett:

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same, for the sum of twenty-five dollars (\$25.00), payable to L. B. Mallory, Chief Clerk of the Assembly, said money to be used to complete the mailing of literature in the mailing department.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Bennink, Bohnett, Cattell, Chandler, Cogswell, Cronin, Cunningham, Farwell, Feelev, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mott, Nolan, Preisker, Rimlinger, Rogers of Alameda, Rutherford, Smith, Stevenot, Sutherland, Tibbitts, Williams, Wilson, and Young—42.

NOES—None.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Clark asked for, and was granted, unanimous consent to have Assembly Bill No. 940 taken up out of order.

Assembly Bill No. 940—An Act to create a system of firewardens to prevent and suppress forest fires, providing for their appointment and compensation, creating a forest fire fund, providing for coöperation with the State on the part of the counties and private owners of timberland in fire protection, declaring certain acts a nuisance and making the expense of abatement thereof a lien, and providing for the enforcement of such lien, and making an appropriation for the purpose of carrying out the provisions of this Act.

During the consideration of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 3, Section 6, line 26, of the printed bill, strike out the word "shall", and insert "may" in lieu thereof.

Amendment adopted.

AMENDMENT No. 2.

On page 3, Section 6, line 26, of the printed bill, insert after the word "compensation", the words "not to exceed".

Amendment adopted.

AMENDMENT NO. 3.

On page 5, Section 11, line 1, of the printed bill, strike out the words "on forest", and insert in lieu thereof the words "in timber".

Amendment adopted.

AMENDMENT NO. 4.

On page 8, Section 20, line 1, of the printed bill, strike out all after the period after the figure 20, and insert the following in lieu thereof. "There is hereby appropriated from any moneys in the state treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act, the sum of twenty thousand dollars. Immediately after the passage of this Act one thousand dollars of said sum shall be transferred by the State Treasurer and the State Controller to the said Forest Fire Fund and shall be immediately available. On July 1, 1911, the sum of ten thousand dollars shall be transferred by the State Treasurer and the State Controller to said fund and shall, as soon as so transferred, be immediately available. On July 1, 1912, the sum of nine thousand dollars shall be transferred by the State Treasurer and the State Controller to the said fund and shall, as soon as so transferred, be immediately available.

Amendment adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

Mr. Bennink asked for, and was granted, unanimous consent to have Senate Bill No. 1278 taken up out of order.

Senate Bill No. 1278—An Act to amend section four thousand two hundred thirty-seven of the Political Code of the State of California, relating to counties of the eighth class.

During second reading of bill, the following amendment was submitted by Mr. Bennink:

On page 6, Section 1, line 69, after the word "thousand", strike out the words "sixty-five", and insert in lieu thereof the following: "seventy-five".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Mr. Malone asked for, and was granted, unanimous consent to have Senate Bill No. 609 taken up out of order.

Senate Bill No. 609—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections 8a and 8b, to an Act entitled "An Act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909.

During the consideration of bill, the following amendment was submitted by the committee:

On page 1, Section 1, line 1, of the printed bill, strike out the words "said Act", and insert in lieu thereof the following: "An Act entitled 'An Act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof,' approved March 6, 1907, as the title of said Act was amended March 19, 1909.".

Amendment adopted.

Bill ordered to reprint, and on file for passage.

Mr. Griffiths asked for, and was granted, unanimous consent to have Committee Substitute for Assembly Bill No. 1447 taken up out of order.

Committee Substitute for Assembly Bill No. 1447—An Act to amend section one hundred twenty-five of the Political Code, relating to the division of the State into equalization districts.

During the third reading of the bill, Mr. Griffiths moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1 Section one hundred twenty-five of the Political Code is hereby amended to read as follows

125. The State is hereby divided into four equalization districts designated and constituted as follows:

1. The counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama, Glenn, Colusa, Lake, Yolo, Solano, Napa, Sonoma, Marin, Butte, Sutter, Yuba, Plumas, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Sacramento, San Joaquin, Contra Costa, Stanislaus, Merced, Mariposa, Mono and Madera, shall constitute the First Equalization District.

2. The county of Alameda and the city and county of San Francisco, shall constitute the Second Equalization District.

3. The counties of Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Monterey and San Benito, shall constitute the Third Equalization District.

4. The counties of San Mateo, Santa Clara, Santa Cruz, Kings, Tulare, Fresno, Inyo, Kern, San Bernardino, Orange, Riverside, Imperial and San Diego, shall constitute the Fourth Equalization District.

SEC. 2. This Act shall take effect January 1, 1912.

Motion carried.

The Speaker appointed Mr. Griffiths as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Committee Substitute for Assembly Bill No. 1447, with instructions, do now report that the instructions of the Assembly have been carried out.

GRIFFITHS, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, reëngrossment, and on file for passage.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

During consideration of Senate constitutional amendment, the following amendment was submitted by Mr. Young:

On page 4, line 119, of the amended resolution, after the word "held", insert the following: "at intervals of not less than two years (except that charter amendments may be submitted at a general municipal election at an interval of less than two years after the last election on charter amendments, provided that no other election on charter amendments has been held since the beginning of the last regular session of the State Legislature or shall be held prior to the next regular session of the State Legislature), and held".

Amendment adopted.

Senate constitutional amendment ordered to reprint, and on file for adoption.

THIRD READING OF BILLS.

Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said

prison and to provide for other expenditures incidental or relating thereto.

Bill passed to foot of file.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights.

Assembly constitutional amendment passed to foot of file.

Assembly Bill No. 627—An Act to provide for the construction of a hospital building or buildings at the Los Angeles department of the college of medicine of the University of California, and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles department of the college of medicine of the University of California, and to make appropriation therefor.

Bill passed on file.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

On motion of Mr. Bohnett, Senate constitutional amendment made a special order for two o'clock and thirty minutes P. M. of this day.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

Senate constitutional amendment passed on file.

SPECIAL URGENCY FILE.

Senate Bill No. 1211—An Act to amend section two of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 25—An Act to create a state bureau of criminal identification and investigation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 25 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Hall, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Mendenhall, Mott, Mullally, Nolan, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Williams, Wilson, Wylie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1013—An Act to amend section twelve hundred and three of the Penal Code of the State of California, relating to the probation of persons arrested for crime after a plea or verdict of guilty and the suspending of the imposition or execution of sentence during the term of probation, and the disposition of such accusation after full compliance with the terms of probation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1013 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gerdes, Griffin of Modesto, Guill, Hall, Hamitou, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stuckenbruck, Telfer, Tibbitts, Wilson, Wyllie, Young, and Mr Speaker—53.

NOES—Mr. March—1

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF BILL—(OUT OF ORDER).

Mr. Benedict asked for, and was granted, unanimous consent to have Senate Bill No. 1138 taken up out of order.

Senate Bill No. 1138—An Act to amend Sections 1240 and 1241 of the Code of Civil Procedure of the State of California, relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

During the third reading of the bill Mr. Benedict moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, line 2, of the title, strike out the figures "1247" and the comma following the same.

Also On page 1, line 3, of the title, immediately after the comma following the word "California", insert the following: "and to add a new section thereto to be designated as Section 1247a, all".

Also: On page 4, strike out all of Section 3, and insert in lieu thereof the following:

"Sec. 3. A new section is hereby added to the Code of Civil Procedure, to be numbered 1247a, and to read as follows:

1247a. The court shall also have power to regulate and determine the place and manner of removing or relocating structures or improvements, or of enjoying the common use mentioned in the fourth subdivision of section twelve hundred and forty."

Motion carried.

The Speaker appointed Mr. Benedict as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Senate Bill No. 1138, with instructions, do now report that the instructions of the Assembly have been carried out.

BENEDICT, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 1169—An Act to add a new section to the Penal Code of the State of California, to be numbered 382*b*, forbidding the publication, circulation or distribution of advertisements of any food, liquor, drug, medicine, or remedy, which advertisements shall be false or misleading.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1169 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, Mendenhall, Mott, Mullally, Nolan, Polsley, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

HOUR OF RECESS EXTENDED.

On motion of Mr. Bohnett, the hour of recess was extended until Senate Bill No. 964 be disposed of.

Senate Bill No. 964—An Act to add a new section to the Penal Code, to be known as section three hundred and eleven *a*, relating to moving pictures, moving picture shows, nickelodeons, and penny arcades, and fixing the penalty for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 964 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—Messrs. Bishop, Cunningham, Denegri, Feeley, Kennedy, and Mullally—6.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and fifty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

SPECIAL ORDER.

The hour of two o'clock p. m. having arrived, the special order heretofore set for this hour was taken up for consideration.

Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter, and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal Section 17 of an Act approved March 4, 1897, entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all Acts and parts of Acts inconsistent with this Act.

During the third reading of the bill, Mr. Bohnett moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 12, Section 22, line 26, of the printed bill as amended, strike out the word "five", and insert in lieu thereof the following: "one".

Also: On page 12, Section 22, lines 28 and 29 of the printed bill as amended, strike out the following: "two hundred and".

Also: On page 12, Section 22, line 30, of the printed bill as amended, strike out the word "fifty", and insert in lieu thereof the following "five".

Also: On page 12, Section 22, line 34, of the printed bill as amended, strike out the word "ten", and insert in lieu thereof the following: "two".

Motion carried.

The Speaker appointed Mr. Bohnett as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 453, with instructions, do now report that the instructions of the Assembly have been carried out.

BOHNETT, Select Committee.

Report of select committee, and amendments, adopted.

During the third reading of the bill, Mr. Schmitt moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 9, line 7, page 6, of the printed bill, after the word "butter", insert the following: "unless the materials used are bona fide constituent parts of the manufactured article and such materials do not themselves contain artificial coloring matter, nor ingredients deleterious to the public health."

Also: In Section 10, line 14, page 7, of the printed bill, after the word "accomplished", insert the following: "unless the materials used are bona fide constituent parts of the manufactured article and such materials do not themselves contain artificial coloring matter, nor ingredients deleterious to the public health."

Also: In Section 22, lines 3 and 4, page 11, of the printed bill, after the word "butter", in line 3, strike out the words "oleomargarine or any substance designed to be used as a substitute for butter."

Also: In Section 22, lines 8, 9 and 10, on page 12, of the printed bill, after the word "patrons", in line 8, strike out the word "oleomargarine or any substance designed to be used as a substitute for butter or".

Also: In Section 22, line 20, page 12, of the printed bill, after the word "appearance", insert the following: "unless the materials used are bona fide constituent parts of the manufactured article and such materials do not themselves contain artificial coloring matter, nor ingredients deleterious to the public health."

Also: In Section 22, lines 48, 49 and 50, page 13, of the printed bill, after the

word "company", in line 48, strike out the following: "any oleomargarine or similar substance designed to be used as a substitute for butter or any substance resembling butter but not made wholly from pure milk or cream or".

Motion lost.

Also:

During the third reading of the bill, Mr. Schmitt moved that the Speaker appoint a select committee of one to amend the bill as follows:

Add a new section to the said printed bill after Section 45, to be numbered Section 45½, as follows:

Section 45½. Nothing in this bill contained shall apply to or prevent the sale of oleomargarine in original sealed packages when labeled and sold under its true name and character and made in the manner authorized by the laws of the United States.

Motion lost.

Also:

During the third reading of the bill, Mr. Schmitt moved that the Speaker appoint a select committee of one to amend the bill as follows:

In Section 24, lines 28, 29 and 30, page 14, of the printed bill, after the word "bureau", in line 28, strike out the comma (,) and all in said section following, and insert in lieu thereof a period (.).

Also: In Section 24, lines 33, 34 and 35, page 14, of the printed bill, after the word "bureau", in line 33, strike out the words "or of any city or county, board of health, or by any peace officer of any city or county"

Motion lost.

Bill ordered to reprint, and on file for passage.

THIRD READING OF SENATE BILLS

Senate Bill No. 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers, and providing for a review of its awards.

Mr. Sutherland moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 14 considered.

Mr. Sutherland moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No 14, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Sutherland moved the adoption of the report.

Motion carried.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 14 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Brown, Butler, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mullally, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Walker, Wilson, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and fifty-five minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Senate Bill No. 786—An Act to add a new section to the Code of Civil Procedure to be known and designated as Section 604, relating to the payment of jurors' and reporters' fees in actions other than criminal.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 786 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbitts, Wilson, and Wyllie—54.

NOES—Messrs. Cunningham, Mullally, and Walker—3.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Schmitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 786 was this day passed.

Senate Bill No. 403—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 403 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Butler, Callaghan, Cattell, Chandler, Coghlan, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, and Tibbitts—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 563—An Act providing for the erection of a grand stand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill passed to foot of file.

Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Bill passed to foot of file.

Senate Bill No. 566—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

Bill passed to foot of file.

Senate Bill No. 559—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill passed to foot of file.

Senate Bill No. 1008—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2522a, relating to the accounts and accounting of the Board of State Harbor Commissioners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1008 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Cronm, Crosby, Cunningham, Farwell, Flint, Freeman, Gerdes, Guill, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Wilson, and Wyllie—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Bill passed to foot of file.

Senate Bill No. 119—An Act to amend section three thousand seven hundred and seventy-six and repeal section three thousand seven hundred and seventy-seven of the Political Code, relating to tax sales.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 119 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Callaghan, Cattell, Chandler, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Freeman, Gaylord, Guill, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Schmitt, Slater, Smith, Sutherland, and Wilson—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 202—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Bill passed on file.

Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred ninety-eight *a*, relating to the creation of a bonded indebtedness upon personal property by corporations organized for purposes other than pecuniary profit.

Bill passed on file.

Senate Bill No. 910—An Act to amend Section 1764 of the Code of Civil Procedure of the State of California, relating to the appointment of guardians of insane and other incompetent persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 910 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Gaylord, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Preisker, Randall, Rutherford, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Wilson, and Wyllie—46

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 911—An Act to amend Section 1765 of the Code of Civil Procedure of the State of California, relating to the powers and duties of guardians of insane and other incompetent persons.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 911 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rosendale, Rutherford, Ryan, Sbragia, Smith, Stuckenbruck, Tibbits, and Wilson—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61 and 68 thereof, and by adding a new section to be numbered Section 684.

Bill passed on file

Senate Bill No. 980—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 980 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Farwell, Flint, Freeman, Gaylord, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Sutherland, Wilson, Wyllie, and Young—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 982—An Act to amend Section 1613 of the Political Code of the State of California, fixing the term of office of school trustees.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 982 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Cattell, Chandler, Crosby, Cunningham, Farwell, Flint, Gaylord, Griffiths, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Judson, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Sutherland, Tibbits, Wilson, and Wyllie—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 981—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of boards of school trustees and city boards of education.

Bill passed on file.

Senate Bill No. 643—An Act regarding irrigation and declaring the same to be a public use.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 643 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Butler, Cattell, Cronin, Crosby, Farwell, Feeley, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Polsley, Preisker, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Slater, Smith, Stuckenbruck, Sutherland, Tibbits, Wilson, and Wyllie—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 466—An Act relating to the acquisition, construction and operation of public utilities by municipal corporations.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 466 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Butler, Cattell, Chandler, Cronin, Denegri, Farwell, Flint, Freeman, Griffin of Modesto, Griffiths, Hall, Hamilton, Hayes, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Polesley, Randall, Rimlinger, Rosendale, Rutherford, Ryan, Schmitt, Smith, Sutherland, Telfer, Tibbits, Wilson, and Wyllie—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER RESET.

On motion of Mr. Bohnett, consideration of Committee Substitute for Senate Constitutional Amendment No. 5 heretofore set as a special order at this time, continued until eight o'clock P. M. of this day.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Denegri asked for, and was granted, unanimous consent to have Senate Bill No. 961 taken up out of order.

Senate Bill No. 961—An Act controlling the sanitation of shellfish grounds and premises where shellfish are opened, packed or prepared for the market, and controlling the sale of oysters and shellfish for food purposes, and providing a penalty for the violation thereof.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT NO. 1.

On page 1, line 1, of the title, after the word "of", insert the following: "oyster and other".

Amendment adopted.

AMENDMENT NO. 2.

On page 1, line 2, of the title, after the word "where", insert the following: "oysters and other".

Amendment adopted.

AMENDMENT NO. 3.

On page 1, line 3, of the title, before the word "shell", insert the following: "other".

Amendment adopted.

AMENDMENT NO. 4.

On page 1, Section 1, line 3, strike out the word "or", and insert the following: "and".

Amendment adopted.

AMENDMENT NO. 5.

On page 1, Section 1, line 5, strike out the word "or", and insert the following: "and".

Amendment adopted.

AMENDMENT NO. 6.

On page 1, Section 1, line 8, before the word "shell", insert the following: "oysters and other".

Amendment adopted.

AMENDMENT NO. 7.

On page 1, Section 2, line 2, strike out the word "or", where it appears in said line twice, and insert in each said place the word "and".

Amendment adopted.

AMENDMENT No. 8.

On page 2, Section 2, line 4, strike out the word "or", and insert the word "and".

Amendment adopted.

AMENDMENT No. 9.

On page 2, Section 2, line 6, after the word "wherein", insert the following: "oysters and other".

Amendment adopted.

AMENDMENT No. 10.

On page 2, Section 3, line 2, strike out the word "or", following the word "oyster", and insert the word "and".

Amendment adopted.

AMENDMENT No. 11.

On page 2, Section 4, line 3, strike out the word "or", and insert the word "and".

Amendment adopted.

AMENDMENT No. 12.

On page 2, Section 3, line 6, after the word "of", insert the following: "oysters and other".

Amendment adopted.

AMENDMENT No. 13.

On page 2, Section 4, line 7, after the word "preparing", insert the following: "oysters and other".

Amendment adopted.

AMENDMENT No. 14.

On page 2, Section 4, line 9, after the word "preparing", insert the following: "oysters and other".

Amendment adopted.

AMENDMENT No. 15.

On page 2, Section 4, line 12, after the word "the", insert the following: "oysters and other".

Amendment adopted.

AMENDMENT No. 16.

On page 2, Section 5, line 7, after the word "preparing", insert the following: "oysters and other".

Amendment adopted.

AMENDMENT No. 17.

On page 2, Section 5, line 9, after the word "the", insert the following: "oysters and other".

Amendment adopted.

AMENDMENT No. 18.

On page 3, Section 5, line 11, before the word "shell", insert the following: "oysters and other".

Amendment adopted.

AMENDMENT No. 19.

On page 3, Section 6, line 3, before the word "shell", insert the words: "oysters and other".

Amendment adopted.

AMENDMENT No. 20.

On page 3, Section 6, line 6, before the word "shell", insert the words "oysters and other".

Amendment adopted.

AMENDMENT No. 21.

On page 3, Section 7, line 1, before the word "shell", insert the words "oysters and other".

Amendment adopted.

AMENDMENT No. 22.

On page 3, line 5, Section 7, before the word "shell", insert the words "oysters and other".

Amendment adopted.

AMENDMENT No. 23.

On page 3, line 2, Section 8, after the word "oysters", insert the words: "and other shellfish".

Amendment adopted.

AMENDMENT No. 24.

On page 3, Section 8, line 10, after the word "oysters", insert the words "and other shellfish".

Amendment adopted.

AMENDMENT No. 25.

On page 4, Section 8, line 19, strike out the word "or", after the word "oysters", and insert the word "and".

Amendment adopted.

AMENDMENT No. 26.

On page 4, Section 8, line 22, after the word "oysters", strike out the comma (,) and the word "or", and insert the following: "and other".

Amendment adopted.

AMENDMENT No. 27.

On page 4, Section 8, line 28, after the bracket following the word "contamination", insert a comma and the following "and were taken from the beds upon which they were grown within a period of thirty days".

Amendment adopted.

AMENDMENT No. 28.

On page 4, Section 9, line 6, after the word "the", insert the following: "oysters and other".

Amendment adopted.

AMENDMENT No. 29.

On page 4, Section 9, line 13, before the word "shell", insert the following: "oysters and other".

Amendment adopted.

Bill read second time, ordered to reprint, and on file for third reading.

SPEAKER IN THE CHAIR.

At three o'clock and thirty-five minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

Mr. Maher asked for, and was granted, unanimous consent to have Senate Bill No. 1046 taken up out of order.

Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials, and providing a penalty for violation thereof.

During third reading of the bill, Mr. Maher moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out the "period" after the word "article", in line 15, page 1, of the printed bill, and in lieu thereof insert the following "provided, that nothing herein shall prevent lump sum bids or offers for building materials according to plans and specifications for any building."

Motion carried.

The Speaker appointed Mr. Maher as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 1046, with instructions, do now report that the instructions of the Assembly have been carried out.

MAHER, Select Committee

Report of select committee, and amendment, adopted.

During the third reading of the bill Mr. Freeman moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, of printed bill, in line 15, after the word "articles", insert the following: "provided, this shall not apply to the sale or marketing of crops, nuts or fruit for markets out of this State."

Motion carried.

The Speaker appointed Mr. Freeman as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER. Your select committee of one, to whom was referred Senate Bill No. 1046, with instructions, do now report that the instructions of the Assembly have been carried out.

FREEMAN, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, and on file for passage.

Mr. Griffiths asked for, and was granted, unanimous consent to have Senate Bill No. 350 taken up out of order.

Senate Bill No. 350—An Act to amend Sections 626 and 631 of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

During the third reading of the bill, Mr. Griffiths moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 1, of the title, after the figures "626", insert a comma (,) and the figures and letter "626a".

Also Amend by inserting after line 17, Section 1, page 1, of the printed bill, the following:

"SEC. 2. Section 626a of the Penal Code of the State of California is hereby amended to read as follows:

626a. Every person who between the first day of October and the fifteenth day of July of the following year, hunts, takes, kills, pursues or destroys or has in his possession any dove is guilty of a misdemeanor, except as hereinafter provided; *provided*, that in game districts numbers four and six of the State of California every person who between the fifteenth day of November and the fifteenth day of August of the following year, hunts, takes, kills or pursues or destroys or has in his possession any dove is guilty of a misdemeanor; *provided, further*, that every person in game districts numbers two and five of the State of California who between the fifteenth day of October and the first day of August of the following year, hunts, takes, kills, pursues or destroys or has in his possession any dove is guilty of a misdemeanor."

Also: Amend by striking out the figure "2" in the first line, on page 2, of the printed bill, and insert in lieu thereof the figure "3".

Motion carried.

The Speaker appointed Mr. Griffiths as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 350, with instructions, do now report that the instructions of the Assembly have been carried out.

GRIFFITHS, Select Committee.

Report of select committee, and amendments, adopted.

During the third reading of the bill, Mr. Griffiths moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 1, Section 1, line 6, strike out the words "black sea brant".

Motion carried.

The Speaker appointed Mr. Griffiths as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 350, with instructions, do now report that the instructions of the Assembly have been carried out.

GRIFFITHS, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

MOTION.

Mr. Slater moved that the rules of order be suspended, and Senate messages taken up.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beckett, Benedict, Bohnett, Brown, Callaghan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Flint, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Polsley, Preisker, Rimlinger, Rosendale, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Wilson, Wyllie Young, and Mr. Speaker—43.

NOES—None.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Senate Bill No. 1286—An Act to amend Section 4239 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the tenth class.

Also: Senate Bill No. 1097—An Act to amend Section 3629 of the Political Code of the State of California, relating to assessment of property.

Also: Senate Bill No. 901—An Act to define and prohibit bucketing and bucket shopping and bucket shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket shopping; to prohibit the use of property for the purpose of carrying on bucket shops or bucketing or bucket shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

Also: Senate Bill No. 1001—An Act to amend Section 3088 of the Civil Code of the State of California, relating to negotiable instruments.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 1286 read first time, and referred to Committee on County and Township Government.

Senate Bill No. 1097 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 901 read first time, and referred to Committee on Public Morals.

Senate Bill No. 1001 read first time, and referred to Committee on Judiciary.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR SPEAKER Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 794—An Act to amend Section 599c of the Penal Code of California, relating to the subject of cruelty to animals.

Assembly Bill No. 1544—An Act to amend Sections 409, 412, 413, 414, 415 and 416 of the Political Code and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422½ and 423 of said Code, relating to the duties and salaries of the Secretary of State and his appointees and their duties and salaries.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 1455—An Act to amend sections one, two, three and four and to repeal sections four and one half and five of an Act entitled "An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district," approved April 21, 1909, and to add three new sections to said Act to be numbered five, six and seven—and report that the same has been correctly engrossed.

RANDALL, Chairman.

SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common, for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches, and other places, and providing for the punishment for violation of this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1063 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Brown, Callaghan, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Randall, Rimlinger, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Tibbits, Wilson, Wylie, Young, and Mr Speaker—47.

NOES—Messrs. Cogswell and Polsley—2

Title read and approved

Bill ordered transmitted to the Senate

NOTICE OF MOTION TO RECONSIDER.

Mr. McDonald gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 1063 was this day passed.

Senate Bill No. 1243—An Act appropriating money to pay the expense of maintaining an exhibit of the products of the State of California at the Italian International Exposition, to be held in the city of Turin, kingdom of Italy, in the year 1911.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1243 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Maich, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1305—An Act to amend "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1305 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cogswell, Cronin, Cunningham, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lyon of San Francisco, Malone, March, McDonald, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 534—An Act to add a new section to the Civil Code, to be numbered Section 365, and relating to contributions of corporate funds for political purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 534 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bohnett, Brown, Callaghan, Cattell, Chandler, Cogswell, Cronin, Denegri, Farwell, Fitzgerald, Flint, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, Mendenhall, Nolan, Polsley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1150—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto, relating to the property and indebtedness of territory annexed to incorporated towns and cities.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1150 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Callaghan, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, Mendenhall, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Sbragia, Slater, Smith, Sutherland, Telfer, Tibbits, Wilson, and Mr. Speaker—46.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education.

The question being on the adoption of Assembly constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 16 adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Assembly constitutional amendment ordered transmitted to the Senate.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 16

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending section seven of article nine thereof, relating to boards of education and free text-books.

The Legislature of the State of California, at its regular session, commencing on the second day of January, one thousand nine hundred and eleven, and two thirds of all the members elected to each of the houses of Legislature voting in favor thereof, hereby proposes that section seven of article nine of the Constitution of the State of California be amended so as to read as follows:

Section 7 The State Board of Education shall consist of the following members:

1. The Governor.
2. The Superintendent of Public Instruction
3. The president of the University of California, and the professor of pedagogy therein.
4. The principals of the state normal schools.

The State Board of Education shall compile, or cause to be compiled, and adopt, a uniform series of text-books for use in common schools throughout the State. The state board may cause such text-books, when adopted, to be printed and published by the Superintendent of State Printing, at the State Printing Office, and when so printed and published, they shall be distributed, free of cost, to all children attending the common schools of this State, under such conditions as the Legislature shall prescribe. The text-books so adopted shall continue in use not less than four years without any change whatsoever; and said state board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

Senate Bill No. 972—An Act to amend Section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class.

During second reading of bill, the following amendment was submitted by Mr. Tibbits:

Add a new section thereto to be numbered section two, and to read as follows: "As to subdivisions 5, 6, 7, 12, 13, 14, 15, and 16, this Act shall take effect immediately; as to all other subdivisions thereof it shall not take effect until the expiration of the present terms of the officers hereinbefore enumerated."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 974—An Act to amend section four thousand two hundred and seventy-five of the Political Code, relating to the compensation of officers of counties of the forty-sixth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1042—An Act to amend Section 4278 of the Political Code, relating to salaries and fees of officers of counties of the forty-ninth class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 948—An Act to amend Section 4241 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the twelfth class.

During second reading of bill, the following amendment was submitted by the committee:

On page 2, Section 1, lines 45 and 46, strike out the words "The surveyor shall receive a salary of eighteen hundred dollars per annum and office expenses," and insert in lieu thereof the following: "In lieu of fees, as now provided by law the surveyor shall receive such compensation as the board of supervisors may allow, not to exceed ten dollars per day for all work performed for the county, and in addition thereto, all necessary expenses and transportation on work performed in the field, and also such sums as may be necessary to pay for assistance necessarily required in office work."

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Assembly Bill No. 200—An Act to establish the California State Reformatory; to provide for the purchase of land therefor; and the construction of buildings and other improvements in connection therewith; to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 200 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Calhagan, Cattell, Chandler, Cogswell, Cronin, Farwell, Feeley, Fitzgerald, Freeman, Gerdes, Griffiths, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Senate Bill No. 181—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 957—An Act to regulate contracts on behalf of the State, in relation to erections of buildings.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 944—An Act to create a reservation for fish, shellfish, shrimp, and crabs, within the sloughs, rivers, streams and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps or seines.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 423—An Act to amend an Act entitled "An Act to create a Fish and Game Preservation Fund and unite the Fish Commission Fund and the Game Preservation Fund into common fund to be known as Fish and Game Preservation Fund," approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in said Act.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals and the fishing for salmon or trout with rod and line and to provide revenue therefrom for game and fish preservation and restoration; and to repeal an Act entitled "An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act.

During second reading of bill, the following amendment was submitted by the committee:

On line 3, Section 1, page 1, of the printed bill, after the word "any", insert the word "male".

Amendment adopted.

The following amendments were submitted by Mr. Polsley:

AMENDMENT No. 1.

On page 1, line 3, of the title of the amended printed bill, strike out the words "and the fishing for salmon or trout with rod and line".

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, lines 3, 4, and 5, of the amended printed bill, strike out the words "or any person who, over the age of twenty-one years, fishes for, takes, catches or kills any salmon or trout with rod and line".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 2, lines 5, 6, and 7, of the amended printed bill, strike out the words "and to fish for, take, catch, and kill any salmon or trout with rod and line".

Amendment adopted.

AMENDMENT No. 4.

On page 3, Section 6, lines 4 and 5, of the amended printed bill, strike out the words "and to fish for, take, catch, or kill salmon or trout with rod and line."

Amendment adopted.

AMENDMENT No. 5.

On page 4, Section 9, lines 2 and 3, of the amended printed bill, strike out the words "or fishing for salmon or trout with rod and line,".

Amendment adopted.

AMENDMENT No. 6.

On page 4, Section 9, line 8, of the amended printed bill, strike out the words "or fishing".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1280—An Act to amend Section 4248 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks and assistants.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1279—An Act to amend Section 4266 of the Political Code of California, relating to salaries of officers of counties of the thirty-seventh class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 137—An Act to amend an Act entitled "An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved March 4, 1907, and making an appropriation of \$150,000.00 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 382—An Act to amend the Political Code of the State of California by amending Sections 1094, 1097, 1109, 1145 and 1216 of said Political Code, and by adding to said Political Code two new sections to be known and numbered as Section 1106a, and Section 1072a, of said Political Code, all relating to elections.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1

On page 1, Section 1, commencing with the words "a register", in line 3, of the printed bill as amended, strike out all of the sentence down to and including the word "county", in line 9.

Amendment adopted.

AMENDMENT No. 2.

On page 2, Section 2, line 14, of the printed bill as amended, strike out the word "forty", and in lieu thereof insert the following: "thirty".

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, of the printed bill as amended, insert a period after the word "election", in line 15, and strike out the balance of the sentence down to and including "tion", in line 20.

Amendment adopted.

AMENDMENT No. 4.

On page 6, Section 5, line 8, of the printed bill as amended, strike out the word "intoxicated", and in lieu thereof insert the following: "incapacitated from acting."

Amendment adopted.

AMENDMENT No. 5.

On pages 6 and 7, of the printed bill as amended, strike out all of Section 4, and renumber Sections 5, 6 and 7, so that they will be Sections 4, 5 and 6, respectively.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 303—An Act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures or advertisements on or upon property of the State of California, or on or upon property of any city, city and county, or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures or advertisements upon property of any person or private corporation without consent in writing therefor having been first obtained, and providing a penalty for the violation of the provisions of this Act, and declaring such signs, mechanical devices, transparencies, pictures and advertisements to be a public nuisance.

During second reading of bill, the following amendments were submitted by Mr. Kennedy:

AMENDMENT No. 1.

On page 2, Section 2, line 12, strike out the words "in writing".

Amendment adopted.

AMENDMENT No 2

Strike out on page 2, all of Section 4.

The question being on the adoption of the amendment.

Roll call regularly demanded.

The roll was called, and amendment lost by the following vote:

AYES—Messrs. Callaghan, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gaylord, Gerdes, Kennedy, Lyon of San Francisco, McDonald, Mullally, Polsley, Rindinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, and Mr Speaker—21.

NOES—Messrs. Beckett, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Farwell, Flint, Freeman, Harlan, Hayes, Held, Jasper, Judson, Kehoe, Lamb, Maher, March, Mendenhall, Preisker, Randall, Stevenot, Sutherland, Telfer, and Wilson—28.

AMENDMENT NO. 3.

Strike out of the title of the printed bill, at the end thereof, the words: "and declaring such signs, mechanical devices, transparencies, pictures, and advertisements, to be a public nuisance."

Amendment lost.

Bill read second time, and ordered to reprint, and on file for third reading

MOTION TO RESCIND.

Mr Randall moved that the action of the Assembly in adopting Amendment No. 1 to Senate Bill No. 303 be rescinded.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Beckett, Benuink, Bohnett, Brown, Cattell, Chandler, Farwell, Flint, Freeman, Hamilton, Harlan, Judson, Lamb, Mendenhall, Mott, Preisker, and Randall—17.

NOES—Messrs. Beatty, Bishop, Butler, Callaghan, Coghlan, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Griffiths, Guill, Held, Hinshaw, Kehoe, Kennedy, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mulhally, Polesley, Rimlinger, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Stevohot, Stuckenbruck, Telfer, Wilson, Wyllie, and Mr. Speaker—37.

Senate Bill No 1177—An Act to amend section twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the construction of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds," as amended March 9, 1909.

Bill read second time, and ordered on file for third reading.

Senate Bill No 568—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1038—An Act to amend Section 4260 of the Political Code, relating to county and township officers of counties of the thirty-first class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1054—An Act to amend Section 4271 of the Political Code, relating to salaries of officers of counties of the forty-second class.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 299—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Bill read second time, and ordered on file for third reading.

Senate Bill No 1256—An Act to authorize certain cities and counties and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spurs therealong, betterments, appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction, or any part thereof, or for the redemption, retirement and cancellation of

any state bonds now or hereafter issued and sold to create a fund for any such purposes.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 772—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14 and 16 of an Act entitled an Act creating a State Commission of Voting and Balloting Machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903, and adding a new section thereto to be known and designated as Section 16a, relating to voting and ballot machines.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 4, in Section 2, of the printed bill, strike out all of lines 35 to 52, inclusive, commencing with the words "All voting machines", and insert in lieu thereof, the following:

"All voting machine approved by the State Commission shall have a separate voting device for each candidate appearing on the ballot. Such machines may also have thereon a straight ticket device for each of the parties for voting a straight ticket vote for candidates of such party, but if so equipped with separate straight ticket voting devices, such separate straight ticket voting devices must be locked out of operation. Machines which have been approved with such straight ticket mechanism thereon may be used in elections with such mechanism rendered inoperative, and machines with such straight ticket mechanism entirely removed therefrom, or machines which omit a party designation of candidates by column or line which have been approved, may be used in such elections, and the omission, removal, or locking out of operation of such straight voting mechanism from the machine that has otherwise been approved by the Commission, need not require a further examination and approval of a machine of that type.

The ballot at any election, whether general, primary, municipal, or otherwise, shall be arranged upon the voting machine as to the order of offices, order of candidates' names, blank spaces, and in all other respects, for such election, as required by the law prescribing the form and order of the ballot for such election."

Amendment adopted.

AMENDMENT No. 2.

On page 10, in Section 7, of the printed bill as amended, strike out all of the sentence commencing with the words "No voter" in line 13, and concluding with the word "inspector" in line 18, and in lieu thereof insert the following: "At any election at which the number of officers to be elected plus the number of propositions or amendments to be voted on shall together make a total of fifteen or less, no voter shall remain within the voting or ballot machine booth longer than two minutes, and if he shall refuse to leave it after the lapse of two minutes, he may be removed by the inspectors. At any election at which the number of officers to be elected plus the number of propositions or amendments to be voted on shall together make a total of more than fifteen, no voter shall remain within the voting or ballot machine booth longer than three minutes, and if he shall refuse to leave it after the lapse of three minutes he may be removed by the inspectors."

Amendment adopted.

AMENDMENT No. 3.

On page 12, in Section 9, of the printed bill as amended, commencing with the word "At" in line 3, strike out the balance of the section and in lieu thereof insert the following:

"For any election in any county, city and county, city or town, in which voting or ballot machines are to be used, the election precincts in which such machines are to be used shall be created by the officers charged with the duty of creating election precincts, in such manner as to comply with the following requirements: that in case the number of officers to be elected plus the number of propositions or amendments to be voted on shall together make a total of fifteen or less, one voting machine shall be provided for every four hundred registered voters or fraction thereof; and in case the number of officers to be elected plus the number of propositions or amendments

to be voted on shall together make a total of more than fifteen, one voting machine shall be provided for every two hundred and fifty registered voters or fraction thereof. At any election in any precinct where these requirements are not complied with, voting machines shall not be used."

Amendment adopted.

Bill read second time, ordered to reprint, and on file for third reading.

Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California, of 1909, page 948.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

On page 2, of the printed bill, as amended in the Senate, March 10, 1911, Section 2, line 20, after the word "yard" and before the word "is", insert the following: "and bounded on three sides by a tenement house on the same lot".

Amendment adopted.

AMENDMENT No. 2.

On page 6, Section 11, line 17, after the word "over" and before the word "feet", strike out the figures "24", and insert in lieu thereof the figures "20".

Amendment adopted.

AMENDMENT No. 3.

On page 6, Section 11, line 17, after the word "feet" and before the word "wide" insert the words "or more".

Amendment adopted.

AMENDMENT No. 4.

On page 6, Section 11, line 17, strike out the word "over".

Amendment adopted.

AMENDMENT No. 5.

On page 6, Section 11, after the period at the end of line 24, add the following: "Provided, that said outer court shall not be required to be of a depth which shall leave less than 50 feet between the rear lines of said court and the line of said lot immediately behind said court."

Amendment adopted.

AMENDMENT No. 6.

On page 7, Section 13, line 3 a, after the word "least" and before the period, strike out the word "length", and insert in lieu thereof the word "width"

Amendment adopted.

AMENDMENT No. 7.

On page 8, Section 15, line 7, strike out the figures "160", and insert in lieu thereof the figures "180".

Amendment adopted.

AMENDMENT No. 8

On page 8, Section 15, line 7, strike out the figure "8", and insert in lieu thereof the figure "9".

Amendment adopted.

AMENDMENT No. 9.

On page 8, Section 15, line 8, strike out the figures "240", and insert in lieu thereof the figures "300."

Amendment adopted.

AMENDMENT No. 10.

On page 8, Section 15, line 8, strike out the figures "10", and insert in lieu thereof the figures "12".

Amendment adopted.

AMENDMENT No. 11.

On page 8, Section 15, line 9, strike out the figures "360", and insert in lieu thereof the figures "490".

Amendment adopted.

AMENDMENT No. 12.

On page 8, Section 15, line 9, strike out the figures "12", and insert in lieu thereof the figures "14".

Amendment adopted.

AMENDMENT No. 13.

On page 8, Section 15, line 10, strike out the figures "420", and insert in lieu thereof the figures "595".

Amendment adopted.

AMENDMENT No. 14.

On page 8, Section 15, line 10, strike out the figures "14", and insert in lieu thereof the figures "17".

Amendment adopted.

AMENDMENT No. 15.

On page 22, Section 73, line 7, after the comma and before the word "regulations", insert the word "or".

Amendment adopted.

AMENDMENT No. 16.

On page 26, Section 82, line 28, strike out the period and insert in lieu thereof the following: "subject to the provisions of Section 61 of this Act."

Amendment adopted.

AMENDMENT No. 17.

On page 26, Section 83, line 2, strike out the word "port", and insert in lieu thereof the word "pent".

Amendment adopted.

AMENDMENT No. 18.

On page 30, Section 89, line 11, strike out the word "city", and insert in lieu thereof the following: "incorporated town, incorporated city or city and county"

Amendment adopted.

AMENDMENT No. 19.

On page 34, Section 101, line 2, strike out the figures "315", and insert in lieu thereof the figures "316".

Amendment adopted.

AMENDMENT No. 20.

On page 36, Section 110, after the period at the end of line 5, add a new section, as follows:

"SEC. 111. This Act shall be in force and effect from and after ten days from the date of its passage."

Amendment adopted.

By Mr. Gerdes:

AMENDMENT No. 1.

On page 4, Section 6, line 2, of the printed bill, after the word "alley", insert the following: "or other public thoroughfare or public park".

Amendment adopted.

AMENDMENT No. 2.

On page 9, Section 17, line 18, of the printed bill, after the word "alley", insert the following "or other public thoroughfare or public park".

Amendment adopted.

Bill read second time, ordered to reprint, and on file for third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 181, 208, 657, 137, and 568.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bills Nos. 181, 208, 657, 137, and 568 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bills Nos. 181, 208, 657, 137, and 568, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman

Mr. Bohnett moved the adoption of the report.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 345—An Act to amend Section 1 of an Act entitled "An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the state, county, city and county, or incorporated city or town government in this State," approved March 23, 1901, relating to the employment of citizens of the United States—and report that the same has been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 269—An Act for the better protection of persons employed in mines and quartz mills, providing for the appointment of an inspector of mines and mills, and defining his duties and fixing his compensation, and providing for the payment thereof

Assembly Bill No. 883—An Act to amend Sections 3447, 3448, 3449, 3450, 3453, 3454, 3455, 3456, 3457, 3460, 3461, 3462, 3463, 3465, 3466, 3466½, 3476, 3478, 3480, 3481, 3483, 3489 and 3492 of the Political Code of the State of California, and to repeal Sections 3464, 3475 and 3493½ of the Political Code of the State of California, relating to reclamation and swamp land districts.

Assembly Bill No. 1379—An Act to provide for the repairing, altering and enlarging of the heating plant on the premises of the State Normal School at Chico, California, and making an appropriation therefor.

Assembly Bill No. 1376—An Act to provide for the construction of a barn on

the premises of the State Forestry Station at Chico, California, and making an appropriation therefor.

Assembly Bill No. 1094—An Act to amend an Act entitled "An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts," approved March 8, 1909.

Assembly Bill No. 291—An Act to amend Section 755 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and relating to compensation of members of the board of trustees and to the officers of municipalities of the fifth class.

Assembly Bill No. 288—An Act to provide for the improvement of the campus of the State Normal School at San Diego, California, and making an appropriation therefor.

Assembly Bill No. 226—An Act to appropriate the sum of sixty-two thousand dollars for the use and benefit of the University of California, and specifying the duties of the Controller and Treasurer of State in relation thereto.

Assembly Bill No. 210—An Act to provide a heating furnace for the State Pathological Laboratory Building at Whittier, and making an appropriation therefor.

Assembly Bill No. 209—An Act to provide for building a barn and workshop on the grounds of the State Pathological Laboratory at Whittier, and making an appropriation therefor.

Assembly Bill No. 1535—An Act to amend an Act entitled "An Act to provide for the formation of levee districts in the various counties of this State and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts," approved March 20, 1905, by providing for the formation thereunder of levee districts situate partly in different counties and to make said Act applicable to such districts.

Assembly Bill No. 1526—An Act to authorize the legislative body of a municipality of the fifth class to create a water system district within its boundaries, provide a system of water bonds for the construction of a water system therein and to provide for the payment of said bonds.

Assembly Bill No. 1384—An Act to recognize and declare valid all proceedings in consolidated Reclamation District No. 812.

Assembly Bill No. 1068—An Act to amend section ten of an Act entitled "An Act to define the boundary and provide for the government of levee district number two of Sutter County," approved March 23, 1876.

Assembly Bill No. 1009—An Act to validate proceedings for the annexation of territory to, incorporation in, and inclusion thereof within municipal corporations.

Assembly Bill No. 1008—An Act to validate the organization and incorporation of municipal corporations.

Assembly Bill No. 975—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in boats in the State of California, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 891—An Act making an appropriation to meet the expense of the collection of state revenues.

Assembly Bill No. 616—An Act making an appropriation for repairing the buildings of the State Normal School at San Diego, California.

Assembly Bill No. 615—An Act making an appropriation for a new heating plant for the State Normal School at San Diego, California.

Assembly Bill No. 85—An Act providing for plumbing at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor.

Assembly Bill No. 88—An Act to provide for general repairs of the buildings at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 90—An Act to provide for the construction of dams for water supply, at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 93—An Act to provide for the construction of an additional building at the Veterans' Home, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 234—An Act authorizing and directing the reflooring of the mause and main building at the Sonoma State Home, and making an appropriation therefor.

Assembly Bill No. 510—An Act to amend an Act entitled "An Act to provide for the organization and management of county fire insurance companies," approved April 1, 1897, and Acts amendatory thereof, by amending Section 10 thereof.

Assembly Bill No. 581—An Act to provide for the furnishing of three cottages at the Sonoma State Home, and making an appropriation therefor

Assembly Bill No. 955—An Act to provide for the changing and remodeling of the surgeon's quarters for a tuberculosis pavilion, at the Veterans' Home of California, located at Yountville, Napa County, California, and making an appropriation therefor

Assembly Bill No. 857—An Act to amend section two hundred and forty of the Penal Code of the State of California, defining the crime of assault

Assembly Bill No. 1470—An Act to amend Section 2187 of the Political Code of the State of California, relating to transfers of patients in the state hospitals for the insane and feeble-minded, and to support of such transferred patients

Assembly Bill No. 1351—An Act to amend Section 3788 of the Political Code of the State of California, relating to lands sold to the State for delinquent taxes, and providing for their disposal and sale, and providing for redemption and restoration of the title by former owners.

Assembly Bill No. 1348—An Act to amend Section 3407 of the Political Code, relating to the approval of applications and issuance of certificates of purchase for indemnity school lands.

Assembly Bill No. 1347—An Act to amend Section 3408d of the Political Code, relating to indemnity selections in lieu of losses in grants made to the State, where the State is entitled to make such selections for any reason; providing a method for the sale at public auction of indemnity certificates or scrip entitling the owner to have selected for him government lands in lieu thereof.

Assembly Bill No. 1346—An Act granting to the United States of America certain sixteenth and thirty-sixth sections of land heretofore designated as base, on condition, and providing for reversion thereof.

Assembly Bill No. 1345—An Act to provide for the filling in of levee districts in the State of California.

Assembly Bill No. 1344—An Act to repeal Sections 3444, 3496 and 3501 of the Political Code, relating to affidavit for purchase of state lands, when applicant is a female.

Assembly Bill No. 1342—An Act to amend Section 3659 of the Political Code, relating to the duty of the register of the State Land Office in relation to lands sold by the State

Assembly Bill No. 1340—An Act to amend Section 3513 of the Political Code, relating to the non-payment of principal and interest for state lands

Assembly Bill No. 1314—An Act to amend Section 4240 of the Political Code of the State of California relating to salaries and fees of officers in counties of the eleventh class.

Assembly Bill No. 1080—An Act to amend section ten of the Political Code of the State of California, relating to holidays.

Assembly Bill No. 1078—An Act to amend section ten of the Code of Civil Procedure of the State of California relating to holidays.

Assembly Bill No. 1019—An Act to amend section four thousand two hundred and thirty-two of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the third class.

And were presented to the Governor, March 23, at two o'clock P. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911

MR. SPEAKER: Your Committee on Engrossment and Enrollment have compared Assembly Bill No. 939—An Act making an appropriation for printing for the State Board of Forestry for the balance of the sixty-second fiscal year—with Senate Bill No. 730

Also: Committee Substitute for Assembly Bill No. 1458—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, relating to the taxation of property within any of such consolidated municipal corporations for the payment of indebtedness of any other of such consolidated municipal corporations, and by amending Section 4 of said Act—with Senate Bill No. 1133.

Also: Committee Substitute for Assembly Bill No. 1457—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as section one a, relating to the taxation of property within such annexed territory for the payment of indebtedness of such municipalities—with Senate Bill No. 1132

And report that the same are identical.

RANDALL, Chairman.

Senate Bill No. 730 read second time, and ordered on file for third reading

Assembly Bill No. 939 withdrawn.

Senate Bill No. 1133 read second time, and ordered on file for third reading.

Committee Substitute for Assembly Bill No. 1458 withdrawn.

Committee Substitute for Assembly Bill No. 1457 withdrawn.

Senate Bill No. 1132 read second time, and ordered on file for third reading.

RECESS.

At six o'clock and ten minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.

Speaker pro tem. Cattell in the chair.

LEAVE OF ABSENCE.

Mr. Walker asked for, and was granted, leave of absence for Friday, March 24, 1911.

GUEST ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Sutherland, Mr. A. Gartenlaub was granted the privilege of the floor of the Assembly for this day.

RULE SUSPENDED.

On motion of Mr. Bishop, Rule No. 71 of the Standing Rules of the Assembly was suspended for the evening.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1246—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGHLAN, Chairman.

The above reported bill ordered on file for second reading

Also :

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 1513—An Act to provide for the establishment by municipalities of assessment districts and the assessment of property therein to pay the expense of making various improvements of a public nature within such assessment district, and to provide for the appointment of an improvement committee which shall direct such expenditures.

Also: Assembly Bill No. 1516—An Act to amend an Act entitled "An Act to provide for the acquisition by municipalities of land for public park or public playground purposes by condemnation, and for the establishment of assessment districts and the assessment of property therein to pay the expense of acquiring such land," approved April 22, 1909, to extend its operation to the acquirement of land for public library purposes.

Have had the same under consideration, and respectfully report the same back, without recommendation.

COGHLAN, Chairman.

The above reported bills ordered on file for second reading.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 615—An Act to amend Section 3824 of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HELD, Chairman.

The above reported bill ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER Your Committee on Roads and Highways, to whom was referred Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation.

CHANDLER, Chairman.

The above reported bill ordered on file for second reading.

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER Your Committee on Public Morals, to whom was referred Senate Bill No. 901—An Act to define and prohibit bucketing and bucket-shopping and bucket-shops, to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket-shopping, to prohibit the use of property for the purpose of carrying on bucket-shops on bucketing or bucket-shopping, to require the furnishing of statements of facts in certain cases, and fixing penalties—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

CRONIN, Chairman.

The above reported bill ordered on file for second reading.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 451—An Act granting certain tide lands and submerged lands of the State of California to the city of Oakland, and regulating the management, use and control thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SCHMITT, Chairman.

The above reported bill ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 84 of Article XI relating to the powers conferred on municipal corporations by freeholders' charters—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

SUTHERLAND, Chairman.

The above reported Senate constitutional amendment ordered on file for adoption.

CONSIDERATION OF BILL—(OUT OF ORDER).

Mr. Hinshaw asked for, and was granted, unanimous consent to have Senate Bill No. 1246 taken up out of order.

Senate Bill No. 1246—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

Bill read second time, and ordered on file for third reading.

SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 292—An Act defining the powers and duties of physicians, local health officers and boards of health in the matter of protection of the people of the State of California from the disease known as tuberculosis.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 292 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Crosby, Feeley, Fitzgerald, Freeman, Gaylord, Griffiths, Hall, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kennedy, Lynch, Mendenhall, Mullally, Polsley, Preisker, Randall, Rumlunger, Shragia, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Walsh, Wilson, Wyllie, and Young—43.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 1177—An Act to provide for the division of municipalities into sewer districts, and for the acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such sewer acquisition, and also for the payment of such bonds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 1177 passed by the following vote:

AYES—Messrs Beckett, Bennink, Bishop, Bohnett, Butler, Cattell, Chandler, Cogswell, Crosby, Cunningham, Farwell, Fitzgerald, Freeman, Gaylord, Griffiths, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, McDonald, Mendenhall, Mullally, Nolan, Polsley, Preisker, Rumlunger, Rogers of Alameda, Rosendale, Schmitt, Slater, Sutherland, Telfer, Walker, Walsh, Wilson, and Wyllie—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1544—An Act to amend Sections 409, 412, 413, 414, 415, and 416 of the Political Code, and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422½ and 423 of said Code, relating to the duties and salary of the Secretary of State and his appointees and their duties and salaries.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Wyllie moved a call of the House.

Motion carried.

Time, eight o'clock and forty-five minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs Beckett, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Feeley, Fitzgerald, Freeman, Gaylord,

Griffiths, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lynch, Lyon of San Francisco, McDonald, Mendenhall, Mullally, Nolan, Polslev, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Sbragia, Schmitt, Slater, Smith, Sutherland, Telfer, Walker, Walsh, and Willie—47.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Flint, Lamb, Malone, Rutherford, Maher, Benedict, Mott, Denegri, Gerdes, Guill, McGowen, Ryan, and Williams were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eight o'clock and fifty-five minutes P. M., further proceedings under the call of the House was dispensed with, on motion of Mr. Bohnett.

The roll of absentees was called, and Assembly Bill No 1544 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Pennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, and Willie—60.

NOES—Messrs. Cunningham, Feeley, Mullally, Rimlinger, and Schmitt—5.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The time for the consideration of special orders having arrived, the special order heretofore set for this hour was taken up for consideration.

Committee Substitute for Senate Constitutional Amendment No 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof, to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

During consideration of committee substitute for Senate constitutional amendment, the following amendments were submitted by Mr. Bohnett:

AMENDMENT NO 1

On page 7, line 20, of the printed resolution, as amended in the Senate March 15, 1911, after the comma following the word "township" insert the following: "or for the number of such judges and other officers of such inferior courts as may be provided by the Constitution or general law."

Amendment adopted.

AMENDMENT NO. 2

On page 8, of the printed resolution, as amended in the Senate March 15, 1911, between lines 70 and 71, insert the following paragraph:

"For offices hereafter created by this Constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors."

Amendment adopted.

Committee substitute for Senate constitutional amendment ordered to reprint, and on file for adoption.

SPECIAL URGENCY FILE—(RESUMED).

Committee Substitute for Assembly Bill No. 1449—An Act to amend section one hundred seventeen of the Political Code, relating to the division of the State into congressional districts, and defining and establishing such districts

Bill read third time

The question being on the passage of the bill

The roll was called, and Committee Substitute for Assembly Bill No. 1449 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Freeman, Gerdes, Guill, Hall, Hamilton, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of San Francisco, McDonald, Mendenhall, Nolan, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Sutherland, Telfer, Walker, Wilson, and Wyllie—43.

NOES—Messrs. Cunningham, and Feeley—2.

Title read and approved

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Schmitt gave notice that on the next legislative day he would move a reconsideration of the vote whereby Committee Substitute for Assembly Bill No. 1449 was this day passed.

Senate Bill No. 112—An Act to provide for an annual convention of county road commissioners and street superintendents, and to provide for the compensation and expenses thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 112 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cogswell, Crosby, Cunningham, Freeman, Gaylord, Gerdes, Griffiths, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Mullally, Nolan, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, and Walsh—42.

NOES—Messrs. Chandler, Feeley, Flint, Guill, Mendenhall, and Wyllie—6.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Rosendale gave notice that on the next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 112 was this day passed.

Senate Bill No. 450—An Act to provide for the repair of the hospital building at the Los Angeles department of the college of medicine of the University of California, and the construction of an addition thereto, and the purchase of such equipment as is necessary for the operation of the same, and for the expense of moving, improving and changing the present buildings on the property of the said Los Angeles department of the college of medicine of the University of California, and making an appropriation therefor.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Senate Bill No. 450 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 450, and do now report the same back, and recommend that it do pass.

CATTELL, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1167—An Act to add a new section to the Penal Code of the State of California to be numbered 382c, forbidding the transportation within the State of California of any misbranded, mislabel or adulterated drug or food

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1167 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Butler, Callaghan, Cattell, Coghlan, Crosby, Cunningham, Denegri, Feeley, Flint, Gaylord, Gerdes, Griffiths, Guill, Held, Hinkle, Hinchshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lyon of San Francisco, McDonald, McGowan, Mullally, Polsley, Preisker, Rimlinger, Rosendale, Ryan, Sbragia, Schmitt, Slater, Telfer, Walsh, and Wyllie—42.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate

NOTICE OF MOTION TO RECONSIDER.

Mr. Bishop gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1167 was this day passed.

Assembly Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a section thereto to be known as Section 12, of Article IX, relating to the exemption from taxation of the property of institutions of higher learning.

On motion of Mr. Cogswell, Assembly Constitutional Amendment No. 51 made a special order for ten o'clock and thirty minutes P. M. of Friday, March 24, 1911.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same,

for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

On motion of Mr. Chandler, bill made a special order for twelve o'clock m. of Friday, March 24, 1911.

Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general permanent powers of the board of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 925 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Cogswell, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of San Francisco, March, McDonald, Mendenhall, Polsley, Preisker, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Sutherland, Telfer, Walsh, Wilson, and Wyllie—45.

NOES—Messrs. Cunningham, Feeley, Mullally, Rumlinger, and Ryan—5

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1032—An Act to amend the Penal Code of the State of California, by adding thereto a new section to be numbered 515, relating to punishment for the crime of embezzlement.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1032 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lynch, Lyon of San Francisco, McDonald, Mendenhall, Mullally, Nolan, Polsley, Preisker, Rumlinger, Rogers of Alameda, Ryan, Shragia, Slater, Smith, Stevenor, Sutherland, Telfer, Walsh, and Young—45.

NOES—Messrs. Bishop, Kehoe, Kennedy, March, Rodgers of San Francisco, Rosendale, Schmitt, and Wyllie—8.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At nine o'clock and fifty-five minutes p. m., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair

Assembly Bill No. 395—An Act to amend Section 1f of an Act entitled "An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the State, county, city and county, or incorporated city or town government in this State," approved March 23, 1901, relating to the employment of citizens of the United States.

During the third reading of the bill Mr. Rosendale moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 8, page 1, of the printed bill, after the word "States", insert the following: "or a person who has declared his intention to become such citizen".

Roll call regularly demanded.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Rosendale moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bohnett, Cattell, Chandler, Cogswell, Cronin, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Harlan, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Mendenhall, Preisker, Rosendale, Slater, Stevenot, Sutherland, Wyllie, and Mr. Speaker—31.

NOES—Messrs. Beatty, Butler, Callaghan, Cunningham, Feeley, Fitzgerald, Gaylord, Hall, Hayes, Hinkle, Jones, Kennedy, Lyon of San Francisco, March, McDonald, Mullally, Nolan, Polsley, Rumlager, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Smith, Stuckenbruck, Telfer, Walsh, and Young—29.

Time, ten o'clock P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Rumlager, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Wyllie, Young, and Mr. Speaker—63.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Maher, Denegri, Rutherford, McGowen, Randall, Lamb, Mott, Malone, Williams, and Wilson were brought before the bar of the House and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and twenty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Rosendale.

The roll of absentees was called, and motion carried by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bohnett, Brown, Cattell, Chandler, Cogswell, Cronin, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Harlan, Held, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Maher, Mendenhall, Mott, Preisker, Randall, Rosendale, Slater, Stevenot, Sutherland, Wilson, Wyllie, and Mr. Speaker—36.

NOES—Messrs. Beatty, Butler, Callaghan, Cunningham, Denegri, Feeley, Fitzgerald, Gaylord, Gerdes, Hall, Hayes, Hinkle, Kehoe, Kennedy, Lyon of San Francisco, Malone, March, McDonald, McGowen, Mullally, Nolan, Polsley, Rumlager, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stuckenbruck, Telfer, Walsh, Williams, and Young—35.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one to whom was referred Assembly Bill No. 395, with instructions, do now report that the instructions of the Assembly have been carried out.

ROSENDALE, Select Committee.

Report of select committee, and amendment, adopted.

Bill ordered to reprint, reengrossment, and on file for passage.

Assembly Bill No. 653—An Act to add a new section to the Penal Code of the State of California, under title sixteen thereof to be numbered 681, prohibiting the use of cruel and unusual punishments in state prisons and reformatory institutions.

TIME FOR DEBATE EXTENDED.

On motion of Mr. Gerdes, Mr. Brown was granted an additional ten minutes of time in which to complete his debate.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 653 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Brown, Callaghan, Cattell, Clark, Cogswell, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Hall, Hayes, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher March, McDonald, McGowen, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—53.

NOES—Messrs. Cunningham, Feeley, Harlan, Held, Kennedy, Lynch, Mendenhall, Stevenot, and Sutherland—9.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1563—An Act to amend section four thousand two hundred and seventy-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1563 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Butler, Callaghan, Cattell, Clark, Cogswell, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

ACTION RESCINDED.

On motion of Mr. Rosendale, the action of the Assembly whereby Assembly Bill No. 395 was this day amended was rescinded.

SPECIAL ORDER SET.

On motion of Mr. Rosendale, the consideration of Assembly Bill No. 395 was made a special order for Friday, March 24th, immediately after reading the Journal.

CONSIDERATION OF BILL—(OUT OF ORDER).

Mr. Held asked for, and was granted, unanimous consent to have Senate Bill No. 13 taken up out of order.

Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California, as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 13 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Brown, Callaghan, Cattell, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Priester, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Shragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 940—An Act to create a system of firewardens to prevent and suppress forest fires, providing for their appointment and compensation, creating a forest fire fund, providing for cooperation with the State on the part of the counties and private owners of timber land in fire protection, declaring certain acts a nuisance and making the expense of the abatement thereof a lien, and providing for the enforcement of such lien, and making an appropriation for the purpose of carrying out the provisions of this Act—and report that the same has been correctly engrossed.

RANDALL, Chairman.

ADJOURNMENT.

At eleven o'clock and twenty minutes P. M., on motion of Mr. Schmitt the Assembly was declared adjourned until ten o'clock A. M. of Friday, March 24, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL.)

Friday, March 24, 1911.)

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, Mc-

Donald, McGowen, Mott, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ruthertford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wylie, Young, and Mr. Speaker—68

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL

During the reading of the Journal, on motion of Mr. Young, its further reading was dispensed with.

GUESTS ADMITTED TO THE FLOOR OF THE ASSEMBLY.

Through the courtesy of Mr. Gaylord, Mr. R. N. Day was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Jasper, Mr. F. W. Andreasin was granted the privilege of the floor of the Assembly for this day.

Through the courtesy of Mr. Feeley, Mr. Neil T. Duffy was granted the privilege of the floor of the Assembly for this day.

SPECIAL ORDER RE-SET.

On motion of Mr. Rosendale, consideration of Assembly Bill No. 395, heretofore made a special order for this time, was continued until three o'clock and thirty minutes P. M. of this day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read.

ON REVENUE AND TAXATION

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 1284—An Act granting relief to counties by extending the time within which county treasurers are required to make semi-annual settlements with the State Controller and State Treasurer in cases in which school money of such counties have been misappropriated—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HELD, Chairman.

The above reported bill ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 51—An Act to amend the Political Code of the State of California by adding thereto a new article to be designated and numbered Article IX⁷, of Chapter III, of Article III, of Part III of said Code, relating to elementary and secondary schools—have had the same under consideration and respectfully report the same back, and recommend that it do pass.

WYLLIE, Chairman

The above reported bill ordered on file for second reading.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 25—Relative to election of Senators of the United States by a direct popular vote—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FREEMAN, Chairman

The above reported Senate joint resolution ordered on file for adoption

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 533—An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as an Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885, approved March 23, 1901"—have had the same under consideration, and respectfully report the same back without recommendation.

MALONE, Chairman

ON COUNTY AND TOWNSHIP GOVERNMENTS

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER. Your Committee on County and Township Governments, to whom was referred Senate Bill No. 1286—An Act to amend Section 4239 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the tenth class—have had the same under consideration, and respectfully report the same back, with three amendments, and recommend that it do pass as amended.

ROGERS of Alameda, Chairman.

The above reported bill ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 49—An Act to amend Section 249 of the Penal Code of the State of California, relating to the punishment of libel and slander.

Also: Senate Bill No. 409—An Act to amend an Act entitled "An Act to provide for public cemetery districts," approved March 6, 1909, Statutes 1909, page 156, by amending section two thereof relating to the appointment of trustees of the district

Also: Senate Bill No. 610—An Act to amend Section 1515 of the Penal Code, relating to the taking, filing and preservation of evidence taken before coroners.

Also: Senate Bill No. 1026—An Act to amend Section 1247 of the Penal Code of California, relating to appeals.

Also: Senate Bill No. 1058—An Act to amend section four thousand one hundred eighty-seven of the Political Code of the State of California, relating to the duties of constables.

Also: Senate Bill No. 1245—An Act to cede to the United States of America upon certain conditions and reservations certain lands in possession of the United States to which the State of California holds a tax title.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass

KEHOE, Chairman

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 144—An Act to add to the Civil Code of the State of California a new section to be numbered 224a, providing for the adoption of dependent or delinquent children upon proceedings in the juvenile court wherein a child is found to be dependent or delinquent—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended

KEHOE, Chairman

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 492—An Act to amend Sections 2, 3, 4, and 6 of an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909—have had the same under consideration, and respectfully report the same back with amendments and recommend that it do pass as amended.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 1285—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller and State Treasurer in relation thereto.

Also, Senate Bill No. 1288—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 1282—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights and supplies for the Legislature and state officers for the sixty-first and sixty-second fiscal years.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

COGSWELL, Chairman

The above bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Committee Substitute for Senate Bill No. 124—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 1241—An Act declaring a state highway from the Shasta County line through Lassen County to the Modoc County line, and making an appropriation for its improvement and maintenance—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 462—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the Angeles National Forest, and to make an appropriation therefor, which was re-referred to us from the Committee on Public Lands and Forestry—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 704—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor, which was re-referred to us from the Committee on Claims—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Senate Bill No. 1096—An Act to amend sections one thousand seventy-five, one thousand seventy-seven and one thousand seventy-eight of the Political Code, relating to

boards of election commissioners and providing for clerks and secretaries of such boards—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

YOUNG, Chairman

The above reported bill ordered on file for second reading.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received and read:

SACRAMENTO, CAL., March 23, 1911.

To the Assembly of the State of California:

I return you herewith, without my approval, Assembly Bill No. 208, entitled, "An Act to authorize the personal representative of James Touhey, deceased, to bring suit against the State of California."

The matter in another form, that is, for the payment of the claim concerning which it is now desired that action may be brought, has been before three preceding legislatures, and the Acts presented for the payment of the claim at these preceding legislatures have not become laws. Upon the face of the bill it is obvious that the major part of the claim has long since become barred by the statute of limitations, and the Act is designed, doubtless, to remove that bar, so that the claimants may maintain their action. If no right of action had accrued prior to this time, I would be inclined to sign the bill and give to the claimants the right to sue the State, but by the Act of the Legislature approved February 28, 1893, the claimants mentioned in this bill have had for many years the right of action upon their claim. They have not seen fit to avail themselves of that right, and after this lapse of time, their position ought not to be improved by legislative enactment.

For the reasons given, I have vetoed the bill.

Respectfully submitted,

HIRAM W JOHNSON,
Governor of California

On motion of Mr. Bliss, consideration of message ordered to unfinished business.

Also:

SACRAMENTO, CAL., March 23, 1911.

To the Assembly of the State of California:

I return you herein, without my approval, Assembly Bill No. 718, entitled, "An Act to protect fraternal, benevolent and secret societies from fraud or unauthorized use of their ritual or work, and to punish for violation thereof."

This bill provides that it shall be unlawful for any one not a member of a secret society to have in his possession any book, or writing, purporting to be an exposé or statement of the secret or unwritten work, and that it shall be unlawful for any one not a member of a secret society to print, or to publish, or to offer for sale any book or writing purporting to be an exposé or statement of the secret or unwritten work of any secret society.

I have vetoed this bill for various reasons:

First, it contravenes Section 9 of Article I of the Constitution, that every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed to restrain or abridge the liberty of speech or of the press.

Secondly, the bill is wholly indefinite in making it a crime to publish or have any writing purporting to be an exposé or statement of the secret work of any society. What might purport to be such a statement, it is difficult to understand.

Thirdly, there may be secret societies whose work ought to be exposed, and, of course, the bill, to be general in character, makes no discrimination between good and bad secret societies. There have, in the past, been many secret societies whose rituals, oaths and the like were inimical to the government and subversive to society. I would not make it a crime to expose the secrets of such organizations.

Fourthly, the law would be difficult if not impossible of execution. There might be a book or writing purporting to give the secrets of some society, and to convict of the crime, it would have to be held either that the face of the work itself furnished the evidence, which alone would be admissible to prove the offense, or by comparison with the real secret work or by oral declaration of that work, in conjunction with the publication purporting to disclose the secrets, the proof would have to be made. The former method of demonstration would be held legally insufficient and the latter method would do the very thing that the bill is designed to prevent.

Lastly, the policy of the law in endeavoring to protect something about which the law can know nothing, is one of which I do not approve.

Respectfully submitted

HIRAM W. JOHNSON,
Governor of California.

On motion of Mr. Cronin, consideration of message ordered to unfinished business.

SENATE MESSAGES.

The following messages from the Senate were taken up and read :

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in all the Assembly amendments to Senate Bill No. 635, except amendment No. 21.

Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish—and we respectfully request your honorable body to recede from its amendment No. 21 to said bill.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly recede from the following amendment to Senate Bill No. 635?"

On page 5, Section 4, line 38, strike out all after the word "two", up to and including the word "meridian", in line 39, and insert in lieu thereof the following: "the head of Robinson's pool".

Mr. Rutherford moved that the question be made a special order for three o'clock and thirty minutes P. M. of this day.

Motion lost.

The roll was called, and the Assembly refused to recede from the amendment by the following vote:

AYES—Messrs. Beatty, Cogswell, Griffiths, Hamilton, Joel, Lyon of Los Angeles, Maher, McGowan, Rogers of Alameda, Rutherford, and Ryan—11.

NOES—Messrs. Beckett, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Guill, Hall, Harlan, Held, Hinkle, Jasper, Lamb, Lynch, Lyon of San Francisco, March, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rosendale, Schmitt, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbitts, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—44.

Bill ordered transmitted to the Senate.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of Messrs. Jasper, Held, and Guill as a Committee on Conference, to meet with a like committee from the Senate, to consider Senate Bill No. 635.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 1061—An Act to authorize suits against the State of California, concerning and to quiet title to certain real property, and regulating the procedure therein.

Also. Senate Bill No. 6—An Act to carry into effect the provisions of paragraph (c) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended November 8, 1910, in so far as the same relates to the public school system, and to that end amending Section 443 of the Political Code of the State of California, and adding a new section to the said Political Code to be numbered 461, all relating to the State School Fund.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 19 of Article XI, relating to public utilities.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Senate Constitutional Amendment No. 49 read, and re-referred to Committee on Constitutional Amendments

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 2 and 3, to Committee Substitute for Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act, approved March 19, 1909, by amending section six thereof, and by adding a new section to said Act which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto—and refused to concur in Assembly amendments Nos. 1 and 4, and respectfully request your honorable body to recede from the same.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

The question being put, "Shall the Assembly recede from the following amendments to Committee Substitute for Senate Bill No. 261?"

On page 3, line 71, after the word "fee", insert: "but the Board of Examiners of the Association of Naturopaths of California, incorporated August 8, 1904, which board shall be elected by the members of said association, may at its discretion issue a certificate to applicants which have proven their efficiency to the satisfaction of said board. The president and secretary of the Board of Medical Examiners shall sign such certificate and affix the official seal of said board. The holder of such certificate shall be entitled to practice in this State with the same rights and privileges as the holder of a certificate from the Board of Medical Examiners."

Also Any surgeon honorably discharged from the medical department of the United States army or navy, regular or volunteer, is herewith authorized to practice medicine and surgery in the State of California, by filing a sworn copy of his discharge with the State Board of Medical Examiners, and paying said board a fee of fifty dollars.

The roll was called, and the Assembly refused to recede from the amendments by the following vote:

AYES—Mr. Telfer—1.

NOES—Messrs. Beatty, Beckett, Bennink, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lych, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowan, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sutherland, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—49.

Bill ordered transmitted to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 961—An Act to amend an Act entitled "An Act to create for the State of California a Department of Engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-

eight fiscal year and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a Department of Highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven; also repealing an Act entitled 'An Act providing for the appointment of an Auditing Board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seveneenth, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled, 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all Acts or parts of Acts amendatory thereof, by amending Sections 1, 14, 2, 3, 7, 9, 11, 17 and 19 thereof, and by adding a new section thereto to be numbered Section 67, relating to the officers and employees of the Department of Engineering, their powers, duties and salaries—and we respectfully request your honorable body to concur in the Senate amendments to said Assembly bill.

WALTER N. PARRISH, *Secretary of Senate*
By FRANK MATTISON, *Assistant Secretary.*

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 961?"

On page 4, Section 2, line 7, strike out all of lines 7 and 8, down to "valleys," inclusive.

Also: On page 9, Section 10, line 3, strike out the words "forty thousand dollars (\$40,000)," and insert in lieu thereof the following: "ten thousand dollars (\$10,000)."

Also: On page 9, Section 10, line 5, after the word "provide", strike out the remainder of the line and line 6, down to the word "fund", inclusive.

Also: On page 9, Section 17, line 34, of the printed bill, strike out "five thousand dollars (\$5,000)," and insert in lieu thereof the following "three thousand six hundred dollars (\$3,600)."

Also: On page 9, Section 19, line 5, insert after the word "provide", the following: "and maintain a permanent revolving fund"

Also: On page 9, Section 19, line 8, after the word "institution", strike out the following "Or upon the construction of state highway"

The roll was called, and Senate amendments to Assembly Bill No. 961 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinsshaw, Jasper, Jones, Joel, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Steenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wylie, Young, and Mr. Speaker—56

NOES—None

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 735—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and pro-

viding for the renewal of licenses granted hereunder, providing for the issuing of licenses for the use of water for generating electricity or electrical or other power and limiting the rights under such licenses, prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed, reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges, preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power, and providing a penalty therefor; creating and establishing a State Board of Control, providing the powers and duties of said Board of Control and fixing their compensation, compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control, limiting the expenses of said Board of Control and providing for the payment thereof, fixing the place of business of said board of control; declaring the diversion or use of water for generating electricity or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act, repealing all Acts and parts of Acts in conflict with this Act.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bill ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 21—Relating to the consideration of Senate and Assembly bills

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above Senate concurrent resolution referred to Committee on Rules and Regulations.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No 1066—An Act to add a new section to the Penal Code of the State of California, to be numbered section three hundred twenty-seven, relating to gift enterprises.

Also: Senate Bill No 904—An Act to add a new section to the Code of Civil Procedure to be numbered Section 1020, relating to the service of summons in actions for divorce or annulment of marriage.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No 1066 read first time, and referred to Committee on Judiciary.

Senate Bill No 904 read first time, and referred to Committee on Judiciary.

SPEAKER PRO TEM. IN THE CHAIR.

At eleven o'clock and ten minutes A. M., Hon H. G. Cattell, Speaker pro tem of the Assembly, in the chair.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 23, 1911

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments Nos. 1 and 2 to Senate Constitutional Amendment No 6, and refused to concur in Assembly amendment No 3 to said Senate Constitutional Amendment No 6—A resolution to propose to the people of

the State of California an amendment to the Constitution of the State, amending section two of Article IV thereof, relating to sessions of the Legislature—and we respectfully request your honorable body to recede from your said Amendment No. 3.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly recede from the following amendment to Senate Constitutional Amendment No. 6?"

On page 1, after the amendment by Mr. Young, insert the following: "The members of the Legislature shall be entitled to receive mileage at the rate fixed by law for their attendance on said session after said recess".

The roll was called, and the Assembly receded by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—60.

NOES—Messrs. Cronin, Lynch, and March—3.

Senate constitutional amendment ordered transmitted to the Senate.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of the officers, firemen and crew of the fire boats David Scannell and Dennis Sullivan shall be borne and paid by the State of California out of the General Fund in the state treasury, and making an appropriation therefor.

Also: Assembly Bill No. 885—An Act to amend Sections 2, 3, 13, and 21, of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907.

Also: Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Also: Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing state lands within the meander lines thereof from sale; prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

Also: Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

Also: Assembly Bill No. 1204—An Act to repeal sections eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred eighty-nine, eleven hundred ninety, eleven hundred ninety-three, eleven hundred ninety-four, thirteen hundred fifty-seven, thirteen hundred fifty-eight, thirteen hundred sixty, thirteen hundred sixty-one, thirteen hundred sixty-two, thirteen hundred sixty-three, thirteen hundred sixty-four, thirteen hundred sixty-five, thirteen hundred sixty-six, thirteen hundred sixty-seven, thirteen hundred sixty-seven a, thirteen hundred sixty-eight, thirteen hundred sixty-nine, thirteen hundred seventy, thirteen hundred seventy-one, thirteen hundred seventy-two, thirteen hundred seventy-three, thirteen hundred seventy-four, and thirteen hundred seventy-five of the Political Code of the State of California, relating to elections.

Also: Assembly Bill No. 15—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Also: Assembly Bill No. 1319—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, and to repeal Section 975 thereof, both relating to appeals from judgment of justices' or police courts.

Also: Assembly Bill No. 1320—An Act to amend Section 976 of the Code of Civil Procedure of the State of California, relating to appeals to Superior Courts.

Also: Assembly Bill No. 1321—An Act to amend Section 977 of the Code of Civil Procedure of the State of California, relating to the transmission of papers to appellate courts.

Also: Assembly Bill No. 1322—An Act to repeal Section 980 of the Code of Civil Procedure of the State of California, relating to powers of Superior Court on appeal.

Also: Assembly Bill No. 1323—An Act to amend Section 92 of the Code of Civil Procedure of the State of California, relating to certificates, transcripts, and other papers in cases certified to the Superior Court.

Also: Assembly Bill No. 1112—An Act to repeal section eleven hundred nineteen of the Political Code of the State of California, relating to registration of voters at primary elections.

Also: Assembly Bill No. 1113—An Act to amend section eleven hundred twenty of the Political Code of the State of California, relating to qualifications of voters.

Also: Assembly Bill No. 1114—An Act to amend section eleven hundred forty-two of the Political Code of the State of California, relating to boards of election.

Also: Assembly Bill No. 1202—An Act to amend section ten hundred seventy-nine of the Political Code of the State of California, relating to expenditures in respect to elections.

Also: Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-five and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

Also: Assembly Bill No. 1109—An Act to amend sections eleven hundred five, eleven hundred eight and eleven hundred nine of the Political Code of the State of California, relating to registration of voters.

Also: Assembly Bill No. 1110—An Act to amend sections eleven hundred thirteen, eleven hundred fifteen and eleven hundred seventeen of the Political Code of the State of California, relating to registration of electors.

Also: Assembly Bill No. 1111—An Act to repeal section eleven hundred eighteen of the Political Code of the State of California, relating to qualification and registration of voters at primary elections.

Also: Assembly Bill No. 1115—An Act to amend section eleven hundred ninety-two of the Political Code of the State of California, relating to the filing of certificates of nomination.

Also: Assembly Bill No. 1116—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

Also: Assembly Bill No. 1117—An Act to amend section twelve hundred eighty-five of the Political Code of the State of California, relating to returns of election of district officers.

Also: Assembly Bill No. 1201—An Act to amend section ten hundred forty-four of the Political Code of the State of California, relating to conduct of municipal elections.

Also: Assembly Bill No. 998—An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

The above bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 1339—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

Also: Assembly Bill No. 1387—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act, entitled an Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909.

And we respectfully request your honorable body to concur in the Senate amendments to said bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

SPECIAL ORDER SET.

On motion of Mr. Coghlan, the consideration of Assembly Bill No. 1339 was made a special order for three o'clock and thirty minutes P. M. of this day.

The question being put, "Shall the Assembly concur in the following in Senate amendments to Assembly Bill No. 1385?"

On page 3, Section 2, line 4, of the printed bill, after the word "Act", insert a comma and the following: "provided that electors of President and Vice-President of the United States shall be nominated as provided in Subdivision 2, of Section 24, of this Act."

Also: On page 10, omit line 222, of the printed bill, and in lieu thereof insert the following: "person whose name has been written in upon any ballot or ballots for any office at any primary election have"

Also: On page 18, line 113, of the printed bill, omit the comma

Also: On page 28, line 66, of the printed bill, omit the word "the", and insert in lieu thereof the word "their".

Also: On page 28, Section 24, line 7, of the printed bill, before the word "Senate", insert the word "State"

Also: On page 28, Section 24, line 10, of the printed bill, after the word "meet", insert the words "in state convention".

Also: On page 29, line 13, of the printed bill, after the period, omit the word "They", and in lieu thereof insert the following: "There shall be as many such state conventions held at this time as there were political parties nominating state, congressional or legislative tickets at the primary election. The members of each convention"

Also: On page 29, line 18, of the printed bill, after the word "committee", insert the words "of their party".

Also: On page 29, line 20, of the printed bill, at the end of the line, add the following: "In each bissextile or leap year they shall also nominate as the candidates of their party as many electors of President and Vice-President of the United States as the State is then entitled to."

Also: On page 3, line 16, of the printed bill, omit the comma, and substitute a semicolon, followed by the words "nor to freeholders to be elected for the purpose of framing a charter."

Also: On page 3, line 16, of the printed bill, omit the words "school trustees in".

The roll was called, and Senate amendments to Assembly Bill No. 1385 were concurred in by the following vote:

AYES—Messrs. Beckett, Bennink, Bohnett, Cattell, Chandler, Coghlan, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jones, Joel, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Nolan, Polsley, Preisker, Rumliger, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Teifer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—49.

NOES—None.

Bill ordered to enrollment.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following request for permission to introduce bill was filed:

By Mr. Held, for committee on Ways and Means:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I ask permission to introduce the accompanying bill, the title of which reads as follows, viz: An Act making an appropriation for the support of the State of California for the sixty-third and sixty-fourth fiscal years.

HELD,
Member Sixth District.

Referred to Committee on Introduction of Bills.

SPEAKER IN THE CHAIR.

At eleven o'clock and thirty minutes A. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Mr. Sutherland asked for, and was granted, unanimous consent to have Assembly Bill No. 144 taken up, out of order.

Assembly Bill No. 144—An Act to add to the Civil Code of the State of California a new section, to be numbered 224a, providing for the

adoption of dependent or delinquent children upon proceedings in the juvenile court wherein a child is found to be dependent or delinquent.

During second reading of bill, the following amendment was submitted by the committee:

On page 1, line 11, strike out all after the period down to and including the period on page 2, line 16, and in lieu thereof insert the following:

"The person desiring to adopt such child shall file a petition in said juvenile court and shall appear personally at the hearing thereon. Upon the filing of such petition the judge of said court shall by order in writing fix the time and place for the hearing of said petition and shall order such notice to be given to the parent, parents or guardian as said judge shall deem reasonable; *provided, however,* that no notice shall be necessary in any case where in the order of the juvenile court adjudging and determining such child to be dependent or delinquent a finding shall have been made by the court that the parent or parents of said child have failed to provide the necessities of life for such child or have wholly abandoned such child. Upon the hearing of said petition the person desiring to adopt such child shall then and there enter into an agreement in writing to the effect that such child shall be adopted and treated in all respects as his own lawful child should be treated."

Amendment adopted.

Bill read second time, and ordered to reprint, engrossment, and third reading.

WITHDRAWAL OF BILLS, ETC.

On motion, Assembly Bills Nos. 1103, 1465, 323, and 1052, and Assembly Constitutional Amendment No. 51 was withdrawn, and ordered stricken from the file.

RE-REFERENCE OF BILL.

On motion of Mr. Polsley, Senate Bill No. 1035—An Act to make appropriations for the continuation of the location, survey and construction of a state highway from a point known as the Mt Pleasant ranch on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California—was referred to Committee on Ways and Means.

THIRD READING OF BILLS.

Assembly Bill No. 627—An Act to provide for the construction of a hospital building or buildings at the Los Angeles department of the college of medicine of the University of California, and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles department of the college of medicine of the University of California, and to make appropriation therefor

Bill passed to foot of file.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

Passed to foot of file

Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison,

and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

Bill passed on file.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights.

Passed on file.

Senate Bill No. 730—An Act making an appropriation for printing for the State Board of Forestry for the balance of the sixty-second fiscal year.

Mr. Rimlinger moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 730 considered.

Mr. Rimlinger moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 730, and do now report the same back, and recommend that it do pass

HEWITT, Chairman

Mr. Rimlinger moved the adoption of the report.

Motion carried.

Bill read second time, and ordered on file for third reading.

SPECIAL URGENCY FILE.

Senate Bill No. 1049—An Act to establish a standard for evaporated milk and condensed milk.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1049 passed by the following vote:

AYES—Messrs. Bennink, Brown, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hushaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, McDonald, Mendenhall, Mott, Polesley, Freisker, Randall, Rimlinger, Rosendale, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391—An Act to amend Section 1874 of the Political Code, relative to the duties of the Text-Book Committee.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 391 passed by the following vote:

AYES—Messrs. Bennink, Bohnett, Brown, Cattell, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mott, Mullally, Nolan, Polsley, Rumlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—50.

NOES—Messrs. Preisker, Randall, and Sutherland—3.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Senate Bill No. 680—An Act to amend Section 4238 of the Political Code by amending subdivisions one, two, three, eight, ten, thirteen and sixteen thereof, relating to officers and salaries in counties of the ninth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 680 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Coghlan, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Hall, Hamilton, Harlan, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mott, Nolan, Polsley, Preisker, Randall, Rumlinger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Willie, and Young—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese; to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor and to repeal Section 17 of an Act approved March 4, 1897, entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all Acts and parts of Acts inconsistent with this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 453 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cronin, Crosby, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffiths, Hall, Hamilton, Harlan, Held, Hinkle, Jasper, Jones, Judson,

Kehoe, Lamb, Lynch, Lyon of San Francisco, Mendenhall, Mott, Nolan, Polsley, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Ryan, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wyllie, and Young—49.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 181—An Act requiring the compilation and publication of reports of the financial transactions of the several counties and municipalities of the State, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 181 passed by the following vote:

AYES—Messrs. Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Denegri, Fitzgerald, Freeman, Gerdes, Guill, Hall, Hamilton, Harlau, Held, Hinkle, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wyllie, and Young—50.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL ORDER.

The hour of twelve o'clock m. having arrived, the special order heretofore set for this hour was taken up for consideration.

Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act.

Mr. Hall moved that bill be re-referred to Committee on Ways and Means, with instructions to report forthwith.

Motion carried.

SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and improving the navigability of such streams, and for acquiring land for necessary rights of way.

Mr. Hewitt moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Senate Bill No. 197 considered.

During the consideration of bill, the following amendments were submitted by Mr. Hewitt:

In line 1, Section 1, of printed bill, strike out the words "one hundred and fifty", and insert in lieu thereof the words "two hundred".

Amendment adopted.

Also:

On page 2, Section 3, line 3, after the word "hundred", add the words "and fifty".

Amendment adopted.

Mr. Hewitt moved that the committee do now rise and report in favor of the passage of the bill as amended.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 197, and do now report the same back, and recommend that it do pass as amended.

CATTELL, Chairman.

Mr. Hewitt moved the adoption of the report.

Motion carried.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 504—An Act to amend Section 4052*b* of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park, library or playground purposes by county boards of supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 504 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Cronin, Crosby, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, Mendenhall, Mott, Mullally, Polesy, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Young—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

The question being on the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 48 adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cronin, Crosby, Cunningham, Denegri, Feeley,

Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Walsh, Williams, Wilson, Wylie, and Young—63.

NOES—None.

Senate constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT No. 48.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8½ of Article XI, relating to the powers conferred on municipal corporations by freeholders' charters.

The Legislature of the State of California, at its regular session, commencing on the second day of January, in the year one thousand nine hundred and eleven, two thirds of all members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to the Constitution of the State of California so that Section 8½ of Article XI of said Constitution shall read as follows:

Section 8½. It shall be competent, in all charters framed under the authority given by section eight of Article XI of this Constitution, to provide, in addition to those provisions allowable by this constitution and by the laws of the State, as follows

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attachés

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attachés; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in any charter framed under said section eight of said article eleven, or by amendment thereto, to provide for the manner in which, the times at which and the terms for which the several county and municipal officers and employees whose compensation is paid by such city and county, excepting judges of the Superior Court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto, which are in accordance herewith are hereby confirmed and declared valid.

Senate Bill No. 1133—An Act to amend an Act entitled "An Act to provide for the consolidation of municipal corporations," approved March 11, 1909, by adding thereto a new section to be designated as Section 2a, and by amending section four thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1133 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Gaylord, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of

Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, and Wilson—55.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1134—An Act to amend sections one thousand two hundred thirty-five, one thousand two hundred thirty-eight, one thousand two hundred forty, and one thousand two hundred forty-two of the Penal Code, all relating to appeals to the Supreme Court.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1134 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Coghlan, Cronin, Crosby, Farwell, Fitzgerald, Flint, Gerdes, Guill, Harlan, Hayes, Held, Hinkle, Hinsbaw, Jones, Joel, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mullally, Nolan, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walsh, Wilson, and Wyllie—51.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

By unanimous consent, the following reports of standing committees were received and read:

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Senate Bill No. 411—An Act to repeal Article XVIII of Chapter III, Title III, Part III, of the Political Code of the State of California, and to add a new article numbered XVIII to Chapter III of Title III, Part III, of the Political Code, relating to the establishment of industrial, technical and agricultural training in the public schools—have had the same under consideration, and respectfully report the same back, without recommendation.

WYLLIE, Chairman

The above reported bill ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 19 of Article XI, relating to public utilities—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

SUTHERLAND, Chairman.

The above reported Senate constitutional amendment ordered on file for adoption.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker pro tem. Cattell in the chair.

SECOND READING OF SENATE BILLS.

Senate Bill No. 1247—An Act to provide for the formation, government and control of overflow districts.

During second reading of bill, the following amendment was submitted by the committee:

On page 15, of the printed bill, after Section 63, add the following additional section:

SEC. 64. Nothing in this Act shall be construed as in any manner affecting or modifying the provision of the Political Code of the State of California concerning reclamation districts formed under the provisions of said code.

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 1035—An Act to make appropriations for the continuation of the location, survey and construction of a state highway from a point known as the Mt. Pleasant Ranch on the road between Quincy and Marysville, thence in a southeasterly direction by Eureka to Downieville, Sierra County, California

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1099—An Act to amend section three hundred fifty-two of the Political Code, relating to the State Board of Equalization.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 735—An Act to provide for the payment to cities the actual expenses of any city officer when summoned before the State Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 737—An Act to amend section six of an Act entitled "An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto," approved March 14, 1889.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties, and compensation, at the port of Wilmington, and the bay of San Pedro," approved March 19, 1889.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1184—An Act to amend Section 4 of an Act approved March 26, 1895, entitled "An Act to create and administer a public school teachers' annuity and retirement fund in the several counties

and cities and counties in the State," as amended March 29, 1897; as amended March 23, 1901, as amended March 20, 1903, as amended March 11, 1909.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1233—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing or tracking of deer with dogs.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised and repealing all Acts and parts of Acts in conflict with this Act.

During second reading of bill, the following amendment was submitted by the committee:

On page 4, Section 1, line 103, of the printed bill strike out the words "or legislative Act of the State".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 1037—An Act appropriating money to pay the claim of Francisco Silva Brun against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State, which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1053—An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Bill read second time, and ordered on file for third reading.

Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University, and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the

creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,' approved March 20, 1909.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the Sonoma State Home, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 901—An Act to define and prohibit bucketing and bucket-shopping and bucket-shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket-shopping; to prohibit the use of property for the purpose of carrying on bucket-shops or bucketing or bucket-shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

During second reading of bill, the following amendment was submitted by Mr. Sbragia:

In Section 5, beginning with line 6, eliminate "*Provided, however, that if such order was executed upon or through any board or exchange upon or through which such securities or commodities are actually bought and sold, such written statement need only show the name of the member of such board or exchange from whom such property was bought or to whom it has been sold, as the fact may be*".

Amendment lost.

Bill read second time, and ordered on file for third reading.

Mr. Bohnett moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 1037, 1052, 1053, and 217.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Senate Bills Nos. 1037, 1052, 1053, and 217 considered.

Mr. Bohnett moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER. SACRAMENTO, March 24, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bills Nos. 1037, 1052, 1053, and 217, and do now report the same back, and recommend that they do pass.

CATTELL, Chairman.

Mr. Bohnett moved the adoption of the report.

Motion carried.

SPEAKER IN THE CHAIR.

At two o'clock and twenty-five minutes P. M., Hon. A. H. Hewitt Speaker of the Assembly, in the chair.

THIRD READING OF SENATE BILLS.

Senate Bill No. 202—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Bill passed to foot of file.

Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred ninety-eight a, relating to the creation of a bonded indebtedness upon personal property by corporations organized for purposes other than pecuniary profit.

Bill passed to foot of file.

Senate Bill No. 981—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of boards of school trustees and city boards of education.

Bill passed to foot of file.

Senate Bill No. 1173—An Act to provide for work upon streets, avenues, lanes, alleys, courts and places forming the exterior boundaries of any municipality, whether partly, or wholly, within or without said boundaries, and providing for the construction of sewers, drains and sidewalks thereon and in connection therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1173 passed by the following vote:

AYES—Messrs Beatty, Bennink, Bohnett, Cattell, Chandler, Cronin, Crosby, Denegri, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowan, Mendenhall, Mott, Nolan, Polesley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Straglia, Slater, Stevenot, Sutherland, Tibbits, Walsh, Williams, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California, entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61 and 68 thereof, and by adding a new section to be numbered Section 68½.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 939 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bliss, Bohnett, Callaghan, Cattell, Cronin, Cunningham, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Hinkle, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Williams, and Mr. Speaker—47.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 1159—An Act to amend section one thousand seven hundred fifty-one of the Political Code, relating to the admission of pupils to high schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1159 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bliss, Bohnett, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Gaylord, Gerdes, Griffin of Modesto, Guill, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Wilson, Wyllie, and Mr. Speaker—57.

NOES—None.

Title read and approved

Bill ordered transmitted to the Senate.

Senate Bill No. 1005—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1005 passed by the following vote:

AYES—Messrs. Bennink, Bliss, Bohnett, Cattell, Chandler, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Polsley, Preisker, Rutherford, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—48

NOES—Mr. March—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 372—An Act to amend section six hundred eighty and six hundred eighty-one of the Political Code, relating to the conversion of school funds into bonds and providing for notice to be given to the Board of Examiners and State Treasurer of bonds ready to be sold.

Bill passed on file.

Senate Bill No. 350—An Act to amend Section 626 and 631 of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 350 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, McDonald, McGowan, Mendenhall, Mott, Mullally, Polsley, Preisker, Rumliger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Tibbitts, Walsh, Wyllie, and Mr. Speaker—50

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 349—An Act to regulate the sale of poultry and eggs.

Bill passed on file.

Senate Bill No. 339—An Act to regulate the manufacture, sale, adulteration and misbranding of insecticides or fungicides or materials used for insecticidal or fungicidal purposes, and to provide penalties for the infraction thereof, and to appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 339 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Gerdes, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mahone, McDonald, McGowan, Mendenhall, Mott, Mullally, Polsley, Preisker, Rumliger, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Telfer, Tibbitts, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—53

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and to repeal all Acts and parts of Acts in conflict with this Act." approved March 20, 1905, and all Acts and parts of Acts in conflict with this Act.

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 1006 passed by the following vote:

AYES—Messrs. Bennink, Bohnett, Butler, Callaghan, Cattell, Crosby, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, McGowan, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale,

Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—45.

NOES—Messrs. Cunningham and Mullally—2

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 266—An Act to amend section five hundred and ninety-one of the Political Code of the State of California, relating to insurance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 266 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Jones, Joel, Kehoe, Lamb, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rimplinger, Rogers of Alameda, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wyllie and Mr. Speaker—48

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1234—An Act to appropriate money for the purchase of standards of weights and measures and to test and correct standards of weights and measures belonging to the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1234 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Jasper, Jones, Joel, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Mendenhall, Mott, Mullally, Polsley, Preisker, Rimplinger, Rutherford, Ryan, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1014—An Act to amend Section 4233 of the Political Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1014 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Bohnett, Callaghan, Cattell, Chandler, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jones, Joel, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Polslev, Preisker, Randall, Rimplinger, Rogers of Alameda, Rutherford, Ryan, Sbragia, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 82—An Act to amend section twenty-five of the Civil Code of the State of California, defining who are minors.

Bill passed on file.

Senate Bill No. 710—An Act to amend Section 3498 of the Political Code, relating to approval of applicants for state lands.

Bill passed on file.

Senate Bill No. 712—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park, or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith

Bill passed on file.

Senate Bill No. 438—An Act to amend section one thousand one hundred and seven of the Civil Code of the State of California, relating to the property rights of bona fide purchasers or incumbrancers for value by prior recorded instruments as against the owners of prior unrecorded deeds and incumbrances.

Bill passed on file.

Senate Bill No. 111—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Bill passed on file.

Senate Bill No. 1246—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

Bill passed on file.

Senate Bill No. 563—An Act providing for the erection of a grand stand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 565—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 566—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 559—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Bill passed on file.

Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in

the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

During the third reading of the bill Mr. Telfer moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 2, line 11, strike out the word "Sacramento", and insert in lieu thereof the following: "San Francisco".

Motion carried.

The Speaker appointed Mr. Telfer as such select committee.

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Senate Bill No. 611, with instructions, do now report that the instructions of the Assembly have been carried out

TELFER, Select Committee.

Report of select committee, and amendment, adopted.

During the third reading of the bill Mr. Gaylord moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 8, Section 7, line 30, of printed bill, strike out the figure "8", and insert in lieu thereof the figure "2".

Also On page 9, Section 9, line 11, of printed bill, strike out the word "two", and insert in lieu thereof the word "five".

Motion lost.

Bill ordered to reprint, and on file for passage

Senate Bill No. 957—An Act to regulate contracts on behalf of the State, in relation to erections of buildings.

Bill read third time.

The question being on the passage of the bill.

The roll was called and Senate Bill No. 957 refused passage by the following vote:

AYES—Messrs. Beckett, Cattell, Griffiths, Maher, Rimlinger, Rodgers of San Francisco, Stevenot, Telfer, Tibbitts, and Willie—10.

NOES—Messrs. Beatty, Benedict, Bennink, Bliss, Butler, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Mullally, Poldos, Preisker, Randall, Rosendale, Slater, Smith, Sutherland, Walsh, Wilson, Young, and Mr. Speaker—42.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 944—An Act to create a reservation for fish, shellfish, shrimps, and crabs, within the sloughs, rivers, streams and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps or seines.

Bill passed on file.

Senate Bill No. 47—An Act to amend section six hundred and twenty-eight of the Penal Code of California, relating to the protection and preservation of fish.

Bill passed on file.

Senate Bill No. 423—An Act to amend an Act entitled "An Act to create a Fish and Game Preservation Fund and unite the Fish Commission Fund and the Game Preservation Fund into a common fund to

be known as Fish and Game Preservation Fund." approved March 15, 1909, by amending section one thereof, relating to the disposition of the funds mentioned in said Act.

Bill read third time

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 423 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Maher, Mendenhall, Mott, Mullally, Polsley, Preisker, Rimlinger, Rodgers of San Francisco, Ryan, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Mr. Speaker—51

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 657—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto

Bill read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 657 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Smith, Stevenot, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—58

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER Your Committee on Introduction of Bills, to whom was referred the following bill, herewith return the same, with the recommendation that the author be permitted to introduce it. The title of said bill is as follows

An Act making appropriations for the support of the government of the State of California for the sixty-third and sixty-fourth fiscal years

CHANDLER, Chairman

Mr. Chandler moved the adoption of the report

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Flint, Freeman, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall,

Mott, Mullally, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—62.

NOES—None.

INTRODUCTION OF BILL

The following bill was introduced.

By Committee on Ways and Means: Assembly Bill No. 1586—An Act making an appropriation for the support of the government of the State of California for the sixty-third and sixty-fourth fiscal years.

Bill read first time, and ordered on file without reference

MOTION.

Mr. Williams moved that the Standing Rules of the Assembly be suspended for the purpose of submitting resolutions.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Beatty, Beckett, Brown, Callaghan, Coghlan, Cronin, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Gerdes, Griffin of Modesto, Hall, Hayes, Jasper, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maloue, March, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, and Williams—42.

NOES—Messrs. Bennink, Bishop, Bohnett, Butler, Cattell, Chandler, Clark, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Maher, Mendenhall, Preisker, Randall, Rogers of Alameda, Rosendale, Sutherland, Wyllie, Young, and Mr. Speaker—31.

LEAVE OF ABSENCE.

Mr. Lynch asked for, and was granted, leave of absence until Monday, March 27, 1911.

SPECIAL ORDERS.

The time for considering special orders having arrived, the special orders heretofore set for this hour were taken up for consideration.

Assembly Bill No. 395—An Act to amend Section 1f of an Act entitled "An Act to secure to native born and naturalized citizens of the United States the exclusive right to be employed in any department of the state, county, city and county, or incorporated city or town government in this State," approved March 23, 1901, relating to the employment of citizens of the United States.

During the third reading of the bill, Mr. Rosendale moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 8, page 1, of the printed bill, after the word "States", insert the following: "or a person who has declared his intention to become such citizen".

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bohnett, Cattell, Chandler, Cronin, Flint, Freeman, Griffiths, Hamilton, Harlan, Hinshaw, Jasper, Joel, Judson, Maher, Mendenhall, Preisker, Rosendale, Stevenot, Sutherland, Wyllie, and Mr. Speaker—24.

NOES—Messrs. Beatty, Brown, Butler, Callaghan, Clark, Coghlan, Crosby, Cunningham, Denegri, Feeley, Fitzgerald, Gaylord, Gerdes, Guill, Hall, Hayes, Held, Hinkle, Jones, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maloue, March, McDonald, McGowen, Mott, Mullally, Nolan, Polsley, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Smith, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, and Young—46.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 395 passed by the following vote:

AYES—Messrs Beatty, Brown, Callaghan, Clark, Coghlan, Crosby, Cunningham, Feeley, Fitzgerald, Flint, Gaylor, Geides, Guill, Hall, Hayes, Hinkle, Jones, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, Mott, Mullally, Nolan, Polsky, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragga, Schmitt, Smith, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, and Wilson—42.

NOES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Cogswell, Cronin, Cunningham, Freeman, Griffiths, Hamilton, Harlan, Held, Hinshaw, Jasper, Joel, Judson, Lamb, Maher, Mendenhall, Preisker, Randall, Slater, Stevenot, Sutherland, Wilhe, and Mr. Speaker—30.

Title read and approved.

Bill ordered transmitted to the Senate

NOTICE OF MOTION TO RECONSIDER.

Mr. Rosendale gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 395 was this day passed.

Assembly Bill No. 1339—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, lanes, alleys, courts, places and sidewalks, and providing a system of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1339?"

On page 1, line 6, of title, after the word "streets", insert the word "avenues".

Also: On page 1, line 7, of title, strike out the words "a system of", and insert in lieu thereof the following: "for the issuance and payment of".

Also: On page 3, Section 1, line 4, strike out the word "opened", and insert in lieu thereof the word "open".

Also: On page 3, Section 2, line 3, after the word "portion", insert the words "or portions."

Also: On page 4, Section 2, line 15, strike out the comma after the word "appurtenances", and insert in lieu thereof a semicolon.

Also: On page 4, Section 2, line 16, strike out the comma after the word "protection", and insert in lieu thereof a semicolon.

Also: On page 4, Section 2, line 19, strike out the comma after the word "water", and insert in lieu thereof a semicolon.

Also: On page 4, Section 2, line 21, strike out the words "the same", and insert in lieu thereof the following: "said streets, avenues, lanes, alleys, courts, places or public ways."

Also: On page 4, Section 3, line 3, strike out the first "do", and insert in lieu thereof the word "to".

Also: On pages 4 and 5, Section 3, lines 5, 6, and 7, strike out the words "and describing the work, which shall be posted by the clerk conspicuously for two days on or near the chamber door of said council, and", and insert in lieu thereof the following: "and briefly describing the work. Said resolution of intention shall be"

Also: On page 5, Section 3, strike out lines 10, 11, 12, and line 13 to and including the word "contract", and insert in lieu thereof the following: "The city council may include in one proceeding, under one resolution of intention and in one contract, any of the different kinds of work mentioned in this Act and any number of streets and rights of way or portions thereof."

Also: On page 5, Section 5, line 1, insert after the word "shall" the following: "immediately after the adoption of the resolution of intention."

Also: On page 6, Section 5, lines 9 and 10, strike out the following: "the street frontages of all the real property within such district", and insert in lieu thereof the following: "all the streets within such district at not more than three hundred feet in distance apart, but not less than three in all on each street".

Also: On page 6, Section 5, line 13, insert after the word "resolution", and before the comma, the following: "of intention".

Also: On page 6, Section 5, line 15, strike out the words "for further particulars",

and insert in lieu thereof the following: "of intention for further particulars. Upon the completion of the posting of the notices of improvement the superintendent of streets shall forthwith cause to be filed in the office of the city clerk an affidavit stating the fact of the completion of the posting of such notices and the date of such completion and thereafter all persons shall be deemed to have notice of the date of the completion of such posting."

Also On page 6, strike out all of Section 6, and insert in lieu thereof the following:

"Sec. 6. At any time within fifteen days after the date of the second publication of the resolution of intention or if the posting of the notice of improvement has been completed after the second publication of the resolution of intention then within fifteen days after the date of the completion of the posting of the said notice of improvement, any owner of property liable to be assessed for said work may make written protest against the proposed work or against the extent of the district to be assessed, or both. Such protest must be in writing and be delivered to the said clerk of the city council, who shall endorse thereon the date of its receipt by him. At the next regular meeting of the city council after the expiration of the time within which said protest may be so made, the city council shall proceed to hear and pass upon all protests so made and its decision shall be final and conclusive; *provided, however*, that when the protest is against the proposed work, and the cost thereof is to be assessed upon the property fronting thereon and the city council finds that such protest is made by the owners of a majority of the property fronting on the proposed work, or when the protest is against the proposed work and the cost thereof is to be assessed upon the property within a district and the city council finds that such protest is made by the owners of more than one half of the area of the property to be assessed for said improvements, no further proceedings shall be taken for a period of six months from the date when said protest was received by the said clerk of said city council, unless the said protest be overruled by an affirmative vote of four fifths of the members of the city council. The city council may adjourn said hearing from time to time."

Also On page 6, strike out all of Section 7, and insert in lieu thereof the following:

"Sec. 7. When no protests have been delivered to the clerk of the city council within fifteen days after the date of the second publication of the resolution of intention, or if the posting of the notice of improvement has been completed after the second publication of the resolution of intention, then within fifteen days after the date of the completion of the posting of the said notice of improvement, or when a protest shall have been found by said city council to be insufficient, or shall have been overruled, or when a protest against the extent of the proposed district shall have been heard and denied, immediately thereupon the city council shall be deemed to have acquired jurisdiction to order the proposed improvements."

Also On page 7, strike out all of Section 9, and insert in lieu thereof the following:

"Sec. 9. In all resolutions, notices, orders and determinations subsequent to resolution of intention and notice of improvement, it shall be sufficient to briefly describe the work or the assessment district or both and to refer to the resolution of intention for further particulars."

Also On page 7, Section 10, lines 3 and 4, strike out the comma after the word "work", and the following "and cause notice, with specifications, to", and insert after the word "work" a period and the following: "Notice, with specifications, shall"

Also On page 7, Section 10, line 6, strike out the comma after the word "ordered", and insert in lieu thereof a period

Also On page 7, Section 10, strike out lines 7 and 8, and insert in lieu thereof the following: "Notice inviting such proposals, and referring to the specifications posted or on file, shall"

Also On page 8, Section 10, line 30, strike out the word "and", and insert in lieu thereof the word "or"

Also On page 9 Section 12, line 7 strike out the period after the word "awarded", and in lieu thereof insert a comma and the following "and all work done under such contract shall be subject to such regulations as may be prescribed by ordinance of the city council"

Also On page 9, Section 12, line 10, strike out the words "first publication of said award", and insert in lieu thereof the following "date of such written contract,"

Also On page 9, Section 12, line 14, after the word "bid", insert the following: "All contracts entered into between the owners of any property and the contractor or his agents shall be in duplicate and shall contain all items of expense and the total contract price therefor, and no other payment shall be allowed to or recovered by such contractor, other than as itemized and set forth in said contract. The original of such contract shall be held by the contractor, or his agent, and the duplicate shall be held by the owners, who must receipt to the agent or contractor therefor."

Also On page 13, Section 20, line 19, after the word "crossing", insert the following "or to the end of such street if it does not meet another,"

Also. On pages 14 and 15, strike out all of subdivision eight, lines 69 to 90e, inclusive, and insert in lieu thereof the following.

"Subdivision Eight. Whenever any lot, piece or parcel of land belonging to the United States, or to the State of California, or any lot, piece or parcel of land belonging to any county, city, public agent, mandatory of the Government, school board, educational penal, or reform institution, or institution for the feeble-minded or the insane, and being in use in the performance of any public function, shall front upon the proposed work or improvement, or be included within the district declared by the city council in its resolution of intention to be the district to be assessed to pay the costs and expenses thereof, said city council may, in the resolution of intention, declare that said lots, pieces or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of said work or improvement. In the event that said lots, pieces or parcels of land, or any of them, shall by said resolution be omitted from the assessment, then the total expense of all work done shall be assessed on the remaining lots fronting on the work or improvement, or lying within the limits of the assessment district, without regard to such omitted lots, pieces or parcels of land. In the event that the council shall, in such resolution of intention, declare that said lots, pieces or parcels of land so owned as aforesaid, or any of them, shall be included in the assessment, or in the event that no declaration is made respecting such lots, pieces or parcels of land, or any of them, then said city shall be liable for such sum or sums as may thereafter be assessed against any such lots, pieces or parcels of land so owned and used, and so included in the assessment by reason of the aforesaid declaration of such lots, pieces or parcels of land so owned and used respecting which the resolution of intention makes no declaration, which shall be payable by the said city out of the general fund unless the legislative body shall in its resolution of intention designate another fund."

Also. On page 17, subdivision 10, lines 151 and 152, strike out the words "and city council shall direct the city engineer to", and insert in lieu thereof the following: "the city engineer shall".

Also. On page 17, lines 160 and 161, strike out the comma after the word "shall", and the following: "at the time of such approval."

Also. On page 17, subdivision 10, line 179, after the word "subdivisions", insert the word "one."

Also. On page 18, subdivision 11, line 186, insert a comma after the word "railroad."

Also. On page 18, subdivision 11, line 187, insert a comma after the second word "railroad."

Also. On page 18, subdivision 11, line 197, insert a comma after the first word "railroad."

Also. On page 18, Section 21, line 5, strike out the word "any", and insert in lieu thereof the word "all".

Also. On page 18, Section 21, line 12, strike out the word "any", and insert in lieu thereof the word "all".

Also. On page 19, Section 23, line 1, strike out the words "assessment, and diagram", and insert in lieu thereof the following: "and assessment."

Also. On page 19, Section 23, line 4, strike out the period after the word "streets", and insert in lieu thereof a comma and the following: "the diagram shall be there filed."

Also. On pages 19 and 20, Section 23, lines 9 and 10, strike out the comma after the word "assessment", and the words "diagram and certificate, all persons mentioned in section twenty-six of this Act", and insert in lieu thereof the following: "and certificate, all persons".

Also. On page 20, Section 23, line 12, strike out the word "diagram", and the comma after the word "assessment".

Also. On page 21, Section 26, line 2, insert a comma after the word "not"

Also. On page 22, Section 26, line 44, strike out the word "four", and insert in lieu thereof the word "five".

Also. On page 24, Section 28, lines 21 and 22, strike out the comma after the word "re-assessment", and the words "warrant and diagram", and insert in lieu thereof the following: "and warrant."

Also. On page 25, Section 29, line 9, after the word "brought", insert the following: "under this Act".

Also. On page 29, Section 37, line 8, strike out the word "citizen", and insert in lieu thereof the word "person".

Also. On page 31, Section 42, line 2, insert after the word "person" the following: "or persons".

Also. On page 31, Section 42, strike out lines 4, 5 and 6, and to and including the word "more", in line 7, and insert in lieu thereof the following: "of any work authorized by this Act."

Also. On page 31, Section 42, line 13, strike out the word "of", and insert in lieu thereof the word "to".

Also. On page 40, Section 59, line 4, after the word "represent", insert the following: "assessments of twenty-five dollars or over for".

Also: On page 41, Section 60, line 2, strike out the words "ten years from their date", and insert in lieu thereof the following "nine years from the second day of January next succeeding their date."

Also: On page 41, Section 60, line 20, strike out the first word "or", and insert in lieu thereof the word "of".

Also: On page 42, Section 63, line 8, strike out the word "said", and insert in lieu thereof the word "this".

Also: On page 43, Section 63, line 31, immediately after the word "from", insert the following "the second day of January next succeeding"

Also: On page 48, Section 75, line 2, strike out the word "thereof", and insert in lieu thereof the word "hereof".

Also: On page 49, Section 76, line 1, strike out the word "approved", and insert in lieu thereof the word "proved".

Also: On pages 49, 50 and 51, strike out all of Section 77, lines 1 to 85 inclusive, and insert in lieu thereof the following:

SEC. 77 Whenever any railroad track or tracks of any description exist upon the street or streets upon which the city council of any city has ordered an improvement to be made, and has excepted therefrom the portions used by the track, between the rails and for two feet on each side thereof, and between the tracks if there is more than one, the said order, unless said city council shall by resolution theretofore passed have declared the contrary, shall be deemed to be and constitute a requirement that the person or company having said railroad track or tracks thereon shall improve the said portion with improvements similar in all respects to, with the same materials, under the same specifications and superintendence, and to the like inspection and satisfaction as those ordered to be performed by said order ordering the work; *provided, however*, that the city council may by ordinance require increased depth of concrete between, to the full depth of, or under the ties, or both, where and whenever the city council shall, in its judgment decide that this method of construction is necessary. The city council may also require by ordinance or otherwise, any person or company aforesaid, to pave alongside of and contiguous to its rails with special types of brick or paving blocks. The resolution of intention and notice of proposed improvement shall be construed and are hereby declared to be notice to said person or company of the intention to order the same. Thereupon it shall be the duty of said person or company having such track or tracks on such streets or street to notify in writing the superintendent of streets if such person or company elects to enter upon the direct performance of such work at its own charge and expense: said notice must be delivered to the superintendent of streets within ten days after the first publication of notice of award of contract. The omission or neglect to make such election shall be construed as constituting the superintendent of streets the agent of the owner of said track or tracks, with authority to enter into a contract made in accordance with the provisions of this section for making the said improvements. Said superintendent of streets shall advertise for bids for the improvement of said portions of the street or streets lying between the rails and for two feet on each side thereof, and between the tracks, if there be more than one. It shall be the duty of said city council to award the contract for the making of said improvements to the lowest regular responsible bidder. Such bidding and awarding of contracts shall be made in the same manner hereinbefore provided for the awarding of contracts for improvements excepting that no notice of award shall be published. Immediately upon the award, the superintendent of streets shall enter into a contract with the person to whom said contract was awarded for the making of said improvement or improvements upon the portions of the street or streets described in said notice inviting bids, and at the price stated in said bid. The contractor shall execute bonds in the manner required by section fifteen of this Act. Upon the completion of the work and its acceptance, the street superintendent shall make a certificate of such completion together with a statement of the amount due under the terms of said contract for the performance of said work. Such certificate shall be countersigned by the mayor of said city, and shall be recorded in the office of said superintendent of streets. The contractor thereupon shall be entitled to payment of the full amount of said contract price, and the recording of such certificate shall be sufficient notice to the owner of such track or tracks that said contract price is due and payable. In the event that such amount is not paid within thirty days from the date of the recording of said certificate, the contractor may file a sworn statement to that effect with the superintendent of streets, who shall record the same in his office in the book in which the certificate of acceptance has been recorded. Said contractor shall thereupon have a cause of action against said person or company owning said tracks for the amount of said contract, together with a reasonable attorney's fee, and shall also have as a security for the recovery of such amount, a first lien upon the track and franchises of said railroad, between whose rails or tracks the said work has been performed, contained within the corporate limits of the said city. In such suit, the certificate of the superintendent of streets, hereinbefore mentioned, shall be and constitute prima facie evidence of the regularity of all proceedings, and of the right of the contractor to recover judgment against said person or company. Execution may be taken out upon the entry of judgment, and levied upon any property of said person or company subject to execution. In the event that said person or company shall file the written election to enter upon the direct performance of such work at

its own cost and expense, no further proceedings shall be taken in the matter unless such person or company neglects or fails for thirty days, or for such further time as the city council may grant, to make said improvement. In the event that the improvement of the portions of the street or streets above described between the rails and for two feet on each side thereof, and between the tracks, if there be more than one, shall not be made with diligence, as herein provided or in all respects similar to the improvement of the rest of the street, or with the same materials or under the same specifications, and to the satisfaction of the superintendent of streets, the city council of said city may, by resolution entered in its minutes, prescribe such terms and conditions as to it may seem fit and proper before permitting the said person or company to continue with the said improvement. If the said person or company shall, after three days' notice of the adoption of said resolution, fail to comply with the terms and conditions so prescribed the city council may declare said person or company to have forfeited its privilege of performing such work under its own direction. Whereupon the street superintendent shall advertise for bids for the performance of such work, or such portion thereof as may remain uncompleted, and the contract therefor shall be awarded and entered into in the same manner hereinbefore provided for the awarding and execution of contracts where said person or company has not elected to make the improvements under its own directions, and upon the completion of the improvement, the contractor to whom such contract may be awarded, or his assigns, shall be entitled to a certificate from the street superintendent similar to that hereinabove provided for, and shall have the right to collect from said person or company by suit the amount specified in said certificate in all respects the same as hereinbefore provided where the contract is let for such improvement in the first instance. The city council may, by ordinance, prescribe and enforce such additional regulations and penalties as it may deem necessary to compel the improvement as herein provided of any portion or portions of any such street or streets so occupied by any such railroad track or tracks.

Also: On page 52, Section 79, strike out line 25 and line 26, to and including the word "Act", and insert in lieu thereof the following: "by this Act"

Also: On page 53, Section 79, line 63, strike out the word "rocks", and insert in lieu thereof the word "blocks"

Also: On page 53, Section 79, line 65, strike out the word "adopt", and insert in lieu thereof the following: "by ordinance or resolution adopt"

Also: On page 54, Section 79, strike out all of lines 103, 104, 105, and 106, and insert in lieu thereof the following:

"*Thirtieth* The term "city treasurer" as used in this Act shall be held to mean and include any person who, under whatever name or title, is the custodian of the funds of the municipality."

Also: On pages 55 and 56, strike out all of Section 83 lines 1 to 21, inclusive and insert in lieu thereof the following:

SEC. 83 This Act shall in no wise affect an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, or an Act entitled: "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for payment of said bonds," approved February 27, 1893; or an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law February 26, 1901, or an Act entitled "An Act to provide for the improvement of public streets, lanes, alleys, courts, and places in municipalities, in cases where any damage to private property would result from such improvement, and for the assessment of the costs, damages and expenses thereof upon the property benefited thereby," which became a law April 21, 1909, or amendments to any of said Acts, or any other Acts on the same subject, or apply to proceedings had thereunder, but is intended to and does provide an alternate system for making the improvements provided for by this Act, and it shall be in the discretion of the legislative body of any city to proceed under the provisions either of this Act or of such other Acts, but when any proceedings are commenced under this Act, the provisions of this Act, and of such amendments thereof as may be hereafter adopted, and no other, shall apply to all such proceedings, and any provisions contained in said Acts or Acts in conflict herewith shall be void and of no effect as to the proceedings commenced under this Act. This Act may be designated and referred to as the "Improvement Act of 1911," and shall take effect and be in force on its passage and approval.

The roll was called, and Senate amendments to Assembly Bill No. 1339 were concurred in by the following vote:

AYES—Messrs. Reatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Cattell, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Huishaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen,

Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbitts, Wilson, Wyllie, and Mr. Speaker—57.

NOES—None.

Bill ordered to enrollment.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of Messrs Bliss, Chandler, and Guill as a Committee on Conference, to meet with a like committee from the Senate to consider Committee Substitute for Senate Bill No 261.

RECONSIDERATION.

In accordance with his notice given on a previous day, Mr. Schmitt moved that the vote whereby Committee Substitute for Assembly Bill No. 1449 was passed be reconsidered.

The roll was called.

Pending the announcement of the vote, Mr. Schmitt moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs Bennink, Bishop, Coghlan, Cunningham, Feeley, Fitzgerald, Flint, Freeman, Griffiths Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Malone, Nolan, Polsley, Randall, Rosendale, Ryan, Sbragia, Schmitt, Smith, Telfer, Walsh, and Mr. Speaker—27.

NOES—Messrs Beatty, Beckett, Benedict, Bohnett, Butler, Cattell, Chandler, Clark, Crosby, Gaylord, Jones, Joel, Judson, Kehoe, Lamb, March, McDonald, McGowan, Mendenhall, Mott, Rogers of Alameda, Rutherford, Sutherland, Williams, Wilson, Wyllie, and Young—27.

The roll of absentees was called, and motion to reconsider lost by the following vote:

AYES—Messrs Bennink, Bishop, Bohnett, Callaghan, Cattell, Coghlan, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffin of Modesto, Griffiths, Hall, Hayes, Held, Hinkle, Lamb, Lyon of Los Angeles, McGowan, Mendenhall, Mullally, Nolan, Polsley, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Williams, and Mr. Speaker—38.

NOES—Messrs Beatty, Beckett, Benedict, Butler, Chandler, Clark, Cogswell, Crosby, Hamilton, Hinshaw, Jones, Joel, Judson, Kehoe, Lyon of San Francisco, Malone, March, McDonald, Rogers of Alameda, Rutherford, Sutherland, Wilson, Wyllie, and Young—24.

RECESS.

At five o'clock and five minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

LEAVES OF ABSENCE.

On motion of Mr. Chandler, leave of absence was granted Mr. Sutherland for the evening.

On motion of Mr. Nolan, leave of absence was granted Mr. Gerdes until Monday, March 27, 1911.

On motion of Mr. March, leave of absence was granted Mr. Walker until Sunday, March 26, 1911.

RULE SUSPENDED.

On motion of Mr. Bishop, Rule No. 71 of the Standing Rules of the Assembly, was suspended for the evening.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment, have examined the following Assembly bills

Assembly Bill No. 1447—An Act to amend Section 125 of the Political Code, relating to the division of the State into equalization districts.

Assembly Bill No. 144—An Act to add to the Civil Code of the State of California a new section to be numbered 224a, providing for the adoption of dependent or delinquent children upon proceedings in the juvenile court wherein a child is found to be dependent or delinquent.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment, have examined the following Assembly bills

Assembly Bill No. 1543—An Act to amend Section 2295a of the Political Code, relating to the distribution of the reports and other publications of state officers, boards, commissions, and departments.

Assembly Bill No. 1574—An Act to amend Section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class.

Assembly Bill No. 1542—An Act to add a new section to the Political Code to be numbered 1034, and to repeal Section 424 of said Code, relating to the accounts of state officers and appointees.

And report that the same have been correctly engrossed.

RANDALL, Chairman.

SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 155—An Act appropriating money for the erection of a hospital building at the Preston School of Industry.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 155 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1043—An Act to amend Section 4258 of the Political Code, relating to salaries and fees of officers of counties of the twenty-ninth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1043 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1406—An Act amending an Act entitled “An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published as the case may be, in the manual or guide published for the guidance or information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations: nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence: also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.” approved March 23, 1907, by amending the title of said Act, and making said Act applicable to cities of the second and one half class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1406 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polslev, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—Messrs. Joel, and Kennedy—2.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 579—An Act to prohibit the business of barbering on Sunday and providing a penalty for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 579 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Brown, Callaghan, Cattell, Chandler, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Guill, Hall, Hayes, Held, Hinkle, Joel, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Nolan, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Stevenot, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—45

NOES—Messrs. Bliss, Bohnett, Butler, Clark, Cogswell, Griffiths, Hamilton, Harlan, Jasper, Judson, Maher, March, Mendenhall, Mott, Mullally, Rodgers of San Francisco, Sbragin, and Slater—18.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1283—An Act to amend section four thousand two hundred eighty-one of the Political Code, relating to salaries and fees of officers of counties of the fifty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1283 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Sbragin, Slater, Stevenot, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1565—An Act to amend Sections 1142 and 1204 and to repeal Section 1202 of the Political Code, relating to elections.

Bill read second time, and ordered to engrossment and third reading.

Senate Bill No. 1211—An Act to amend section two of "An Act to provide a system of street improvement bonds, to represent certain assessments for the cost of street work and improvement within municipalities and also for the payment of such bonds," approved February 7, 1893.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1211 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragin, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 137—An Act to amend an Act entitled "An Act to authorize and empower the board of trustees of the State Normal School at Los Angeles to sell and convey the lands and buildings of said school, and from the proceeds of said sale to purchase and improve a new and suitable site for said school; to erect and construct upon the site so purchased buildings and other structures and improvements necessary and proper for said school; to purchase furniture, fixtures, apparatus and other things necessary for said school, and to rent such temporary buildings and grounds as may be necessary for the use of said school until the completion of the new school buildings," approved March 4, 1907, and making an appropriation of \$150,000.00 for the purpose of purchasing a new site for the State Normal School at Los Angeles.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 137 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Shragia, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 974—An Act to amend section four thousand two hundred and seventy-five of the Political Code, relating to the compensation of officers of counties of the forty-sixth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 974 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Shragia, Slater, Stevenot, Telfer, Walsh, Wilson, Wylie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1042—An Act to amend Section 4278 of the Political Code, relating to salaries and fees of officers of counties of the forty-ninth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1042 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall,

Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—61.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1455—An Act to amend section one, two, three, and four and to repeal sections four and one half and five of an Act entitled "An Act to create a drainage district to be called Yolo Basin Drainage District, to promote drainage therein, and to provide for the management and control of said drainage district," approved April 21, 1909, and to add one new section to said Act to be numbered six.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1455 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 972—An Act to amend Section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 972 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Maloue, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wylie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1132—An Act to amend section one of an Act entitled "An Act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and to add a new section thereto to be designated as Section 14.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1132 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cunningham, Farwell, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hall,

Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1278—An Act to amend section four thousand two hundred thirty-seven of the Political Code of the State of California, relating to counties of the eighth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1278 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Farwell, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Maher, Malone, March, McDonald, McGowen, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1575—An Act to provide for the formation and establishment of boulevard districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1575 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Farwell, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rutherford, Ryan, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—50.

NOES—Mr. Rosendale—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Assembly Bill No. 1447—An Act to amend section one hundred twenty-five of the Political Code, relating to the division of the State into equalization districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Assembly Bill No. 1447 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Farwell, Fitzgerald, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Rutherford, Sbragia, Stevenot, Telfer, Walsh, Wilson, Wyllie, and Mr. Speaker—47.

NOES—Messrs. Maher, Rogers of Alameda, Rosendale, and Young—4.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 915—An Act to amend Section 4231 of the Political Code of the State of California, relating

to compensation of officers of counties of the first class, their clerks, deputies and assistants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 915 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cunningham, Farwell, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mullally, Nolan, Palsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Shragin, Schmitt, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 450—An Act to provide for the repair of the hospital building at the Los Angeles department of the college of medicine of the University of California, and the construction of an addition thereto, and the purchase of such equipment as is necessary for the operation of the same, and for the expense of moving, improving and changing the present buildings on the property of the said Los Angeles department of the college of medicine of the University of California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 450 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Chandler, Clark, Cogswell, Farwell, Fitzgerald, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Shragin, Slater, Smith, Stevenot, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—48.

NOES—Messrs. Cunningham, Feeley, Held, and Mullally—4

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 940—An Act to create a system of fire wardens to prevent and suppress forest fires, providing for their appointment and compensation, creating a forest fire fund, providing for coöperation with the State on the part of the counties and private owners of timber land in fire protection, declaring certain acts a nuisance and making the expense of the abatement thereof a lien, and providing for the enforcement of such lien, and making an appropriation for the purpose of carrying out the provisions of this Act.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 940 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 940, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 940 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cartell, Chandler, Clark, Cogswell, Farwell, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowan, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rosendale, Rutherford, Sbragia, Slater, Stevenot, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

Senate Bill No. 262—An Act to amend section thirteen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation." approved March 14, 1907, relating to the practice of medicine and surgery, osteopathy and other systems or modes of treating the sick or afflicted, and providing penalties for violation thereof and hereof, and for so practicing without having at the time of so doing a valid, unrevoked certificate as provided in said Act.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

In line 2, of the title, strike out the words "section thirteen", and insert in lieu thereof the words: "sections seven, thirteen, and seventeen".

Amendment adopted.

AMENDMENT No. 2.

In line 1, of the printed bill, strike out the word "thirteen", and insert in lieu thereof the word "seven".

Amendment adopted.

AMENDMENT No. 3.

In line 7, of the printed bill, after the word "follows", add the following:

Section 7. Each applicant on making application shall pay to the secretary of the board a fee of twenty-five dollars which shall be paid to the treasurer of the board by said secretary. In case the applicant's credentials are insufficient or in case he does not desire to take the examination, the sum of ten dollars will be retained, the remainder of the fee being returnable on application.

Said board shall accept and register on the payment of a fee of fifty dollars and without an examination of the applicant issue a certificate as in this Act provided, to any person holding a license which shall have been issued to him or her by the medical or osteopathic examining boards of the District of Columbia, or any other

state or territory of the United States; *provided, however*, that the legal requirements of said medical examining boards, and that the applicant's preliminary and medical educational qualifications shall have been at the time of issuing such license or certificate substantially the same as those required by this Act; *provided, however*, that such applicant shall have been actively engaged in the practice of his profession in the state issuing such license or certificate a least two years previous to his making such application to the board of this State."

Sec. 2. Section thirteen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," approved March 14, 1907, is hereby amended to read as follows:

Amendment adopted.

AMENDMENT No. 4.

On page 2, line 18, Section 13, of the printed bill, after the word "imprisonment", strike out the rest of the section, and insert in lieu thereof the following: "In each such conviction the fine shall be paid, when collected, to the State Treasurer, and shall constitute a special fund for the prosecution of illegal practitioners as defined in this Act, the said fund to be paid to the said board upon warrants drawn therefor by its secretary, and approved by the Controller, and the said board is authorized to prosecute all persons guilty of a violation of the provisions of this section"

Amendment adopted.

AMENDMENT No. 5.

On page 2, line 22, after the word "section.", insert the following:

"Sec. 3 Section seventeen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of medical examiners in the matter of said regulation," approved March 14, 1907, is hereby amended to read as follows:

Section 17 Nothing in this Act shall be so construed as to inhibit service in the case of emergency or to the domestic administration of family remedies; nor shall be held or construed to apply to one who incidently and gratuitously suggests or puts into operation some method of treatment in the case of one who is sick or afflicted; nor shall this Act apply to any commissioned medical officer in the United States army, navy or marine hospital service, in the discharge of his official duties; nor to any licensed dentist when engaged exclusively in the practice of dentistry, nor shall this Act apply to any practitioner from another state or territory, when in actual consultation with a licensed practitioner of this State, if such practitioner is at the time of such consultation, a licensed practitioner in the state or territory in which he resides; *provided*, that such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this State; nor shall this Act be construed so as to discriminate against any particular school of medicine, or surgery, or osteopathy, or any system or mode of treating the sick or afflicted or to interfere in any way with the practice of religion: *provided*, that nothing herein shall be held to apply or regulate any kind of treatment by prayer.

Amendment adopted.

AMENDMENT No. 6.

On page 2, of the printed bill, after the word "Sec." strike out the figure "2" and insert in lieu thereof the figure "4".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 609—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections 8a and 8b to, an Act entitled "An Act to regulate the sale and use of poisons in the State of California and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 609 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Benmink Bliss, Bohnett Brown, Butler, Clark, Cogswell, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of

Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 445—An Act granting to the city of Los Angeles, in confirmation of the charter of said city, the tide lands and submerged lands of the State within the boundaries of the said city.

During the third reading of the bill, Mr. Preisker moved that the Speaker appoint a select committee of one to amend the bill as follows:

In line 9, Section 1, page 1, of the printed bill, strike out the word "forever".

Also At the end of Section 1, on page 2, of the printed bill, strike out the period after the word "purposes", and insert the following: "; and further reserving in the people of the State of California the absolute right at any time to take over all rights, title or interest by this Act given, upon the non-fulfillment by said city of Los Angeles of any of the conditions in this Act contained, and also reserving the right, at any time after fifty years from the taking effect of this Act, to take over all the rights, title or interest by this Act given, upon the payment by the State of California to said city of Los Angeles, or its successors, of the reasonable value of all improvements placed upon the tide lands herein described."

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Chandler, Cunningham, Feeley, Gaylord, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Jasper, Kehoe, Kennedy, Malone, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Telfer, Walsh, Wilson, Wylhe, and Mr. Speaker—31.

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Griffiths, Hall, Hinkle, Hinshaw, Joel, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Nolan, Randall, Rogers of Alameda, Rutherford, Schmitt, Smith, Tibbits, Williams, and Young—37.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 445 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Gaylord, Griffiths, Hall, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Nolan, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Smith, Telfer, Tibbits, Walsh, Williams, Wylhe, Young, and Mr. Speaker—51.

NOES—Messrs. Chandler, Cunningham, Feeley, Griffin of Modesto, Guill, Hamilton, Harlan, Hayes, Held, Jasper, March, McDonald, Mullally, Polsley, Preisker, Slater, Stevenot, Stuckenbruck, and Wilson—19.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 399—An Act granting certain lands and salt marsh and tide lands of the State of California to the city of Oakland.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 399 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Clark, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffiths, Hall, Hinkle, Hinshaw, Joel, Judson, Kennedy,

Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mullally, Nolan, Randall, Rogers of Alameda, Rutherford, Ryan, Schmitt, Smith, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—48.

NOES—Messrs. Griffin of Modesto, Guill, Harlan, Held, Jasper, Kehoe, March, Polsley, Preisker, Slater, Stevenot, Stuckenbruck, and Wilson—13.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 451—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1574—An Act to amend Section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1574 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 961—An Act controlling the sanitation of shellfish grounds and premises where shellfish are opened, packed or prepared for the market, and controlling the sale of oysters and shellfish for food purposes and providing a penalty for the violation thereof.

During the third reading of the bill Mr. Ryan moved that the Speaker appoint a select committee of one to amend the bill as follows:

On page 3, Section 7, line 2, strike out the word "and", and insert in lieu thereof the word "or".

Also On page 3, Section 7, line 5, strike out the word "and", and insert in lieu thereof the word "or".

Also On page 3, Section 8, line 3, strike out the word "and", and insert in lieu thereof the word "or".

Also On page 3, Section 8, line 10, strike out the word "and", and insert in lieu thereof insert the word "or".

Also On page 4, Section 8, line 20, strike out the word "and", and insert in lieu thereof insert the word "or".

Also: On page 4, Section 9, line 6, strike out the word "and", and insert in lieu thereof insert the word "or".

Motion carried.

The Speaker appointed Mr. Ryan as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 961, with instructions, do now report that the instructions of the Assembly have been carried out.

RYAN, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

Senate Bill No. 568—An Act authorizing the payment of the claim of the National Bank of D. O. Mills & Co., a corporation, against the State of California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 568 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Farwell, Fitzgerald, Flint, Gaylord, Griffiths, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Rosendale, Rutherford, Ryan, Schmitt, Telfer, Walsh, Williams, Wyllie, and Mr. Speaker—44.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1280—An Act to amend Section 4248 of the Political Code of the State of California, relating to the compensation of county and township officers of counties of the nineteenth class, and to the number, appointment and salaries of their deputies, clerks, and assistants.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1280 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Farwell, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF BILLS OUT OF ORDER.

Mr. Hamilton asked for, and was granted, unanimous consent to have Senate Bill No. 1286 taken up, out of order.

Senate Bill No. 1286—An Act to amend Section 4239 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the tenth class.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Strike out of Section 1, page 2, lines 31, 32, 33, and 34, of printed bill, the words "*and provided further, that said sheriff shall receive for traveling outside of his said county in the service of criminal process, no mileage, but shall be allowed his actual and necessary expenses therefor.*"

Amendment adopted.

AMENDMENT No. 2.

Strike out of Section 1, page 2, line 30, of printed bill, the word "fifteen", and insert in lieu thereof the following: "twenty".

Amendment adopted.

AMENDMENT NO. 3.

Insert in Section 1, page 2, line 29, of printed bill, after the word "served", the following: "in either civil or criminal process or proceeding".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Mr. Wyllie asked for, and was granted, unanimous consent to have Senate Bill No. 948 taken up out of order.

Senate Bill No. 948—An Act to amend Section 4241 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the twelfth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 948 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Farwell, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Mr. Schmitt asked for, and was granted, unanimous consent to have Senate Bill No. 1256 taken up out of order.

Senate Bill No. 1256—An Act to authorize certain cities and counties to levy and collect taxes for the purpose of providing a fund for the improvement, repair and maintenance of their harbors, and for the construction of wharves and piers, seawall, state or municipal railroad and spurs there along, betterments, appurtenances, dredging and filling necessary in connection therewith, and to authorize such cities and counties to issue and sell their bonds to create a fund for such repair, maintenance, improvement or construction, or any part thereof, or for the redemption, retirement and cancellation of any state bonds now or hereafter issued and sold to create a fund for any such purposes.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1256 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Coghlan, Cogswell, Farwell, Fitzgerald, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hinkle, Hinshaw, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—46.

NOES—Mr. Harlan—1

Title read and approved.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 1565—An Act to amend Sections 1142 and 1204 and to repeal Section 1202 of the Political Code, relating to elections—and report that the same has been correctly engrossed.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 121—An Act making an appropriation to pay for replumbing, painting and repairing the administration building and the east and west cottages of the Preston School of Industry.

Assembly Bill No. 943—An Act to amend Section 1714 of the Political Code, relating to the library fund in cities.

Assembly Bill No. 918—An Act to amend Sections 1956 and 1958 of the Political Code, of the State of California, relating to officers of the National Guard.

Assembly Bill No. 911—An Act to amend Section 3498 of the Political Code, relating to approval of applications for state lands.

Assembly Bill No. 910—An Act withdrawing from sale all sixteenth and thirty-sixth sections of school land belonging to the State of California, situated within the exterior boundaries of a military, Indian, or forest reservation created by authority of the United States, or of a national forest, national park or national monument, or within the exterior boundaries of lands withdrawn from public entry for forest purposes, and providing for the cancellation of all applications for such lands on which certificates of purchase have not been issued, and prescribing the duties of the Surveyor General in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Assembly Bill No. 827—An Act to amend Section 607 of the Political Code as to papers to be filed in the office of the Insurance Commissioner by insurance companies.

Assembly Bill No. 821—An Act providing for the dissemination of knowledge among the people of California as to the best means of preventing the spread of tuberculosis, and for investigation of its prevalence and making an appropriation therefor.

Assembly Bill No. 717—An Act authorizing and empowering unincorporated, benevolent or fraternal societies to purchase, receive, manage and sell real estate without incorporating.

Assembly Bill No. 662—An Act to prohibit minors under the age of eighteen years to vend and sell goods, engage in, or conduct any business between the hours of ten o'clock in the evening and five o'clock in the morning, and providing penalties for violations thereof.

Assembly Bill No. 706—An Act making an appropriation to complete the work of replacing and reconstructing for the accommodation and treating of patients at Agnews State Hospital buildings destroyed April 18, 1906, to direct the manner of expenditure thereof, to remove restriction upon the per capita cost, authorizing and directing the State Controller to draw his warrants for the sum appropriated, and the State Treasurer to pay the same.

Assembly Bill No. 507—An Act to amend Section 4235 of the Political Code of the State of California, relating to the compensation of officers of counties of the sixth class and their assistants and deputies.

Assembly Bill No. 393—An Act to amend section four thousand three hundred and sixteen of the Political Code of the State of California, relating to sheriffs, clerks and constables, and their deputies.

Assembly Bill No. 292—An Act to amend Section 103½ of the Code of Civil Procedure of the State of California.

Assembly Bill No. 240—An Act to amend section one of an Act entitled "An Act to enforce the educational rights of children and providing penalties for violation of the Act," approved March 24, 1903, and as amended by Act approved March 20, 1905, and relating to age of school children.

Assembly Bill No. 239—An Act to amend section two of "An Act regulating the employment and hours of labor of children—prohibiting the employment of minors under certain ages—prohibiting the employment of certain illiterate minors—providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics and providing penalties for the violation hereof," approved February 20, 1905, and as amended by Act approved March 15, 1909, and relating to the employment of minors under certain ages.

Assembly Bill No. 198—An Act to amend Section 2181 of the Civil Code of the State of California, defining what shall be considered baggage or luggage to be carried by common carriers, and prescribing the method of preparing such baggage for shipment.

Assembly Bill No. 146—An Act to amend section one thousand one hundred and ninety-five of the Political Code, relating to constitutional amendments, providing for the publication and distribution of a pamphlet showing a comparative statement of the operation of the present section or article of the Constitution and of the result to be effected by the proposed amendment, and furnishing a method for numbering amendments and propositions to be submitted to voters.

Assembly Bill No. 145—An Act to add a new section to the Political Code of the State of California, relating to entry of amendments and propositions on ballots.

Assembly Bill No. 100—An Act to provide for direct legislation including initiative, referendum, and recall by electors in counties, by adding two new sections to the Political Code to be numbered Section 4058 and Section 4021a, respectively.

Assembly Constitutional Amendment No. 25—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 13 of Article XX thereof, relating to the manner of electing officers of cities and the number of votes necessary to constitute a choice.

Assembly Bill No. 405—An Act to amend Section 1758 of the Political Code of the State of California, relating to support of high schools.

Assembly Constitutional Amendment No. 50—A resolution to propose to the people of the State of California an amendment to sections twenty and twenty-one of article twelve of the Constitution of the State of California, relating to railroads and other transportation companies.

Assembly Constitutional Amendment No. 6—A resolution proposing to the people of the State of California an amendment to section twenty-two of article twelve of the Constitution of the State of California, creating a Railroad Commission and defining its powers and duties.

Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants on owner's death in certain cases.

Assembly Bill No. 842—An Act to amend section four hundred and ten of the Civil Code of the State of California, relating to foreign corporations, and the penalty for failure to file certified copies of articles of incorporation by said foreign corporations.

Assembly Bill No. 1284—An Act to amend Section 4246 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the seventeenth class.

Assembly Bill No. 1302—An Act to amend section four thousand two hundred and sixty-three of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fourth class, and adding a new section thereto to be numbered 4263a.

Assembly Bill No. 1343—An Act to amend Section 3519 of the Political Code, relating to the issuance of patents by the State.

Assembly Bill No. 1349—An Act providing for the conveyance by quitclaim deed, from the State of California to the Government of the United States, of certain lands erroneously conveyed or patented to said State by said Government.

Assembly Bill No. 1476—An Act to create a reclamation district to be called Reclamation District No. 1000, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts, and reclamation districts within the boundaries of said Reclamation District No. 1000, and providing for the liquidation and winding up of said dissolved districts.

Assembly Bill No. 1546—An Act making an appropriation to pay the per diem and mileage of the members of the Assembly for the thirty-ninth session of the Legislature of the State of California during the sixty-second fiscal year.

Assembly Bill No. 1553—An Act to amend Section 4256 of the Political Code of the State of California, relating to compensation of officers and jurors of counties of the twenty-seventh class, their clerks, deputies, stenographers and assistants.

Assembly Bill No. 1557—An Act to amend Section 4250 of the Political Code of the State of California, relating to fees and salaries of officers in counties of the twenty-first class.

Assembly Bill No. 1560—An Act to amend Section 4277 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the forty-eighth class.

Assembly Bill No. 1556—An Act to amend section four thousand, two hundred and seventy-two of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-third class.

Assembly Bill No. 1207—An Act to amend Section 4253 of the Political Code, relating to salaries and fees of officers in counties of the twenty-fourth class.

Assembly Bill No. 2—An Act to appropriate money for the erection of an animal husbandry and other farm buildings at the California Polytechnic School.

Assembly Bill No. 27—An Act making an appropriation for the care and custody of the custom house at Monterey, California.

Assembly Bill No. 70—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Assembly Bill No. 159—An Act to appropriate money for the purchase of dormitory and school furniture for the California Polytechnic School.

Assembly Bill No. 313—An Act to regulate the construction and maintenance of subways, manholes, and underground rooms, chambers and excavations, used to contain, encase, cover or conduct wires, cables, or appliances to conduct, carry, or handle electricity, and providing the punishment for the violation thereof.

Assembly Bill No. 798—An Act to amend Section 202 of the Civil Code of the State of California, relating to the subscription and acknowledgment of articles of incorporation.

Assembly Bill No. 841—An Act to amend sections twelve hundred and forty-five, twelve hundred and forty-six and twelve hundred and forty-eight of the Civil Code of the State of California, relating to proceedings on execution against home-steads

Assembly Bill No. 883—An Act relating to the liability of public officers for damages resulting from defects and dangers in streets, highways, public buildings, public work or property.

Assembly Bill No. 904—An Act to amend Section 1521 of the Political Code of California, relating to the powers and duties of the State Board of Education.

Assembly Bill No. 927—An Act to amend Section 1720 of the Political Code of the State of California, relating to the annexation, consolidation and merger of union high school districts with high school districts of an incorporated city or town.

Assembly Bill No. 944—An Act to amend Section 1548 of the Political Code, relating to binding of school documents, postage, expressage, printing, etc., for school superintendents

Assembly Bill No. 945—An Act to amend Section 1552 of the Political Code, relating to the traveling expenses of the county superintendent of schools.

Assembly Bill No. 1195—An Act to amend section four thousand two hundred and sixty-four of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirty-fifth class.

Assembly Bill No. 1142—An Act to amend Section 791 of the Political Code, relating to notaries public.

Assembly Bill No. 1345—An Act to authorize the adjustment and settlement of a controversy existing between the United States and the State of California, in relation to the grants made by Congress to the State of California for the benefit of the public schools, and making an appropriation to carry out the provisions hereof.

Assembly Bill No. 1180—An Act to amend section four thousand two hundred and forty-five of the Political Code of the State of California, relating to salaries and fees of officers and fees and mileage of jurors in counties of the sixteenth class.

Assembly Bill No. 1089—An Act to amend an Act entitled "An Act to provide for local improvements upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities, such Act to be known as the 'Local Improvement Act of 1901,'" which became a law under constitutional provision, without the Governor's approval, February 26, 1901, by amending Sections 1, 2, 5, 8, 9, 10, 13, 18 and 19, and by adding a new section thereto, to be numbered 20.

Assembly Bill No. 667—An Act to regulate the keeping of bathing places and swimming resorts on rivers and streams.

Assembly Bill No. 1402—An Act to amend section six hundred and seventy of the Penal Code of the State of California, relating to the terms of imprisonment of persons convicted of crime.

Assembly Bill No. 37—An Act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections, making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses.

And were presented to the Governor, March 24th, at three o'clock and thirty minutes P. M.

RANDALL, Chairman.

RULES SUSPENDED.

Mr. Cogswell moved that the Standing Rules of the Assembly be suspended for the purpose of receiving committee reports out of order.

The roll was called, and rules suspended by the following vote:

AYES—Messrs. Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Farwell, Fitzgerald, Griffiths, Guill, Hall, Hayes, Held, Hinkle,

Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mott, Preisker, Randall, Rodgers of San Francisco, Rosendale, Ryan, Slater, Stevenot, Stuckenbruck, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—44.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 876—An Act to appropriate the sum of eight thousand and ninety-one dollars, for the use and benefit of the University of California, to supply a deficiency in the appropriation for printing at the State Printing Office for the fiscal years 1908 and 1909—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor, which was re-referred to us from the Committee on Roads and Highways—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

ON RULES AND REGULATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Senate Concurrent Resolution No. 21—Relative to the consideration of Senate and Assembly bills—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

PREISKER, Chairman.

The above reported Senate concurrent resolution ordered on file for adoption.

ADJOURNMENT.

At eleven o'clock and forty-five minutes P. M., on motion of Mr. Brown, the Assembly was declared adjourned until ten o'clock A. M. of Saturday, March 25, 1911.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL. }
Saturday, March 25, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Walker, and the following members answered to their names:

Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlau, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle,

Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Priesker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—78.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Lyon of San Francisco, its further reading was dispensed with.

LEAVE OF ABSENCE.

Mr. Clark asked for, and was granted, leave of absence for the morning.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett, the Journals of Monday, March 20th, Tuesday, March 21st, Wednesday, March 22d, Thursday, March 23d, and Friday, March 24th, were approved as corrected by the Minute Clerk.

RULES SUSPENDED.

Mr. Bohnett moved that the Standing Rules of Order of the Assembly be suspended for the morning session, and the order of business be as follows:

“Reports of standing committees, introduction of bills, report of Committee on Introduction of Bills, and consideration of Assembly bills.”

The roll was called, and rules suspended, by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Malone, McGowen, Mendenhall, Nolan, Polsley, Priesker, Randall, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Sutherland, Telfer, Williams, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—Messrs. Bishop, Cunningham, Feeley, and Mullally—4.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 1016—An Act to amend Section 3825 of the Political Code of the State of California, relating to the collection of taxes on unsecured personal property.

Also: Assembly Bill No. 595—An Act to amend Section 3766 of the Political Code of California, relating to the manner of making publication of the delinquent tax list.

Also: Assembly Bill No. 594—An Act to amend Section 3764 of the Political Code of California, relating to the publication of the delinquent tax list.

Also: Assembly Concurrent Resolution No. 11—Relative to increasing by 25 per cent the percentage and rates of taxes to be levied, assessed and collected entirely for state purposes, in accordance with Section 14, of Article XIII, of the Constitution of the State of California.

Have had the same under consideration, and respectfully report the same back, without recommendation.

HELD, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Assembly Bill No. 1496—An Act relating to revenue and taxation, providing for license taxes on distilled spirits or compounded, rectified, adulterated or blended distilled spirits, brewed, fermented or malted liquors, manufactured tobacco and cigarettes, and providing penalties for violations of its provisions, and creating a revenue department for the enforcement and collection of said license taxes.

Also: Assembly Bill No. 743—An Act to amend section thirty-eight hundred and seventeen of an Act of the Legislature of the State of California, entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the sale of real property for delinquent taxes and the redemption and resale of such property.

Also: Assembly Bill No. 942—An Act providing for the registration, licensing, use and operation of motor vehicles.

Also: Assembly Bill No. 648—An Act to amend Section 3650 of the Political Code of the State of California, relating to the assessment of property

Also: Assembly Bill No. 1480—An Act to amend Section 3629 of the Political Code, relating to statement of property acquired by the assessor.

Also: Assembly Bill No. 1481—An Act to amend Section 3607 of the Political Code, relating to property in the State subject to taxation

Have had the same under consideration, and respectfully report the same back, without recommendation.

HELD, Chairman.

The above reported bills ordered on file for second reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 404—An Act to provide for the investigation of the practicability of the construction of canals and the canalization of rivers, their tributaries, and other waterways in California in aid of commerce; to define the duties of the Department of Engineering and of the Governor, in relation thereto, and to make an appropriation to defray the cost of such investigation, which was re-referred to us from the Committee on Commerce and Navigation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 1562—An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

ON LABOR AND CAPITAL

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 16—An Act providing compensation for employees for injuries received in the course of their employment; providing for limiting the employers' liability hereunder for such injuries, providing means and methods for ascertaining the amount of said compensation; and how and when the same shall be paid; and providing for the procedure for enforcing and carrying out the terms of said Act.

Also: Assembly Bill No. 250—An Act prescribing when the fact of the injury or death of an employee, apprentice or workman shall not be taken into consideration by the law; providing in what cases, and to whom, employers or masters shall be liable in damages for injuries, or death of their employees, servants, apprentices and workmen; providing that contributory negligence and imputable contributory negligence shall not bar recovery; providing when the injured or killed employees, servant, apprentice, or workman, shall not be held guilty of assumption of risks; prohibiting contracts, rules, regulations, and devices in derogation of this Act; forbidding the introduction of certain evidence in cases between master or employers and employees; providing for setoffs and actions between employer, or master, and employees, servants, apprentices and workmen; providing what the terms employer and master shall include; providing what duties and what rights this Act shall not limit and impair; providing how this Act shall be construed, and repealing all Acts and parts of Acts in conflict herewith.

Also. Assembly Bill No. 289—An Act to regulate and limit the hours of employment of females in any mechanical establishment or factory, or laundry, or workshop, or restaurant, or hotel, or office, or other place of labor, in order to safeguard the health of such employees; to provide for its enforcement and a penalty for its violation.

Also. Assembly Bill No. 314—An Act creating the office of state electrical inspector of California, defining the duties and powers of its incumbent, and making provision for its maintenance, and providing the punishment for offenses under the same.

Also. Assembly Bill No. 322—An Act to regulate the practice of stationary and steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among stationary and steam engineers in the State of California.

Also. Assembly Bill No. 398—An Act in relation to workmen's compensation in certain dangerous employments.

Also. Assembly Bill No. 399—An Act to amend Section 1970 of the Civil Code, relating to employers' indemnity to employees.

Also. Assembly Bill No. 400—An Act regulating the payment of wages of unskilled manual laborers, prohibiting the assignment of future wages of such laborers, and prescribing a penalty for the breach of such Act.

Also. Assembly Bill No. 631—An Act to prohibit the issuance of checks in payment of wages due employers, fixing the time when certain wages shall become due and payable; the manner of payment, and providing for the collection of reasonable attorney's fees in action to recover wages.

Also. Assembly Bill No. 819—An Act to amend the law relating to the liability of employers for injuries to their employees.

Also. Assembly Bill No. 879—An Act governing and regulating plumbing, providing a state plumbing board, local boards of examiners, and defining their duties, fixing their compensation and providing a special fund, and providing for the licensing plumbers.

Also. Assembly Bill No. 1132—An Act to regulate the practice of stationary and steam engineering; the construction and operation of steam boilers; providing for the registration and licensing of persons to carry on such practice; the appointment of a state boiler inspector and state board of examining engineers and boiler inspection.

Also. Assembly Bill No. 1304—An Act to amend section six hundred and fifty-three c of the Penal Code of the State of California, relating to crimes against employees.

Also. Senate Bill No. 449—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the State of California in one or more of the public institutions of this State for the insane, who shall have arrived at the age of sixty years.

Also. Senate Bill No. 697—An Act to authorize and regulate the employment of prisoners in the state prisons of this State, and to provide for the disposition of the products of their skill and labor.

These bills are all those remaining in said committee; the provisions of which have been covered by bills previously reported upon.

We have had the same under consideration, and respectfully report the same back, and recommend that the authors be allowed to withdraw same.

TELFER, Chairman.

The above reported Assembly bills withdrawn

The above reported Senate bills ordered on file for second reading.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 430—An Act to amend Section 925 of the Penal Code of California, relating to grand juries—have had the same under consideration, and respectfully report the same back, without recommendation as to passage, and recommend the adoption of amendments.

KEHOE, Chairman

The above reported bill ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 469—An Act to amend section twelve hundred and forty-nine of the Code of Civil Procedure of the State of California.

Also. Senate Bill No. 1083—An Act to amend section sixty-seven a of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of two additional Superior Court judges in Los Angeles County, and providing for their compensation.

Also. Senate Bill No. 1085—An Act to amend section fourteen hundred and seventy-five of the Code of Civil Procedure relating to the setting off of the recorded

homestead and the presentation of claims against said homestead and the estate of the homestead claimant.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

KEHOE, Chairman.

The above reported bills ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 965—An Act to regulate the issuance of restraining orders and injunctions and procedure thereon, and to limit the meaning of "conspiracy" in certain cases—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

KEHOE, Chairman.

The above reported bill ordered on file for second reading.

REQUEST FOR PERMISSION TO INTRODUCE BILL.

The following request for permission to introduce bill was filed:

By Committee on Ways and Means:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: We ask permission to introduce the accompanying bill, the title of which reads as follows, viz: "An Act for the levy and collection of taxes for the support of the state government for the sixty-third and sixty-fourth fiscal years."

COMMITTEE ON WAYS AND MEANS.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON INTRODUCTION OF BILLS

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Introduction of Bills, to whom was referred the following bill, herewith return the same with the recommendation that the author be permitted to introduce it. The title of said bill is as follows: An Act for the levy and collection of taxes for the support of the state government for the sixty-third and sixty-fourth fiscal years.

CHANDLER, Chairman.

Mr. Chandler moved the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Calhoun, Cartell, Chandler, Coghlan, Cogswell, Cronin, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Hall, Hamilton, Hailan, Hayes, Held, Hunkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—60.

NOES—None.

INTRODUCTION OF BILL.

The following bill was introduced, and referred as indicated:

By Committee on Ways and Means: Assembly Bill No. 1587—An Act for the levy and collection of taxes for the support of the state government for the sixty-third and sixty-fourth fiscal years.

Bill read first time, and ordered on file without reference

WITHDRAWAL OF BILLS.

On motion, Assembly Bills Nos. 375, 373, 957, 1341, 491, 488, 592, 366, 1353, 1123, 1173, 468, 1486, 1503, 837, 474, 1497, 679, 710, 1656, 1316, 1517, 1047, 1352, 1374, 874, Assembly Concurrent Resolutions

Nos. 8, 25, 21, 27, and Assembly Joint Resolutions Nos. 4, 16, and 19 were withdrawn.

SPECIAL URGENCY FILE.

Assembly Bill No. 1168—An Act to add a new section to the Penal Code of the State of California, to be numbered 382a, forbidding the advertisement of any misbranded, mislabeled or adulterated food, liquor, drug, medicine or remedy.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1168 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Cogswell, Cunningham, Deeney, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hamilton, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, Mendenhall, Polsley, Rosendale, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—41.

NOES—Messrs. Griffin of Modesto, Hayes, Lyon of San Francisco, Rogers of Alameda, and Slater—5.

Title read and approved.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Williams gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1168 was this day passed.

Assembly Bill No. 1565—An Act to amend Sections 1142 and 1204 and to repeal Section 1202 of the Political Code, relating to elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1565 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jones, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Nolan, Polsley, Rosendale, Slater, Stevenot, Sutherland, Telfer, Tibbits, Wyllie, Young, and Mr. Speaker—42.

NOES—Messrs. Cunningham, Feeley, Griffin of Modesto, Kennedy, McDonald, Rogers of Alameda, Smith, and Walsh—8.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 19—Relating to a proposed amendment to the Constitution of the United States so that the laws governing marriage and divorce shall be established by federal statute and divorce proceedings heard and determined in the federal courts, and by uniform law throughout the United States.

The question being on the adoption of the Assembly joint resolution.

The roll was called, and Assembly Joint Resolution No. 19 adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Maher, Mendenhall, Polsley, Slater, Telfer, Walsh, Williams, Wyllie, Young, and Mr. Speaker—42.

NOES—Messrs. Cunningham, Mullally, Rogers of Alameda, Rosendale, Stevenot, and Sutherland—6.

Assembly joint resolution ordered transmitted to the Senate.

ASSEMBLY JOINT RESOLUTION No. 19.

Relating to a proposed amendment to the Constitution of the United States so that the laws governing marriage and divorce shall be established by federal statute and divorce proceedings heard and determined in the federal courts, and by uniform law throughout the United States.

WHEREAS, The number of divorces throughout the United States has been increasing during the past fifty years at an alarming rate and under the present system there is no uniform law covering this subject in the several states, and

WHEREAS, At the present time the several states are operating under laws so entirely divergent that the legitimacy of children is often made a serious question, and property rights are frequently uncertain, and

WHEREAS, The question is one that strikes at the very foundation of our social organization and we deem it necessary and proper that the law in relation thereto should be uniform throughout the United States and that such law should be so safeguarded that fraudulent divorces can not be secured, now, therefore, be it

Resolved, That we instruct our Senators in Congress and request our Representatives at Washington to use their best endeavors to have Congress propose an amendment to the Constitution of the United States whereby Congress may pass laws regulating the subject of marriage and divorce throughout the United States.

Assembly Bill No. 144—An Act to add to the Civil Code of the State of California a new section to be numbered 224a, providing for the adoption of dependent or delinquent children upon proceedings in the juvenile court wherein a child is found to be dependent or delinquent.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 144 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF BILLS.

Assembly Bill No. 1193—An Act to add a new section to the Political Code of the State of California, to be designated and numbered three hundred and thirty-one, relating to the appointment to office of relatives by state officers and judges; and fixing the penalty for making such appointments

Bill read third time

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1193 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Farwell, Fitzgerald, Flint, Gaylord, Griffiths, Hamilton, Harlan, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, McGowan, Mott, Polsley, Preisker, Rosendale, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—43

NOES—Messrs. Cogswell, Crosby, Cunningham, Denegri, Feeley, Freeman, Hall, Hayes, Jones, Kennedy, Lyon of Los Angeles, Malone, Mendenhall, Mullally, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sutherland, Walsh, and Williams—20.

Title read and approved

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER.

Mr. Bishop gave notice that on the next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 1193 was this day passed.

Assembly Bill No. 917—An Act making an appropriation for the completion and construction of additional cells, walls, chapel, domestic building, and stables, at the state prison at San Quentin, the installation and equipment of an electric light and power plant at state prison, and providing for additional accommodations for the prisoners at said prison and to provide for other expenditures incidental or relating thereto.

Bill withdrawn.

Assembly Bill No. 627—An Act to provide for the construction of a hospital building or buildings at the Los Angeles department of the college of medicine of the University of California, and the purchase of such equipment as is necessary for the operation of the same, and for the expense incurred in moving, improving and changing the present buildings on the property of the Los Angeles department of the college of medicine of the University of California, and to make appropriation therefor.

Bill withdrawn.

CASES OF URGENCY.

The following resolution was offered:

By Mr. Cogswell:

Resolved, That Assembly Bills Nos. 876, 1587, and 1586 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Mr. Cogswell moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Calhagan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Gaylord, Griffiths, Harlan, Hayes, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polslev, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

SECOND READING OF BILL.

Assembly Bill No. 876—An Act to appropriate the sum of eight thousand and ninety-one dollars for the use and benefit of the University of California, to supply a deficiency in the appropriation for printing at the State Printing Office for the fiscal years 1908 and 1909.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 876 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 876, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Bill read second time, considered engrossed, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 876 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffiths, Hinkle, Hinshaw, Jones, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Assembly Bill No. 1586—An Act making appropriations for the support of the State of California for the sixty-third and sixty-fourth fiscal years.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 1586 considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1586, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Cogswell moved the adoption of the report.

Motion carried.

Bill read second time, considered engrossed, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1586 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Hamilton, Hayes, Hinkle, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Young—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Assembly Bill No. 1587—An Act for the levy and collection of taxes for the support of the state government for the sixty-third and sixty-fourth fiscal years.

Bill read second time, considered engrossed, and ordered to third reading.

SPECIAL ORDER SET.

On motion of Mr. Jones, the consideration of Assembly Bill No. 1587 was made a special order for three o'clock and thirty minutes P. M. of this day.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 27—Relative to requesting the Secretary of the Interior to confirm selections of land to the State of California—have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

FREEMAN, Chairman.

The above reported Senate joint resolution ordered on file for adoption.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Free Conference, concerning Assembly Bill No. 643, entitled "An Act to amend section two of an Act entitled 'An Act relating to estrays; providing for taking them up, and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up; and repealing all other Acts or parts of Acts now in force relating to estrays,'" approved March 23, 1901, report that we have met a like committee of the Senate, consisting of Senators Shanahan, Cutten, and Juilliard, and we further report that such Free Conference Committee has agreed that the Senate amendment to the bill, to wit: the addition of the words "or upon unenclosed lands where the acreage of the owner or the person entitled to the possession thereof exceeds one thousand two hundred and eighty acres," in lines 10, 11, and 12, of the printed bill, should be stricken therefrom.

WILSON,
KEHOE,
JUILLIARD,
STEVENOT,

I dissent. CUTTEN.

Committee on Free Conference.

The question being upon the adoption of the report.

The roll was called, and report adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mendenhall, Mott, Randall, Rogers of Alameda, Rutherford, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wyllie, Young, and Mr. Speaker—47.

NOES—Mr. Polesley—1.

Bill ordered to enrollment

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1021—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

WALTER N. PARRISH, Secretary of Senate

The above bill referred to Committee on Ways and Means.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the following Assembly Amendments to Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation, viz: Amendments Nos. 21, 40, 45, 47, 51, 52, 53, 55, 56, 57, 58, 59, 60, 69, 75, 76, 77, 78, 79, and 81, and refused to concur in the following Assembly amendments, viz: Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 46, 48, 49, 50, 54, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 80, 82, 83, 84, 85, 86, 87, 88, and 89, and respectfully request your honorable body to recede from the same

WALTER N. PARRISH, Secretary of Senate.

By W. H. WRIGHT, Assistant Secretary

The question being put, "Shall the Assembly recede from the following amendments to Senate Bill No. 13?"

AMENDMENT No. 1.

On page 3, Section 2, line 33, of the printed bill, strike out the words "and business".

AMENDMENT No. 2.

On page 3, Section 3, line 11, of the printed bill, strike out the words "and business".

AMENDMENT No. 3.

On page 3, Section 3, line 12, of the printed bill, strike out the words "including licenses upon their agents."

AMENDMENT No. 4.

On page 4, Section 4, line 16, of the printed bill, strike out the words "and business".

AMENDMENT No. 5.

On page 5, Section 4, line 51, of the printed bill, strike out the words "or banker".

AMENDMENT No. 6.

On page 5, Section 4, line 53, of the printed bill, strike out the words "and business".

AMENDMENT No. 7.

On page 5, Section 4, lines 56 and 57, of the printed bill, strike out the words "it is the intention of this paragraph (that all)", and insert in lieu thereof the word "All".

AMENDMENT No. 8.

On page 5, Section 4, line 68, of the printed bill, strike out the word "act" and insert in lieu thereof the word "section".

AMENDMENT No. 9.

On page 5, Section 4, strike out all beginning with the word "unincorporated", on line 69, down to and including the word "deposits", on line 73 of said page, and insert in lieu thereof the following: "savings and loan societies, and trust companies."

AMENDMENT No. 10.

On page 6, Section 5, lines 22 and 23, of the printed bill, beginning with the word "other", on line 22, strike out down to and including the word "act", on line 23.

AMENDMENT No. 11.

On page 6, Section 5, of the printed bill, strike out all beginning with the word "these", on line 6, down to and including the word "tight", on line 20 of said section.

AMENDMENT No. 12.

On page 6, Section 7, line 2, of the printed bill, strike out the words "for the" and all of lines numbered 3 and 4 on page 7, Section 7, except the word "all", on line numbered 4.

AMENDMENT No. 13.

On page 7, Section 7, line 6, of the printed bill, strike out the words "last preceding", and insert in lieu thereof the following: "prior to the levy of the taxes provided for in Section 14, Article XIII, of the Constitution of California".

AMENDMENT No. 14.

On page 7, Section 7, line 7, of the printed bill, after the word "from", insert "any and all sources on account of".

AMENDMENT No. 15.

On page 7, Section 7, line 9, of the printed bill, strike out the words "from any and all sources".

AMENDMENT No. 16.

On page 7, Section 7 of the printed bill, strike out all beginning with the word "engaged", on line 10 of said section, down to and including the word "done", on line 16 of said section, and insert in lieu thereof "operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and the proportion based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into or out of this State".

AMENDMENT No. 17.

On page 7, Section 7, line 9, of the printed bill, after the word "companies", insert the following "described in Section 2 of this Act".

AMENDMENT No. 18.

On page 7, Section 8, of the printed bill, strike out all beginning with line 3 to the end of said page 7 and strike out all of page 8, and also strike out the colon (:) after the word "include", on line 2 of said Section 8, and insert in lieu thereof the following: "The franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way and other property, or any part thereof, used exclusively in the operation of their business in this State by all or any of the following, to wit: railroad companies, including street railways, whether operated in one or more counties: all sleeping cars, dining cars, drawing room cars and palace car companies; all refrigerator, oil, stock, fruit and other car loading and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity."

AMENDMENT No. 19.

On page 9, Section 8 of the printed bill, strike out all of lines 48 and 49, down to and including the word "of", on said line 49, and insert in lieu thereof the following: "Operative property mentioned in".

AMENDMENT No. 20.

On page 9, Section 8 of the printed bill, strike out all beginning with line 52 on said page to the end of said page 9 and all of page 10 down to and including the figure "4", on line 90, and insert in lieu thereof the figure "2".

AMENDMENT No. 22.

On page 12, Section 9, lines 82 and 83 of the printed bill, strike out the words "in the same line of business", and insert in lieu thereof "as that term is herein-after defined in this section".

AMENDMENT No. 23

On pages 13 and 14, of the printed bill, strike out all of Section 10, and insert in lieu thereof the following:

SEC 10. There is hereby created a board of arbitration to be known and designated as "The State Board of Arbitration," said board to consist of the members of the Board of Equalization and of six county assessors.

The Governor shall appoint six county assessors as members of the State Board of Arbitration, who shall serve during the pleasure of the Governor.

Said county assessors shall be appointed to hold office for a term not exceeding four years, and in no instance shall such appointment exceed their incumbency of office as county assessor.

Upon written notice to the members thereof all meetings of the State Board of Arbitration shall be held at the call of the State Board of Equalization. Such meeting shall be held at the office of the State Board of Equalization. The secretary of the State Board of Equalization shall act as the secretary of the State Board of Arbitration, and a record of the proceedings of all such meetings shall be kept and entered in the minutes of the board.

At such meetings the duties of the State Board of Arbitration shall be:

1. To finally determine, in the event of a dispute between the State Board of Equalization, the assessor and the company, what property, taxed exclusively for state purposes under subdivision (a) of Section 14, Article XIII, of the Constitution of this State, is operative, and what property non-operative, or in what proportion partially operative, or in what proportion partially non-operative.

2. To equalize the assessed value of the following property when such property has been assessed above its full cash value. (a) The real estate belonging to any insurance company subject to taxes under subdivision (b) of Section 14, Article 13, of the Constitution of this State

(b) The real estate belonging to any bank, under subdivision (c) of Section 14, Article 13, of the Constitution of this State.

(c) The property and the franchise of any company when said franchise is taxable, under subdivision (d) of Section 14 Article 13, of the Constitution of this State.

(d) The property taxed exclusively for state purposes which is subject to a tax for any bonded indebtedness existing prior to November 8, 1910, as provided in subdivision (e) of Section 14, Article XIII, of the Constitution of this State

The six assessors acting as members at any meeting of said board shall be entitled to their actual traveling expenses.

At any meeting of said board a quorum shall consist of not less than three members of the State Board of Equalization and three county assessors, members of said board, and a decision of a majority of such quorum shall be binding, *provided*, that if no quorum can be secured within five days after a proper notice of any meeting has been given by the State Board of Equalization, then, in that event, the State Board of Equalization shall assume the duties of and act as a State Board of Arbitration, and take final action on the matter under consideration

If any assessor finds in the report of the operative property in his county, city and county, municipality or district furnished to him by any of the companies, as required in Section 9 of this Act, any piece or parcel of property which he regards as non-operative, he shall within thirty days after receiving such report, notify the State Board of Equalization thereof by mail, which notice shall contain a general description of the property and the assessor's reasons for regarding the same non-operative. He shall also mail a copy of the notice to the company whose property is involved. The said board shall investigate the nature of the property and its use and if an agreement between the said board, the assessor, and the company as to the proper classification of such property cannot be reached, then said board shall immediately call a meeting of the State Board of Arbitration

If the State Board of Equalization shall find in the report of operative property furnished to said board by any company, under the provisions of Section 9, of this Act, any piece or parcel of property which said board regards as non-operative, the board shall within thirty days after receiving such report notify said company thereof in writing, which notice shall contain a general description of the property and the reasons for regarding the same non-operative. It shall also mail a copy of the notice to any assessor in whose county, city and county, municipality, or district the property is located. If an agreement between the said board, the assessor and the company as to the proper classification of such property cannot be reached, then the said board shall immediately call a meeting of the State Board of Arbitration

At such meetings the State Board of Arbitration shall, under such rules of notice as it may deem reasonable, set a date for hearing, at which the assessor and the company may be present or represented.

At such hearings the board shall, from the evidence presented and from the best information it can obtain, decide the matter in dispute, and determine whether such property is operative or non-operative or in what proportion operative and in what proportion non-operative. The said board shall enter its decision in its minutes, and shall send a copy thereof to the assessor and the company and also to the proper

officers of any city affected thereby. Said decision shall be binding upon all parties, the State, the county, city and county, municipality, or district, and the company, unless set aside by a court of competent jurisdiction, and each such assessor must note the decision on his assessment roll and must assess such property accordingly.

If any company or owner of any of the following described property, finds that any of said property has been assessed above its cash value, it may appeal to the State Board of Arbitration, by first filing written objections with the State Board of Equalization thereof, within ten days after receiving a report of said assessment, said objections to said assessment to be sent by mail to the secretary of said State Board of Equalization, and shall contain a general description of said property so assessed and also a statement of its actual cash value. The said State Board of Arbitration shall within ten days after said objections have been received and filed by said secretary, take up the matter for hearing before said State Board of Arbitration, who shall investigate the property and ascertain its cash value and thereupon fix the assessed value thereof, which assessment shall be deemed conclusive. The property herein referred to consisting of:

(a) The real estate belonging to any insurance company subject to taxes under subdivision (b) of Section 14, Article 13, of the Constitution of this State;

(b) The real estate belonging to any bank, under subdivision (c) of Section 14, Article 13, of the Constitution of this State;

(c) The property and the franchise of any company when said franchise is taxable under subdivision (d) of Section 14, Article 13, of the Constitution of this State;

(d) The property taxed exclusively for state purposes which is subject to a tax for any bonded indebtedness existing prior to November 8, 1910, as provided for in subdivision (e) of Section 14, Article 13, of the Constitution of this State.

AMENDMENT No. 24.

On page 10, Section 9, line 1, of the printed bill, strike out all beginning with the word "such" on line 1, down to and including the comma after the word "designate" on line 2, of Section 9, and insert in lieu thereof the following: "The president or vice-president and the treasurer or secretary".

AMENDMENT No. 25.

On page 10, Section 9, line 5, of the printed bill, strike out all of said line 5, beginning with the word "one", and insert the following: "the officers so filing the same".

AMENDMENT No. 26.

On page 15, Section 12, line 1, of the printed bill, strike out the word "or" after the word "cashier", and insert in lieu thereof the word "or" before the word "cashier"; and strike out all of line 2 of said Section 12, and the word "mine" on line 3 of said section.

AMENDMENT No. 27.

On page 17, Section 14, line 1, strike out all beginning with the word "every" on said line 1, down to and including the comma after the word "franchise", on line 2, of said Section 14, and insert in lieu thereof the following: "the owner or holder of every franchise subject to taxation".

AMENDMENT No. 28.

On page 17, Section 14, lines 5 and 6, of the printed bill, strike out all beginning with the word "one", on said line 5, down to and including the comma after the word "designate", on line 6, and insert in lieu thereof the following: "the holder or owner himself, if an individual, or by one of the copartners if such owner or holder is a copartnership, or by the president or vice president and the treasurer or secretary if the owner is a corporation,"

AMENDMENT No. 29.

On page 17, Section 14, strike out all beginning with the word "company", on line 8 of said section, down to and including the word "corporation", on line 9, and insert in lieu thereof the following: "owner or holder", and on line 10 of said section insert a comma after the word "prescribe".

AMENDMENT No. 30.

On page 18, Section 14, line 28, strike out the words "receive therefor", and insert in lieu thereof the following: "paid in thereon".

AMENDMENT No. 31.

On page 18, Section 14, of the printed bill, strike out all beginning with the numeral "3", on line 29, down to and including the period after the numeral "5", on line 38, and insert in lieu thereof the numeral "3".

AMENDMENT No. 32.

On page 18, Section 14, of the printed bill, strike out all beginning with the numeral "6", on line 42, down to and including the numeral "10", on page 19, line 60, and insert in lieu thereof the numeral "4".

AMENDMENT No. 33

On page 19, Section 14, of the printed bill, strike out all of lines 63 to 66, both inclusive.

AMENDMENT No. 34.

On page 18, Section 14, line 40, of the printed bill, after the word "dates", insert the following: "during the preceding year".

AMENDMENT No. 35.

On page 19, Section 14, lines 68 and 69, of the printed bill, strike out all beginning with the word "the", where it occurs the second time, in said line 68, down to and including the word "obtain", on line 69, and insert in lieu thereof the following: "any public record".

AMENDMENT No. 36.

On page 20, Section 17, of the printed bill, strike out all of lines 6 and 7, and insert in lieu thereof the following: "reports provided for in Sections 9 and 14 of this Act may be filed at any time within twenty-five days after the approval of this Act."

AMENDMENT No. 37.

On page 21, of the printed bill, strike out all beginning with the word "upon", on line 7, down to and including the word "for", on line 19, and insert in lieu thereof the following: "as and in the manner provided for in this Act and".

AMENDMENT No. 38.

On page 21, line 22, of the printed bill, strike out the word "same", and insert in lieu thereof the following: "property subject to said tax;".

AMENDMENT No. 39.

On page 21, section 18, line 25, of the printed bill, strike out all of said line to and including the word "assessed", and insert in lieu thereof the following: "such assessment must be made".

AMENDMENT No. 41.

On page 21, Section 18, line 36 of the printed bill, strike out the word "promise", and insert in lieu thereof the following "agree in writing".

AMENDMENT No. 42.

On page 22, Section 18, of the printed bill, strike out all beginning with the word "which" on line 40, down to and including the word "Then" on line 51, and insert in lieu thereof the word "then".

AMENDMENT No. 43.

On page 22, Section 18, of the printed bill, in line 52 thereof, strike out the word "promise", and insert in lieu thereof the word "agreement".

AMENDMENT No. 44.

On page 23, Section 19, of the printed bill, strike out all beginning with the period after the word "assessed", on line 7, down to and including the word "be", on line 12, and insert in lieu thereof the following: "and such assessments shall be classified and".

AMENDMENT No. 46.

On page 23, Section 19 of the printed bill, strike out all of lines 31, 32 and all of line 33 except the last two words of said line 33.

AMENDMENT No. 48.

On page 24, Section 20, lines 15 and 16 of the printed bill, strike out all beginning with the word "upon", on said line 15, down to and including the word "when", on line 16, and insert in lieu thereof the following: "provided for or levied under this act which are".

AMENDMENT No. 49.

On page 24, Section 20, line 17 of the printed bill, strike out the words "upon assessment", and insert in lieu thereof the following: "at the time assessment is made."

AMENDMENT No. 50.

On page 24, Section 20, line 22 of the printed bill, strike out the words "following the assessment", and insert in lieu thereof the words "thereafter".

AMENDMENT No. 54.

On page 26, Section 22, line 38 of the printed bill, strike out the words "three years", and insert in lieu thereof the following: "one year".

AMENDMENT No. 61.

On page 30 of the printed bill, strike out all beginning with the word "make", on line 5, Section 25, down to and including the period after the word "state", on line 8, and insert in lieu thereof the following: "prescribe the form upon which the reports required by Sections 9, 12 and 14 of this Act shall be made."

AMENDMENT No. 62.

On page 30, Section 25 of the printed bill, strike out all beginning with the comma after the word "to", on line 11, down to and including the word "cities", on line 12, and insert in lieu thereof the following: "any portion of this State".

AMENDMENT No. 63.

On page 30, Section 25, line 17 of the printed bill, strike out the words "officers of the county", and insert in lieu thereof the words "public official".

AMENDMENT No. 64.

On page 30, Section 25, line 17 of the printed bill, strike out the word "them", and insert in lieu thereof the word "him".

AMENDMENT No. 65.

On page 30, Section 25, line 22 of the printed bill, strike out the period after the word "person", and insert in lieu thereof a semicolon and add the following: "provided, however, that nothing in this section shall be construed as authorizing the said board to subpoena any witnesses or to require the production of any books concerning the affairs of those companies whose franchises alone are to be taxed under subdivision (a) of Section 14, Article XIII of the Constitution of this State."

AMENDMENT No. 66.

On page 30, Section 25, line 25 of the printed bill, before the word "or" insert the following: "except those companies whose franchises alone are to be taxed under subdivision (d) of Section 14, Article XIII of the Constitution of this State,".

AMENDMENT No. 67.

On page 30, Section 25, line 36 of the printed bill, after the word "it", insert the following: "except those companies whose franchises alone are to be taxed under subdivision (d) of Section 14 of Article XIII of the Constitution of this State,".

AMENDMENT No. 68.

On page 30, Section 25, line 38 of the printed bill, strike out the word "company", and insert in lieu thereof the words "such companies".

AMENDMENT No. 70.

On page 31, Section 25, line 40, insert after "member" the following: "or ex-member", and on line 42, after "Controller", the following: "or ex-controller", and strike out all after the word "nine" on line 5, down to and including the word "Act", on line 52.

AMENDMENT No. 71.

On page 30, Section 25, lines 31 and 32, strike out the words "organization or business of such company", and insert in lieu thereof the following: "assessment to be made under this Act."

AMENDMENT No. 72.

On page 31, Section 25, strike out all of lines 63 to 66, both inclusive.

AMENDMENT No. 73.

On page 31, Section 26, line 6 of the printed bill, strike out all beginning with the word "other" down to and including the word "therein", on said line 6.

AMENDMENT No. 74.

On page 35, Section 28, line 88 of the printed bill, strike out the comma after the word "treasurer", and the words "and the" following said comma, and insert a period and the word "The".

AMENDMENT No. 80.

On page 36, Section 29, line 43 of the printed bill, after the word "or" insert the following: "to a county or city and county for any township or".

AMENDMENT No. 82.

On page 37, Section 29 of the printed bill, strike out all of lines 48 and 49.

AMENDMENT No. 83.

On page 37, Section 32, lines 10 and 11, strike out the word "The" and all of said section after said word "the".

AMENDMENT No. 84.

On page 31, at the end of Section 25, insert the following. "The members of the State Board of Equalization are hereby authorized and empowered to act as members of said board as defined in Section 10 of this Act."

AMENDMENT No. 85.

On page 32, Section 26, line 13, after the word "shall", insert the following: "immediately call a meeting of the State Board of Arbitration. The State Board of Arbitration shall".

AMENDMENT No. 86.

On page 32, Section 26, line 24, strike out the words "the State Board of Equalization", and insert in lieu thereof the following. "said board".

AMENDMENT No. 87

On page 32, Section 27, line 11, after the word "shall", insert the following: "immediately call a meeting of the State Board of Arbitration. The State Board of Arbitration shall".

AMENDMENT No. 88.

On page 32, Section 27, line 24, strike out the words "the State Board of Equalization", and insert in lieu thereof the following. "said board".

AMENDMENT No. 89.

On page 34, Section 28, line 46, after the word "shall", insert the following: "immediately call a meeting of the State Board of Arbitration. The State Board of Arbitration shall".

The roll was called, and the Assembly refused to recede by the following vote:

AYES—Messrs. Cogswell and Rutherford—2.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Denegri, Fairwell, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Polsley, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—56.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Held:

WHEREAS, On March 3, 1911, the Senate passed Senate Bill No. 13, and on the 6th day of March, 1911, transmitted the same to the Assembly; and

WHEREAS, On March 22, 1911, said Senate Bill No. 13 was amended in the Assembly, and on March 23, 1911, was passed in the Assembly as amended, and

WHEREAS, On March 24, 1911, the Senate did concur in Assembly amendments Nos. 21, 40, 45, 47, 51, 52, 53, 55, 56, 57, 58, 59, 60, 69, 75, 76, 77, 78, 79, and 81, and did refuse to concur in Assembly amendments Nos. 1 to 20, both inclusive; 22 to 39, both inclusive, 41 to 44, both inclusive; 46, 48, 49, 50, 54, 61 to 68, both inclusive; 70 to 74, both inclusive, 80 and 82 to 89, both inclusive, of which action so taken by the Senate the Secretary of the Senate did notify the Assembly, and did ask that the Assembly recede from the amendments not concurred in by the Senate; and

WHEREAS, The Assembly has refused to recede from its said amendments; now, therefore, be it

Resolved, That the Speaker of the Assembly appoint three members of the Assembly as a Committee on Conference on behalf of the Assembly, to meet a like committee from the Senate

Resolution read, and on motion, adopted.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate refused to concur in the Assembly amendments to Senate Bill No. 972—An Act to

amend Section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class—and we respectfully request your honorable body to recede from its amendments to said Senate Bill.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly recede from the following amendments to Senate Bill No. 972?"

Add a new section thereto to be numbered section two, and to read as follows: "As to subdivisions 5, 6, 7, 12, 13, 14, 15, and 16, this Act shall take effect immediately, as to all other subdivisions thereof it shall not take effect until the expiration of the present terms of the officers hereinbefore enumerated."

The roll was called, and the Assembly refused to recede by the following vote:

AYES—Mr. Gaylord—1.

NOES—Messrs. Beckett, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Farwell, Feeley, Fitzgerald, Flint, Guiffiths, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Sutherland, Tibbits, and Young—46.

Bill ordered transmitted to the Senate.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker announced the appointment of Messrs Tibbits, Slater, and Stevenot, as a Committee on Conference to meet with a like committee from the Senate to consider Assembly Bill No 972.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate bills as follows:

Senate Bill No 25—An Act to create a "State Bureau of Criminal Identification and Investigation," providing for the appointment of a board of managers of said bureau, defining their qualifications, term of office, duties and powers, providing for the appointment of a director, six clerks and one stenographer, fixing the compensation of said managers, director, clerks and stenographer, providing for the manner of paying the same, and providing for the expense of equipping and maintaining the office of said bureau, and making an appropriation therefor.

Also: Senate Bill No 14—An Act relating to the liability of employers for injuries or death sustained by their employees, providing for compensation for the accidental injury of employees, establishing an industrial accident board, making an appropriation therefor, defining its powers and providing for a review of its awards.

Also. Senate Bill No 643—An Act regarding irrigation and declaring the same to be a public use.

Also Senate Bill No. 964—An Act to add a new section to the Penal Code, to be known as section three hundred and eleven a, relating to theaters, concert halls, moving pictures, moving picture shows, nickelodeons and penny arcades or other place of amusement, and fixing the penalty for the violation thereof.

Also: Senate Bill No 980—An Act to amend Section 1543 of the Political Code of the State of California, relating to the powers and duties of the county superintendent of schools of each county.

Also Senate Bill No 982—An Act to amend Section 1613 of the Political Code of the State of California, fixing the term of office of school trustees.

Also: Senate Bill No. 1150—An Act to amend an Act entitled "An Act to provide for the alteration of the boundaries of, and for the annexation of, territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipality, and for the districting, government and municipal control of annexed territory," approved March 19, 1889, and the amendment thereto approved March 20, 1905, by adding a new section thereto, relating to the property and indebtedness of territory annexed to incorporated towns and cities.

Also: Senate Bill No. 1147—An Act to amend the Railroad Commission Act by amending section fifteen thereof, relating to powers and duties of the Railroad Commission of the State of California, and to amend section thirty-seven thereof, relating to free and reduced-rate transportation for freight and passengers.

Also: Senate Bill No. 483—An Act to amend Section 4076 of the Political Code of the State of California, relating to the form of claim against county.

Also: Senate Bill No. 97—An Act to amend Section 848 of the Code of Civil Procedure of the State of California, relating to the service of summons, issued out of a justice's court, outside of the county in which the action is brought, and providing for the release of attachment when the service of the summons is set aside.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 16—Relative to final adjournment of the thirty-ninth session of the Legislature

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above Senate concurrent resolution referred to Committee on Ways and Means.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following resolution:

WHEREAS, The Senate has adopted a resolution directing and authorizing the President of the Senate to appoint a committee of three hold-over Senators to prepare and submit to the fortieth session of the Legislature of California a new system of rules to govern the Senate and Assembly in their deliberations for the purpose of securing greater economy in time and expense, and

WHEREAS, In the opinion of the Senate, the cooperation of the Assembly is necessary in accomplishing proper revision of the rules; therefore, be it

Resolved, That the Assembly be, and is hereby, invited to appoint a similar committee of three members to cooperate with and act in conjunction with the committee appointed by the Senate to recommend to the fortieth session of the Legislature a revised system of rules

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

The above resolution ordered printed in the Journal

Also:

SENATE CHAMBER, SACRAMENTO, March 23, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day appointed the following as a Committee on Conference to consider the amendments to Senate Bill No. 301—An Act entitled an Act to amend Section 1070 of the Penal Code, relating to the number of peremptory challenges—Senators Roseberry, Stetson, and Cartwright.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendment No. 3 to Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general permanent powers of the board of supervisors—and refused to concur in Assembly amendments Nos. 1 and 2 to said Senate Bill No. 925, and we respectfully request that your honorable body recede from its said amendments Nos. 1 and 2 to said Senate bill.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put. "Shall the Assembly recede from the following amendments to Senate Bill No. 925?"

AMENDMENT No. 1

Insert after Section 1, the following "SEC. 2. This Act shall take effect and be in force on and after July 15, 1911."

AMENDMENT No. 2.

On page 9, line 251, strike out the word "twenty-five", and insert in lieu thereof the following: "ten".

Also: On page 9, line 252, strike out the word "ten", and insert in lieu thereof the following: "two".

The roll was called, and the Assembly refused to recede by the following vote:

AYES—Messrs. Benedict, Callaghan, Coghlan, Cogswell, Crosby, Denegri, Farwell, Fitzgerald, Hinkle, Jones, Kennedy, Lamb, Lyon of Los Angeles, McDonald, McGowen, Mullally, Randall, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, and Mr. Speaker—23.

NOES—Messrs. Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Cunningham, Flint, Freeman, Griffiths, Hamilton, Harlan, Hayes, Held, Hinchaw, Kehoe, Maher, Malone, Mendenhall, Mott, Polsley, Preisker, Rosendale, Ruth-erford, Slater, Stevenot, Sutherland, Telfer, Walsh, Wilson, Wyllie, and Young—34.

Bill ordered transmitted to the Senate.

GUESTS FROM THE STOCKTON PUBLIC SCHOOLS.

The Speaker announced the presence of the following students from the Stockton public schools, and ordered their names printed in the Journal:

STUDENTS.

Lesa Pender
Elvina Oreta
Edna Hooper
Amy Hickox
H. F. Otto
Ethel Taylor
Jean Taylor
Alice Hall
Eva Musto
Sadie Cowen
Lydia Bartholomew
Harriet Glover
Earl Stribley
Carroll Burns
Clyde Munholland
C. Buthenuth
Bessie Carson

Beatrice Lichtenfeld
Euphemia Beecher
Charlie Thornton
John Lertora
Allen Sapiro
John Wright
Emil Fimbel
John Oreta
Eila Woods
Fannie Gawthrop
Frank Gawthrop
Florence Long
Donna Simpson
James Hull
Joy Felt
Helene Schuler
Miller Howard

Julius Mantbey
Hazel French
Irma Sturcke
Grace Munch
Velma Mubrog
Averil Ransdele
Harriet French
Hazel Blewatt
Ruth Chrisman
Gladys Fox
Anne Hall
Beryl Trotheway
Amy Hampton
Garrett McTaggart
Herbert Miller
Stanley James

TEACHERS.

Lewis H. Boctton
J. P. Gossett

Miss Louise Hilke
Miss Albertine Johnson

John R. Williams

In charge of Mrs. L. H. Britton, Mrs. G. Schuler, Mrs. O. D. Carson, and C. A. Beecher.

RECESS.

At twelve o'clock and forty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

APPOINTMENT OF CONFERENCE COMMITTEES.

The Speaker announced the appointment of Messrs. Rosendale, Telfer, and Benedict as a Committee on Conference to meet with a like committee from the Senate, to consider Senate Bill No. 925.

Also:

The Speaker announced the appointment of Messrs. Held, Cogswell, and Sutherland, as a Committee on Conference to meet with a like committee from the Senate to consider Senate Bill No. 13.

RULES SUSPENDED.

Mr. Lyon of Los Angeles moved that the rules be suspended for the purpose of continuing the regular order of business.

The roll was called, and rules suspended by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Fitzgerald, Flint, Freeman, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rodgers of San Francisco, Rutherford, Ryan, Shragia, Schmirt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—61.

NOES—Mr. Malone—1.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 760—An Act to regulate the practice of mechanotherapy in the State of California, and to provide for a state board of mechanotherapy examiners, and to license mechanotherapists to practice in this State, and punish persons violating the provisions of this Act.

Also, Senate Bill No. 963—An Act making an appropriation for the Department of Engineering, for the purpose of making the necessary preliminary surveys, borings, plans and estimates for a suspension or other bridge across the straits of Carquinez, between the counties of Contra Costa and Solano, and fixing the requirements to be met in designing such bridge.

Also, Senate Bill No. 1253—An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATISON, Assistant Secretary.

Senate Bill No. 760 read first time, and referred to Committee on Medical and Dental Laws.

Senate Bill No. 963 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 1253 read first time, and ordered on file without reference.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1172—An Act to add a new section to the Political Code to be numbered section two hundred fifty-one, relating to clerks of committees and of members of the Legislature, and providing for the fixing of their compensation.

Also, Senate Bill No. 1064—An Act to amend Section 656 of the Civil Code of the State of California, relating to the ownership of wild animals while living.

Also, Senate Bill No. 532—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract.

Also, Senate Bill No. 1079—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Also, Senate Bill No. 1287—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section six hundred and four a, providing for the formation of religious corporations.

Also, Senate Bill No. 242—An Act to amend section one thousand four hundred and sixty-nine of the Code of Civil Procedure of the State of California, providing for the assigning and setting apart of the property of small estates of decedents for the use and benefit of widows and minor children, and repealing all Acts and parts of Acts in conflict with this Act.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 1281—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Committee Substitute for Senate Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article VI thereof, to be numbered Section 4½, in relation to the establishment of a State Commerce Court.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Senate Bill No. 1172 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1064 read first time, and referred to Committee on Fish and Game.

Senate Bill No. 532 read first time, and referred to Committee on Municipal Corporations

Senate Bill No. 1079 read first time, and referred to Committee on Labor and Capital.

Senate Bill No. 1287 read first time, and referred to Committee on Judiciary.

Senate Bill No. 242 read first time, and referred to Committee on Judiciary.

Senate Bill No. 1281 read first time, and referred to Committee on Roads and Highways.

Committee Substitute for Senate Constitutional Amendment No. 51 read and referred to Committee on Constitutional Amendments.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 793—An Act to add a new section to the Penal Code of California to be designated 599g, relating to the subject of cruelty to animals.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on March 23, 1911, adopted, and on this day passed, Senate Committee Substitute for Assembly Bill No. 982—An Act to make an appropriation for the location, survey and construction of a state highway from the Calaveras Big Tree Grove, located in Calaveras County, to Dorrington, Calaveras County, thence running easterly following what is known as the Big Tree and Carson Valley turnpike through Calaveras and Alpine counties to Markleeville, Alpine County, California—and we respectfully request that your honorable body concur in the adoption of said committee substitute.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 982?"

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 982.

An Act to establish the Alpine state highway; to define its course, to provide for its supervision, construction, repair and maintenance, and to make an appropriation therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That certain road commencing at the Calaveras Big Tree Grove, located in Calaveras County, thence running to Dorrington in said county, thence easterly following what is known as the Big Tree and Carson Valley turnpike, to Mount Bullion, in Alpine County; thence along county road to Markleeville, in Alpine County; thence along that certain road via Kirkwood, Silver Lake, Pine Grove and Irishtown to Jackson, in Amador County, including therewith the road from Pickett's in Hope Valley, connecting with the Lake Tahoe wagon road, a state highway, at Osgood's place in El Dorado County, and the road from Mount Bullion via Loupe, in Alpine County, to Junction, in Mono County, connecting with the Sonora and Mono state highway, is hereby declared and established a state highway and shall be designated and known as the Alpine State Highway.

SEC. 2. The work of locating, surveying, constructing, repairing and maintaining said state highway is hereby placed under the management and control of the Department of Engineering and it shall be the duty of said department to locate, survey, construct, repair and maintain said state highway along all the roads above described, with such variations and modifications of grades thereon as will, in the opinion of such department, be deemed advisable.

SEC. 3. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of thirty-five thousand dollars to be expended under the supervision of said department for the construction, repair and maintenance of said state highway and modification of grades thereon. Of the sum hereby appropriated seventeen thousand five hundred dollars thereof shall be available on the first day of July, 1911, and the remaining seventeen thousand five hundred dollars thereof shall be available on the first day of July, 1912.

SEC. 4. The State Controller is hereby directed to draw his warrants in such sums and at such times as the State Engineer may present claims therefor, and the State Treasurer is directed to pay the same.

The roll was called, and Senate amendment to Assembly Bill No. 982 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Calhagan, Cattell, Cogswell, Cronin, Cunningham, Denegri, Farwell, Fitzgerald, Gaylord, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jaspei, Jones, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rosendale, Rutherford, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Williams, Wilson, and Mr. Speaker—47.

NOES—Mr. Judson—1.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed the following

Assembly Bill No. 982—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Also Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and eradication of thrip and similar diseases infesting the horticultural industry of Santa Clara and adjoining counties.

Also Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Also Assembly Bill No. 223—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Also Assembly Bill No. 540—An Act appropriating the sum of twenty-five

thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento

Also: Assembly Bill No. 687—An Act making an appropriation to pay the claim of the San Diego Union Company.

Also: Assembly Bill No. 921—An Act to provide an appropriation for the equipment of an instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics

Also: Assembly Bill No. 922—An Act to provide an appropriation for grading, terracing, building ditches, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site.

Also: Assembly Bill No. 923—An Act to provide appropriation for the equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Also: Assembly Bill No. 1029—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State, to be held in 1912.

Also: Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lubben against the State of California.

Also: Assembly Bill No. 1400—An Act making an appropriation to pay the claim of J. Harry Russell.

Also: Assembly Bill No. 1505—An Act to provide for the erection of a memorial monument to Abraham Lincoln, appointing a commission therefor and providing an appropriation to carry the Act into effect.

Also: Assembly Bill No. 1203—An Act to amend section eleven hundred eighty-eight of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections

Also: Assembly Bill No. 1567—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifteenth class

Also: Assembly Bill No. 1317—An Act to amend Section 4252 of the Political Code of the State of California, relating to county and township governments and the compensation of the county and township officers of counties of the twenty-third class.

Also: Assembly Bill No. 1073—An Act to amend Section 1 of an Act entitled an Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches a misdemeanor, approved March 21, 1907.

Also: Assembly Bill No. 817—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered and known as section three hundred and fifty-nine a, relating to the issuance of preferred stock by corporations.

Also: Assembly Bill No. 36—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley Railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor.

Also: Assembly Bill No. 758—An Act to provide for maintenance of county highways improved under bond issues in the counties of the State, and empowering the boards of supervisors to levy taxes therefor

Also: Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors relating to roads

Also: Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to prevent the taking of fish by means of weirs, dams, nets, traps or seines in certain tide water on the coast of Mendocino County," approved March 25, 1909.

Also: Committee Substitute for Assembly Bills Nos. 377, 530, 601, 624, 632, 739, 1017, 1039, 1066, 326, 538, 613, 104, and 378—An Act to amend Sections 626, 626a, 626b, 626f, 626j, and 626m, of the Penal Code of the State of California, relating to the protection of fish and game and adding a new section thereto to be known and numbered as Section 626p.

Also: Assembly Bill No. 287—An Act to provide for the purchase by the State of California of the armory building and wharf located on the bay of San Diego, and making an appropriation therefor.

Also: Assembly Bill No. 361—An Act fixing the salaries of the judges of the Superior Court of the State of California, in and for the county of Kern, and providing for the payment thereof.

Also: Assembly Bill No. 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Also: Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Also: Assembly Bill No. 1473—An Act authorizing and empowering Reclamation District No. 818 to contract for and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees or other joint works of reclamation.

Also: Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Also: Assembly Bill No. 1287—An Act to authorize the State of California to convey to the county of Sacramento the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of section 17, said point being the northwest corner of the property deeded to the Board of Supervisors of Sacramento County by James Lansing on April 8, 1869, and recorded in Book 51 of Deeds, page 633, on file in the office of the County Recorder of Sacramento County, and described as "the west 17 chains of the east 22 chains of the north $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M., and running thence from said point of beginning south 224.6 feet, thence S. 40° 56' W. 201.6 feet; thence S. 89° 22' W. 327.3 feet to the east line of the Wright & Kimbrough Subdivision No. 14; thence north 380.5 feet along said east line to the northeast corner of said subdivision on the north line of Section 17; thence east 464.2 feet along said section line to the place of beginning, containing 3.78 acres. All the above described property lying in section 17, T. 8 N., R. 5 E., M. D. B. & M., and in Sacramento County, California; in consideration of the county of Sacramento conveying to the State of California the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the property lying between the County Hospital grounds and the Elmhurst Subdivision, said point being in section 17, T. 8 N., R. 5 E., M. D. B. & M., distant S. 0° 27' W. 215.7 feet from the north line of said section 17 at a distance of 330 feet west from the northeast corner thereof and running thence N. 71° 06' W. 621.2 feet; thence S. 89° 22' W. 178.3 feet; thence S. 84° 52' W. 54.7 feet; thence S. 80° 56' W. 65.3 feet; thence S. 73° 08' W. 56.3 feet; thence S. 66° 43' W. 64 feet; thence S. 57° 52' W. 42.6 feet; thence S. 55° 29' W. 69.7 feet; thence S. 49° 37' W. 119.7 feet; thence S. 40° 56' W. 15.6 feet to the property line between the County Hospital property and the property of the State Agricultural Society at a distance of 224.6 feet south along said property line from the northwest corner of the tract of land deeded by James Lansing to the Board of Supervisors of Sacramento County on April 8, 1869, and recorded in Book 51 of Deeds, page 633 on file in the office of the County Recorder of Sacramento County, and described as "the west 17 chains of the east 22 chains of the north $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. D. B. & M.," thence south 458 feet along the west line of said tract to the southwest corner thereof, thence east 118.3 feet along the south line of said tract to the southeast corner thereof; thence north 467 feet along the east line of said tract to the point of beginning, containing 16.12 acres. All the above described land lying in section 17, T. 8 N., R. 5 E., M. D. B. & M., and in Sacramento County, California; the purpose of this Act being to perfect of record the title of the county of Sacramento to the real property first above described and to perfect of record the title of the State of California to the real property last above described.

Also: Assembly Bill No. 802—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4043a, relating to indexes of county records.

Also: Assembly Bill No. 1375—An Act to create a reclamation district to be called "Reclamation District Number 831," and providing for the control and management thereof.

Also: Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Also: Assembly Bill No. 202—An Act to add a new section to Title II, Part III of the Penal Code of California, to be numbered Section 1616 and relating to the care of female prisoners in county jails.

And we respectfully request that your honorable body concur in the Senate amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No 494?"

In Section 1, line 9, after the word "of", strike out the words "public road, lane, or".

The roll was called, and Senate amendment to Assembly Bill No. 494 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, McGowen, Mendenhall, Nolan, Polesley, Preisker, Randall, Rosendale, Rutherford, Ryan, Shragin, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—52

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No 202?"

On page 1, Section 1, line 7, after the word "designated", insert the following "by the sheriff".

The roll was called, and Senate amendment to Assembly Bill No. 202 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rodgers of San Francisco, Rutherford, Ryan, Shragin, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilson, Young, and Mr. Speaker—52.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to the following Senate bills: Committee Substitute for Senate Bill No 915—An Act to amend Section 4230 of the Political Code of the State of California, relating to compensation of officers of counties of the first class, their clerks, deputies and assistants

Also: Senate Bill No. 609—An Act to amend Sections 8 and 9 of, and to add two new sections to be known as Sections 8a and 8b to, an Act entitled "An Act to regulate the sale and use of poisons in the State of California, and providing a penalty for the violation thereof," approved March 6, 1907, as the title of said Act was amended March 19, 1909

Also: Senate Bill No 786—An Act to add a new section to the Code of Civil Procedure, to be known and designated as Section 604, relating to the payment of juror's and reporter's fees in actions other than criminal.

Also: Senate Bill No. 350—An Act to amend Sections 626, 626a and 631a of the Penal Code of the State of California, relating to the protection and preservation of game and fish.

Also: Senate Bill No. 453—An Act to prevent the manufacture or sale of dairy products from unhealthy animals, or that are produced under unsanitary conditions; to prevent deception or fraud in the production and sale of dairy products, and in the manufacture and sale of renovated butter and oleomargarine; to license the manufacture and sale of renovated butter and oleomargarine; to regulate the business of producing, buying and selling dairy products, oleomargarine, renovated or imitation butter and cheese, to provide for the enforcement of its provisions and for the punishment of violations thereof, and appropriating money therefor, and to repeal Section 17 of an Act approved March 4, 1897, entitled "An Act to prevent deception in the manufacture and sale of butter and cheese, to secure its enforcement, and to appropriate money therefor," and to repeal all Acts and parts of Acts inconsistent with this Act.

Also: Senate Bill No. 504—An Act to amend Section 4052b of the Political Code of the State of California, relating to conveyance of lands to incorporated cities for public park, library or playground purposes by county boards of supervisors.

Also: Senate Bill No. 939—An Act to amend that certain Act of the Legislature of the State of California entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Sections 16, 61 and 68 thereof and by adding a new section to be numbered Section 68½.

Also: Senate Bill No. 948—An Act to amend Section 4241 of the Political Code of the State of California, relating to the salaries and compensations of officers of counties of the twelfth class.

Also: Senate Bill No. 1278—An Act to amend section four thousand two hundred thirty-seven of the Political Code of the State of California, relating to counties of the eighth class.

Also: Senate Bill No. 1014—An Act to amend Section 4233 of the Political Code of the State of California, relating to the duties and salaries of officers in counties of the fourth class.

Also: Senate Bill No. 1159—An Act to amend sections seventeen hundred fifty-one, seventeen hundred fifty-six, seventeen hundred fifty-eight and seventeen hundred fifty-nine of the Political Code of the State of California, relating to the admission of pupils to high schools, and to the tuition of pupils of one county attending high schools in another county and providing for payment of same.

Also: Senate Bill No. 1063—An Act to regulate the use of drinking cups, glasses or vessels of any kind to be used in common for the purpose of drinking therefrom, on railroad trains, public schools, halls, churches and other places, and providing for the punishment for violation of this Act.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments Nos. 1 and 2, and refused to concur in Assembly amendment No. 3 to Senate Bill No. 1005—An Act to amend Section 1444 of the Code of Civil Procedure of the State of California, relating to appraisers of estates of deceased persons; and concurred in groups 2 and 3 of the Assembly amendments, and refused to concur in group 1 of the Assembly amendments, to Senate Bill No. 1006—An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder; to repeal an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions, and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of lien arising hereunder, to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, and all amendments thereto and all Acts and parts of Acts in conflict with this Act—and we respectfully request your honorable body to recede from its amendment No. 3 to Senate Bill No. 1005 and its group 1 of amendments to Senate Bill No. 1006.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly recede from the following amendment to Senate Bill No. 1005?"

On page 1, Section 1, line 10, strike out the words "five dollars per day", and insert in lieu thereof the following: "two and one half dollars per day".

The roll was called, and the Assembly receded by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Cattell, Chandler, Cronin, Crosby, Flint, Freeman, Gaylord, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Mullally, Nolan, Polsey, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Shragin, Schmitt, Slater, Sutherland, Tibbits, Walsh, Wilson, and Mr. Speaker—44.

NOES—None.

Bill ordered transmitted to the Senate.

Consideration of Senate Bill No. 1006 passed temporarily.

Also:

SENATE CHAMBER, SACRAMENTO, March 24, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 164—An Act making an appropriation of one hundred thousand dollars, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909.

Also: Assembly Bill No. 168—An Act to add a new section to the Penal Code of the State of California, to be known as Section 532a, relating to false statements regarding financial condition or liabilities of any person seeking credit for the purpose of obtaining the same, and providing the penalty therefor.

Also: Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907.

Also: Assembly Bill No. 1030—An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for violation of this Act.

Also: Assembly Bill No. 1166—An Act to provide for the licensing and regulation of hospitals and special hospital nurses in the State of California.

Also: Assembly Bill No. 1083—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

Also: Assembly Bill No. 1383—An Act to provide for the sanitation of public plunge baths in the State of California.

Also: Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned as public streets or highways.

And we respectfully request your honorable body to concur in the Senate amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 164?"

In line 2, of the title, of the printed bill, strike out beginning with the word "to" the rest of the line and all of lines 3 and 4, and insert in lieu thereof a "comma".

Also: In Section 1, line 4, strike out, beginning with the word "adjutant", the rest of that line and all words up to and including the word "general," in line 5, and insert in lieu thereof the following: "officer or officers authorized by law to receive the same."

Also: On page 2, Section 2, line 2, of the printed bill, after the word "of", strike out the rest of the line and all of line 3, up to and including the word "general," and insert in lieu thereof the following "the officer or officers authorized by law to receive the same."

The roll was called, and Senate amendments to Assembly Bill No. 164 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coglan, Cogswell, Crosby, Cunningham, Denegri, Fitzgerald, Flint, Freeman, Griffiths, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Young, and Mr. Speaker—51.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 168?"

On page 2, Section 1, lines 30 and 31 strike out all of lines 30 and 31, and insert in lieu thereof the following: "by imprisonment in the state prison not exceeding five years or in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars, or by both fine and imprisonment".

The roll was called, and Senate amendment to Assembly Bill No. 168 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Freeman, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Lyon of Los Angeles, Malone, Mendenhall, Mott, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—46

NOES—Messrs. Flint, March, and Rutherford—3

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 882?"

On page 2, Section 2, line 13, strike out the words "when such dealer can", and insert in lieu thereof the following: "and can also"

The roll was called, and Senate amendment to Assembly Bill No. 882 was concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bohnett, Callaghan, Cattell, Chandler, Cogswell, Crosby, Feeley, Fitzgerald, Flint, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinshaw, Joel, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Mendenhall, Mott, Polsley, Preisker, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wyllie, Young, and Mr. Speaker—43.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1030?"

By adding a new section to be known as Section 5.

SEC. 5. *Provided*, that the provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officers or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen; *provided, further*, that the provisions of this Act shall not apply to the crews of wrecking or relief trains

The roll was called, and Senate amendment to Assembly Bill No. 1030 was concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Griffiths, Guill, Harlan, Hayes, Held, Hinshaw, Jones, Joel, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Williams, Wilson, Young, and Mr. Speaker—51.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1166?"

In Section 2, page 1, of the printed bill, commencing with the word "health", after the word "the", in line 3, strike out the balance of line 3, and all of line 4, and insert in lieu thereof the words "State Board of Health".

Also: In Section 2, page 1, line 5, of the printed bill, strike out the words "Such health officer", and insert in lieu thereof the words "The State Board of Health".

Also: In Section 2, page 1, line 5, of the printed bill, after the words "thereupon make", insert the words "or cause to be made".

Also: In Section 2, page 1, line 7, of the printed bill, strike out the word "he" after the word "equipment".

Also: In Section 2, pages 1 and 2, of the printed bill, commencing with the word "If" in line 9, strike out the balance of said line 9, and all of lines 10, 11, 12, 13 and 14.

Also: On page 2, of the printed bill, immediately after the end of Section 2, insert a new section, to be numbered 2a and to read as follows:

SEC. 2a. Each hospital, sanatorium, and other place or institution mentioned in Section 1 of this Act, except as hereinafter specially provided, before receiving a

license hereunder, and annually thereafter on the first day of July of each year, shall pay to the State Board of Health the license fee in this section specified

Such fee shall be as follows:

For a capacity of less than fifteen beds, five dollars:

For a capacity of fifteen to twenty-five beds, ten dollars:

For a capacity of twenty-six to fifty beds, twenty dollars:

For a capacity of fifty-one to seventy-five beds, thirty dollars:

For a capacity of seventy-six to one hundred beds, forty dollars:

For a capacity of one hundred and one to one hundred and fifty beds, sixty dollars:

For a capacity of more than one hundred and fifty beds, eighty dollars.

Provided, however, that no license fee shall be paid by any hospital, sanatorium, or other place or institution mentioned in Section 1 of this Act which is owned and maintained by the State of California, or any county, city and county, city or town in said State, *and provided, further,* that when a license is applied for after the first day of July of any year the fee for that year shall be diminished proportionately.

The secretary of the State Board of Health shall keep a full and correct account of all fees received under the provisions of this Act, and shall, at least once each month, deposit all such fees collected with the State Treasurer, and make a detailed report covering same to the State Controller, and such moneys shall be credited to the Traveling and Contingent Fund of the State Board of Health.

Also: On page 2, Section 3, line 4, of the printed bill, strike out the words "local and state health officers", and insert in lieu thereof the following: "the State Board of Health or its authorized representatives."

Also: On page 2, of the printed bill, strike out the whole of Section 4, and substitute in lieu thereof the following:

SEC. 4. No nurse shall be placed in charge of any training school connected with a hospital or in charge of any operating room or other surgical, obstetrical, or medical department of such institution, unless he or she shall be licensed after examination by the State Board of Medical Examiners, or their authorized representatives. No nurse shall be a candidate for the examination and license provided for in this section, unless he or she has been granted a certificate as a registered nurse under the laws of the state or nation in which he or she graduated, or a certificate as a registered nurse granted by the Board of Regents of the University of California.

Also: In Section 5, page 2, of the printed bill, line 2, after the word "revoked", insert the words "or suspended".

Also: In Section 5, page 2, of the printed bill, line 8, strike out the period after the word "Act", insert a semicolon and add the words "if the annual fee herein specified shall not be paid when due, such license shall be forthwith revoked without any notice or hearing whatever: and no such hospital, sanatorium or other place or institution, the license for which has been revoked or suspended, shall be maintained or operated nor shall any patient be received into the same, until a new license has been obtained or the period of suspension has terminated."

The roll was called, and Senate amendments to Assembly Bill No. 1166 were concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Shragia, Slater, Smith, Stevenot, Sutherland, Telfer, Tibbits, Walsh, Wilson, Wyllie, Young, and Mr Speaker—53

NOES—None

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No 1083?"

On page 2, Section 1, lines 28 and 29, of the printed bill, strike out the following: "cities and counties of the first and counties of the second class", and insert in lieu thereof the following: "counties and cities and counties of the first and second classes".

Also: On page 2, Section 1, lines 38 and 39, of the printed bill, strike out the words "eighteen hundred and ninety-seven", and insert in lieu thereof the words "nineteen hundred eleven".

Also: On page 3, Section 1, line 60a, strike out the word "asylum", and insert in lieu thereof the word "asylums".

Also: On page 3, Section 1, strike out the words "*provided, however,*" in line 68, and strike out all of lines 69, 70, and 71, and the words "naturalization of aliens, and" in line 72.

Also: On page 4, Section 1, line 84, after the word "officers", insert the following: "and the expense of such officers".

The roll was called, and Senate amendments to Assembly Bill No. 1083 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Kehoe, Lamb, Maher, McDonald, Mendenhall, Mott, Polsley, Preisker, Randall, Rutherford, Ryan, Shragia, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1383?"

On page 2, Section 2 line 1, after the word "and", strike out the word "floor" and insert in lieu thereof the following: "bath"

The roll was called, and Senate amendment to Assembly Bill No. 1383 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinshaw, Jones, Judson, Kehoe, Lamb, Maher, Malone, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Shragia, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—49

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 791?"

Strike out Section 1, of the printed bill, and insert in lieu thereof the following:
"SECTION 1 Whenever any city or city and county shall deem it advisable to close and abandon any street or portion thereof in said city or city and county, and open a new street or streets in lieu of those so closed or abandoned, and pursuant thereto the council, board of supervisors or other governing body of the municipality shall have taken proceedings under any general law of this State or pursuant to the provisions of the charter of any such city or city and county and closed up or abandoned such street or streets or portions thereof, the council, board of supervisors or other governing body of the municipality in which such street or portion of such street is located, shall have the power by ordinance or resolution (unless otherwise in the charter of such municipality provided) to convey by deed its interest in such street or portion of street so abandoned or closed, to the owners of the lands adjacent thereto or fronting on such street in such manner as said council board of supervisors or other governing body shall deem that equity requires"

Also After Section 2, on page 2, of the printed bill, add a new section to be known as "Section 3", as follows:

SEC. 3. The deeds provided for in the preceding section shall not in any case be delivered to the grantees therein named until good and sufficient conveyances shall have been delivered to such municipality vesting in such municipality the title to such new streets so opened in lieu of such streets so closed or abandoned

Also Change Section 3, of the printed bill, so as to make it Section 4

Also In line 2, of the title, after the word "streets", strike out the word "and"

Also After the word "municipalities", where it appears at the end of line 3, of the title, strike out the period and insert the following "and providing for the acceptance of deeds for new streets opened in lieu of such abandoned streets".

The roll was called, and Senate amendments to Assembly Bill No. 791 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Fitzgerald, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hamilton, Harlan, Hayes, Hinshaw, Jasper, Jones, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Polsley, Randall, Rogers of Alameda, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Wyllie, and Mr. Speaker—46.

NOES—None.

Bill ordered to enrollment.

SPEAKER PRO TEM. IN THE CHAIR.

At three o'clock and thirty minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

SPECIAL ORDER.

The hour of three o'clock and thirty minutes P. M. having arrived, the special order heretofore set for this hour was taken up for consideration.

Assembly Bill No. 1587—An Act for the levy and collection of taxes for the support of the state government for the sixty-third and sixty-fourth fiscal years.

During the third reading of the bill, Mr. Held moved that the Speaker appoint a select committee of one to amend the bill as follows:

On pages 1 and 2, of the printed bill, strike out all of Section 1, after the word "year", on line 11 thereof, to the end of said Section 1, and insert in lieu thereof a period.

On pages 2 and 3, of the printed bill, strike out all of Section 2, after the word "year", on line 11 thereof, to the end of said Section 2, and insert in lieu thereof a period.

On pages 3 and 4, of the printed bill, strike out all beginning with the word "The", on line 1, of Section 3, down to and including the figure "4", on the last line of page 4, of the printed bill.

Motion carried.

The Speaker appointed Mr. Held as such select committee.

REPORT OF SELECT COMMITTEE

The following report of select committee was received and read:

MR. SPEAKER: Your select committee of one, to whom was referred Assembly Bill No. 1587, with instructions, do now report that the instructions of the Assembly have been carried out.

HELD, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Conference, to whom was referred Senate Bill No. 972—An Act to amend Section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class—have had the same under consideration, and respectfully report that we are unable to agree, and request your honorable body to appoint a Committee on Free Conference.

SLATER.
STEVENOT.
TIBBITS

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The Speaker announced the appointment of Messrs. Tibbits, Slater, and Stevenot, as a Committee on Free Conference to meet with a like committee from the Senate to consider Senate Bill No. 972.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined the following Assembly bills:

Assembly Bill No. 1586—An Act making appropriations for the support of the government of the State of California for the sixty-third and sixty-fourth fiscal years.

Assembly Bill No. 876—An Act to appropriate the sum of eight thousand and ninety-one dollars, for the use and benefit of the University of California, to supply a deficiency in the appropriation for printing at the State Printing Office for the fiscal years 1908 and 1909.

And report that the same have been correctly engrossed

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Joint Resolution No. 19—Relating to a proposed amendment to the Constitution of the United States so that the laws governing marriage and divorce shall be established by federal statute and divorce proceedings heard and determined in the federal courts, and by uniform law throughout the United States—and report that the same has been correctly engrossed

RANDALL, Chairman.

CONSIDERATION OF SENATE MESSAGE—(RESUMED).

The question being put, "Shall the Assembly recede from the following amendment to Senate Bill No. 1006?"

In line 34, page 2, of the printed bill, strike out the words "five years", and insert in lieu thereof the words "one year"

Also On page 2, strike out all of lines 37 and 38, down to and including the word "Act", and insert in lieu thereof the following: "the lien of such tax shall cease in any event at the end of five years after the date when it accrues."

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Bohnett moved a call of the House.

Motion carried.

Time, four o'clock and twenty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll

The roll was called, and the following answered to their names:

Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Deenari, Farwell, Feeley, Fitzgerald, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Mullally, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—44.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At four o'clock and fifty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Bohnett.

The roll of absentees was called, and the Assembly receded by the following vote:

AYES—Messrs. Beckett, Benedict, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Guil, Harlan, Hayes, Hinshaw, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wyllie, and Young—44.

NOES—Messrs. Beatty, Bennink, Bishop, Brown, Cronin, Gaylord, Griffin of Modesto, Griffiths, Hall, Held, Hinkle, Jasper, Jones, Joel, Kehoe, Maher, Mendenhall, Mott, Mullally, Rosendale, Rutherford, Schmitt, Stuckenbruck, Sutherland, Williams, Wilson, and Mr. Speaker—27.

The question being put, "Shall the Assembly recede from the following amendments to Senate Bill No. 1006?"

In line 14a, on page 5, of the printed bill, insert after the word "widow", a comma and the word "husband".

Also In line 14a, page 5, of the printed bill, strike out the words "a minor", and insert in lieu thereof the words "any of the lineal issue, or any legally adopted."

The roll was called, and the Assembly receded by the following vote:

AYES—Messrs. Benedict, Bennink, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Guil, Harlan, Hayes, Held, Hinshaw, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Wyllie, and Young—41.

NOES—Messrs. Beatty, Brown, Cronin, Gaylord, Griffin of Modesto, Griffiths, Hall, Jasper, Jones, Joel, Kehoe, Maher, Mendenhall, Polsley, Rosendale, Schmitt, Stuckenbruck, Sutherland, Williams, Wilson, and Mr. Speaker—21.

The question being put, "Shall the Senate recede from the following amendments to Senate Bill No. 1006?"

In line 1 of Section 14, on page 10, strike out the words "State Controller", and insert in lieu thereof the following: "Judge of the superior court in each county".

Also Strike out in line 2, Section 14, on page 10, the word "each", and down to and including the word "State", and insert in lieu thereof the words "the county in which such superior court is located."

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Bohnett moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, Preisker, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Smith, Telfer, Wyllie, and Young—37.

NOES—Messrs. Beatty, Bishop, Brown, Chandler, Coghlan, Griffin of Modesto, Griffiths, Guil, Hall, Hamilton, Jasper, Jones, Joel, Maher, March, McGowen, Mendenhall, Mott, Mullally, Rosendale, Rutherford, Schmitt, Slater, Stuckenbruck, Tibbits, Wilson, and Mr. Speaker—27.

Time, five o'clock and twenty minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guil, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel,

Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—68.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

Messrs. Stevenot, McDonald, Kehoe, Polsley, and Randall were brought before the bar of the House, and excused.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At five o'clock and thirty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Bohnett.

The roll of absentees was called, and the Assembly recessed by the following vote:

AYES—Messrs. Beckett, Benedict, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Hamilton, Harlan, Hayes, Hinshaw, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Smith, Stevenot, Telfer, Walsh, Wyllie, and Young—41.

NOES—Messrs. Beatty, Bennink, Bishop, Brown, Coghlan, Cronin, Griffin of Modesto, Guill, Hall, Held, Hinkle, Jasper, Jones, Joel, Judson, Maher, March, McGowen, Mendenhall, Mott, Mullally, Rosendale, Rutherford, Schmitt, Slater, Stuckenbruck, Tibbits, Walker, Williams, Wilson, and Mr. Speaker—31.

Bill ordered transmitted to the Senate.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 1350—An Act providing for the cancellation of all liens for taxes on any sixteenth or thirty-sixth section, or legal subdivision thereof, which sixteenth or thirty-sixth section, or legal subdivision thereof, has been or may hereafter be used as bases for lien selections, in accordance with the provision of Section 3406 of the Political Code.

Assembly Bill No. 1079—An Act to amend section seven of the Civil Code of the State of California, relating to holidays.

Assembly Bill No. 1541—An Act to repeal an Act entitled "An Act to provide for independent and unattached companies of the National Guard of the State of California, and to provide for the manner of making allowances for the use and support of such companies," approved March 8, 1901.

Assembly Bill No. 1475—An Act to create a reclamation district to be called Reclamation District No. 1001, and providing for the management and control thereof, and dissolving certain levee districts, swamp land districts and reclamation districts within the boundaries of said Reclamation District No. 1001, and providing for the liquidation and winding up of said dissolved districts.

Assembly Bill No. 172—An Act appropriating five thousand dollars for the restoration and rebuilding of the Mission San Francisco de Solano of the city of Sonoma, California.

Assembly Bill No. 312—An Act regulating the placing, erection, use and maintenance of electric poles, wires, cables and appliances, and providing the punishment for the violation thereof.

Assembly Bill No. 46—An Act to amend Section 629 of the Civil Code of the State of California, relating to the furnishing of gas, electricity, steam, or heat.

Assembly Bill No. 58—An Act providing for the improving and caring for the grounds of the Fresno State Normal School and making an appropriation therefor.

Assembly Bill No. 365—An Act to amend section five hundred and thirty of the Code of Civil Procedure of the State of California, relating to the granting of injunctions for the use of water.

Assembly Bill No. 380—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices of the peace.

Assembly Bill No. 737—An Act to provide for the purchase of an additional lot, for the use of the State Normal School at San Francisco, and to make an appropriation for the same.

Assembly Bill No. 740—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, amended, approved June 13, 1906; amended, approved March 19, 1907; amended, approved March 20, 1907; amended, approved March 19, 1909, by providing certain terms and conditions whereby corporations which have failed to pay the license tax mentioned in said Act may pay the same and be restored to their former rights.

Assembly Bill No. 1031—An Act to add a new section to the Penal Code, relating to recording of notices of location of mining claims.

Assembly Bill No. 1088—An Act to amend Section 349 of the Code of Civil Procedure of the State of California, relating to the time for commencing actions under Local Improvement Act of 1901.

Assembly Bill No. 1086—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of trustees of common school districts and of boards of education in city school districts.

Assembly Bill No. 1150—An Act authorizing any city and county or municipality within this State, power to grant franchises, to lay steam heating pipes in the streets, roads, avenues, alleys and public highways, for the purpose of carrying steam to be used for heating purposes.

Assembly Bill No. 1328—An Act to provide for the reporting of occupational diseases.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1, 5, 11 and 15 of Article VI thereof, relating to the judiciary and giving the Legislature power to establish inferior courts.

Assembly Constitutional Amendment No. 48—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding a new section thereto, relating to the exemption of property from taxation, to be known as section one and one quarter of article thirteen of the Constitution of the State of California.

Assembly Bill No. 541—An Act to regulate advertisements and solicitations for employees, during strikes, lockouts and other labor troubles.

Assembly Bill No. 720—An Act to provide for the construction of buildings and structures and repairs to the same on the University farm at Davis, and appropriating money therefor.

Assembly Bill No. 1051—An Act to amend Section 4282 of the Political Code providing for the compensation of officers in counties of the fifty-third class.

Assembly Bill No. 1492—An Act to add a new section to the Penal Code of the State of California, to be known and numbered as Section 628f, relating to gathering claims, and prescribing a penalty for gathering claims under a certain size, or having more than a certain number in one's possession.

Assembly Bill No. 1474—An Act authorizing the payment of assessments levied in Reclamation District No. 518 to be made to the county treasurer of the county of Sutter.

Assembly Bill No. 1472—An Act authorizing and empowering Reclamation District No. 518 to contract for the disposition of drainage and flood waters, and for the sale thereof, to any person, firm or corporation, for the purpose of irrigation, or for any other lawful use.

Assembly Bill No. 1559—An Act to amend Section 4267 of the Political Code of the State of California, relating to salaries, fees and compensation of officers of counties of the thirty-eighth class.

Assembly Bill No. 1106—An Act to amend Section 530 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the election, term of office and qualifications of the Superintendent of State Printing.

Assembly Bill No. 1046—An Act to add a new section to the Penal Code of the State of California, relating to the regulation of loading and unloading of vessels, to be known as and numbered 368a of said Code.

Assembly Bill No. 1152—An Act to amend Sections 2319, 2319a, 2319b, 2319c, 2319d, 2319e, 2319f, 2319h, 2319i of the Political Code of the State of California, relating to the State Commissioner of Horticulture, and prescribing the powers, duties and compensation of said State Commissioner of Horticulture and the officers and employees appointed by said commissioner and providing methods, means and penalties for the enforcement of such powers and duties and providing for the appointment of additional officers, fixing their compensation and prescribing their duties.

Assembly Bill No. 278—An Act to amend Sections 1183, 1184, 1185, 1187, 1190, 1192, 1193, 1194, 1195, 1197, 1202 and 1203, of the Code of Civil Procedure of the

State of California and to repeal sections 1183a, 1200 and 1203a of said Code, all relating to the liens of mechanics and others.

And were presented to the Governor, March 25th, at three o'clock and thirty minutes P. M.

RANDALL, Chairman.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER Your Committee on Conference, to whom was referred Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation—beg leave to report that we have met a like committee from the Senate consisting of Senators Black, Thompson, and Curtin, and we are unable to agree on any recommendation as to said Senate Bill No. 13, and we respectfully recommend the appointment of a Committee on Free Conference to consider said Senate Bill No. 13.

COGSWELL,

HELD,

SUTHERLAND,

Committee from the Assembly.

BLACK,

THOMPSON,

CURTIN,

Committee from the Senate.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The Speaker announced the appointment of Messrs. Held, Cogswell, and Sutherland, as Committee on Free Conference, to meet with a like committee from the Senate to consider Senate Bill No. 13.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER Your Committee on Conference, to whom was referred Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish—beg leave to report that we have met a like committee from the Senate, consisting of Senators Walker, Cutten, and Birdsall, and we recommend that the Assembly recede from Amendment No. 21 to said bill, and we have agreed thereto. This concession is agreed to without deciding the question of the accuracy of the tide line designated in said amendment, but because we believe that the entire fate of said bill depends upon the fact that the Assembly will recede. We believe that if the Assembly does not recede, the bill will be defeated, and therefore recommend that the Assembly do recede from said Amendment No. 21 to said Senate bill.

JASPER,

GULL,

HELD,

Committee on Conference from Assembly.

CUTTEN,

BIRDSALL,

WALKER,

Committee on Conference from Senate

The question being on the adoption of the report.

The roll was called, and report adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Butler, Cattell, Clark, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rodgers of San Francisco,

Rosendale, Rutherford, Ryan, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Wyllie, and Mr. Speaker—51.

NOES—Messrs. Coghlan, and Schmitt—2

Bill ordered transmitted to the Senate.

RECESS.

At five o'clock and forty-five minutes P. M., the Assembly was declared at recess until eight o'clock P. M. of this day.

REASSEMBLED.

At eight o'clock P. M. the Assembly reconvened.
Speaker Hewitt in the chair.

RULES SUSPENDED.

On motion of Mr. Bishop, Rule No. 71 of the Standing Rules of the Assembly, was suspended for the evening.

SENATE MESSAGES—(RESUMED).

The following messages from the Senate were taken up and read.

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER I am directed to inform your honorable body that the President of the Senate on this day appointed Senators Finn, Shanahan, and Burnett a Committee on Free Conference to consider the Assembly amendments to Senate Bill No. 972—An Act to amend Section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary

Assembly constitutional amendment ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Committee Substitute for Senate Bill No. 587—An Act providing for the calling of a special election to be held on Tuesday, October 10, 1911, and for the submission thereat to the qualified electors of the State all amendments to the Constitution of the State of California proposed by the Legislature at its thirty-ninth session, commencing on the 2d day of January, 1911, prescribing and providing for the publication of said proposed amendments, and providing for the manner of holding and conducting such election and for the canvassing and return of the votes cast thereat.

Also Senate Bill No. 1289—An Act to amend Section 1272 of the Penal Code of the State of California

Also Senate Bill No. 412—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto relating to the disposition of the proceeds of the license tax collected under the provisions thereof.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 413—An Act to amend Section 25 of an Act entitled

"An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds, to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same.

Also: Senate Bill No. 628—An Act appropriating money to pay the claim of R. A. Sarle against the State of California

WALTER N. PARRISH, Secretary of Senate.

By W. H. WRIGHT, Assistant Secretary.

Committee Substitute for Senate Bill No. 587 read first time, and referred to Committee on Election Laws.

Senate Bill No. 1289 read first time, and referred to Committee on Judiciary.

Senate Bill No. 412 read first time, and referred to Committee on Revenue and Taxation.

Senate Bill No. 413 read first time, and referred to Committee on Judiciary.

Senate Bill No. 628 read first time, and referred to Committee on Claims.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following resolution by Senator Wolfe:

Resolved, That no Assembly bills that have not been finally acted on by the Senate by twelve o'clock M. of Sunday, March 26, 1911, shall receive further consideration by the Senate, and that the Assembly be requested to take similar action on all Senate bills before that body; *provided, however*, that this shall not apply to concurring in Assembly amendments to Senate bills, nor to action with regard to conference, or free conference committees or their reports—and we respectfully request that your honorable body adopt a similar resolution applying to Senate bills in the Assembly.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

Resolution read, and ordered printed in the Journal.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Constitutional Amendment No. 28—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section thereto to be known as section eight and one fourth of article eleven of the Constitution, relating to the consolidation of cities governed under charters.

WALTER N. PARRISH, Secretary of Senate.

By W. H. WRIGHT, Assistant Secretary.

Senate constitutional amendment referred to Committee on Constitutional Amendments.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Senate Joint Resolution No. 26—Relative to a graduated system of taxation to be enacted by the Government of the United States

Also, Senate Concurrent Resolution No. 20—Relative to the consent of the Legislature to the absence of certain members thereof, and of state officials, from the State of California for more than sixty days.

WALTER N. PARRISH, Secretary of Senate.

By W. H. WRIGHT, Assistant Secretary.

Senate Joint Resolution No. 26 read, and referred to Committee on Federal Relations.

Senate Concurrent Resolution No. 20 read, and referred to Committee on Rules and Regulations.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 653*c* thereof, relating to the terms of office of directors in non-profit cooperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The above Assembly bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 389—An Act to amend the Penal Code of the State of California by adding thereto a new section to be known as Section 593*b*, and relating to party telephone lines and wires.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 1445—An Act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California, and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the State.

Also: Assembly Bill No. 1107—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds, and property; and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county foresters; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909.

And we respectfully request your honorable body to concur in the Senate amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1445?"

On page 1, Section 1, line 7, strike out the words "one year", and insert in lieu thereof the following: "within six months"

Also: On page 1, Section 1, line 7, after the word "adjournment", insert the following: "of each session".

Also: On page 1, Section 1, line 11, strike out the words "the general", and insert in lieu thereof the following: "any".

Also: On pages 1 and 2, lines 11 and 12, Section 1, strike out the words "sufficient in number".

Also: On page 2, Section 2, line 7, strike out all of line 7, and insert in lieu thereof the following "with such instructions".

The roll was called, and Senate amendments to Assembly Bill No. 1445 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Griffiths, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mott, Mullally, Nolan, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wylbe, Young, and Mr. Speaker—56.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1107?"

On page 2, Section 2, line 9, strike out the word "forester", and insert in lieu thereof the following "tree warden".

The roll was called, and Senate amendment to Assembly Bill No. 1107 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Benuink, Bishop, Bliss, Bohnett, Butler, Cattell, Coglan, Cogswell, Cronin, Cunningham, Fairwell, Feeley, Fitzgerald, Flint, Freeman, Guill, Hall, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryau, Schmitt, Slater, Telfer, Walker, Young, and Mr. Speaker—49.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to the following:

Assembly Bill No. 241—An Act to amend the Civil Code of California by adding a new section thereto, to be numbered 410a, and relating to the forfeiture of the right to do business by any corporation which shall remove or make application to remove actions brought against it, from the state courts to the courts of the United States.

Also, Assembly Bill No. 113—An Act to amend Section 1874 of the Political Code of the State of California, providing for a free distribution of text-books in common schools.

Also: Assembly Bill No. 8—An Act to provide for the appointment of a bakeshop inspector and deputies; to provide for their compensation and to define their powers and duties relating to the inspection of bakeshops, bakeries and restaurants, cafés, hotels and confectioneries, and for the issuance of licenses for such business and for the sanitary conditions of bakeshops and bakeries, restaurants, cafés, hotels and confectioneries.

WALTER N PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

Assembly Bill No. 1122—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement," approved March 24, 1903.

Also: Assembly Bill No. 1545—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as section 4056b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at domestic or foreign expositions.

Also: Assembly Bill No. 714—An Act to provide for the work of exterminating and preventing the multiplication of anopheles and other species of mosquitoes, for the assessment of the cost and expense of such work upon the lands in the district benefited thereby, and for the condemnation of lands and property necessary for the purpose.

Also: Assembly Bill No. 1179—An Act to amend section twenty-nine hundred and sixty-nine of the Civil Code of the State of California, relating to limitation of rights of officers to levy on mortgaged personal property.

Also: Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines in the Mokelumne River.

Also: Assembly Bill No. 790—An Act to amend Section 3051 of the Civil Code of the State of California.

Also: Assembly Bill No. 1508—An Act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes.

Also: Assembly Bill No. 1367—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Also: Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Also: Assembly Bill No. 1034—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section one thousand, five hundred and forty-three a, providing for the payment of interest on unpaid orders or demands against any school district.

Also: Assembly Bill No. 368—An Act to repeal Sections 1634, 1635, 1636, 1637, 1638, 1639, 1640 and 1641 of the Political Code of the State of California, relating to the taking of the school census

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Senate Bill No. 539—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing.

Also: Senate Bill No. 1028—An Act to provide for the incorporation and organization and management of municipal water districts

Also: Committee Substitute for Senate Bill No. 9—An Act providing for placing the names of candidates for United States Senator in Congress upon the official ballot at general elections, for counting, canvassing and making returns of the votes therefor, providing the method of notifying the Legislature of the results of such election, and defining the duties of certain officers in relation thereto.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Senate Bill No. 539 read first time, and referred to Committee on Public Printing.

Senate Bill No. 1028 read first time, and referred to Committee on Municipal Corporations.

Committee Substitute for Senate Bill No. 9 read first time, and referred to Committee on Election Laws.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR SPEAKER: Your Committee on Free Conference concerning Senate Bill No. 972—An Act to amend Section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class—report that we have met a like committee of the Senate, consisting of Senators Shanahan, Burnett, and Finn, and we report that the Free Conference Committee agreed, and recommend that the Assembly amendment be concurred in, and that Senate Bill No. 972 be further amended by adding a new subdivision thereto, to be numbered 19, and to read as follows:

"19 It is expressly provided that in counties of this class where the number of judges of the Superior Court shall have been increased since the first day of January, eighteen hundred ninety-seven, or shall hereafter be increased, there must be, and there hereby is, allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid, and also there must be, and is hereby, allowed to the county clerk of such county, one additional deputy to act as court room clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as county officers are paid."

TIBBITTS,
SLATER,
STEVENOT.

Assembly Committee on Free Conference.

SHANAHAN,
BURNETT,
FINN.

Senate Committee on Free Conference.

The question being on the adoption of the report.

The roll was called, and report adopted by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Butler, Cattell, Chandler, Coghlan, Cronin, Cunningham, Deneeri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Nolan, Randall, Rogers of Alameda, Rutherford, Ryan, Slater, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—47.

NOES—None

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON WAYS AND MEANS

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Ways and Means to whom was referred Assembly Concurrent Resolution No. 28—Relative to adjournment *sine die*—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

COGSWELL, Chairman.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION.

Assembly Concurrent Resolution No. 28—Relative to adjournment *sine die*.

Mr. Cogswell moved the adoption of the following committee amendment:

On page 1, Section 1, line 5, strike out the words "twelve o'clock meridian, Tuesday, March 28, 1911," and insert in lieu thereof the following "twelve o'clock midnight Monday, March twenty-seventh, 1911."

Amendment adopted.

The question being upon the adoption of the resolution as amended

The roll was called, and the resolution as amended adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Deneeri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Schmitt, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Wyllie, Young, and Mr. Speaker—61.

NOES—Mr. Kennedy—1.

Assembly concurrent resolution ordered transmitted to the Senate.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Sutherland:

WHEREAS, The Senate has adopted a resolution directing and authorizing the President of the Senate to appoint a committee of three Senators to prepare and submit to the fortieth session of the Legislature of the State of California, a new system of rules to govern the Senate and Assembly in their deliberations for the purpose of securing greater economy in time and expense; and

WHEREAS, This Assembly has been invited by the Senate to appoint a similar committee of three members to cooperate with and act in conjunction with said committee of Senators to recommend to the fortieth session of the Legislature a revised system of rules, therefore, be it

Resolved, That the Speaker of the Assembly be, and he is hereby, authorized and directed to appoint a special committee of three members of the Assembly, to cooperate with said committee of Senators in the preparation of a new system of rules to be submitted to the fortieth session of the California Legislature for its consideration, said special committee to serve without any compensation.

Resolution read, and on motion adopted.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker announced the appointment of Messrs. Sutherland, Young, and Held, as such committee.

By Mr. Bohnett:

Relative to the eight-hour law statement by his Excellency Hiram W. Johnson, Governor of the State of California.

WHEREAS, On the twenty-second day of March, 1911, his Excellency Hiram W. Johnson, Governor of the State of California, signed Assembly Bill No. 248, known as the women's eight-hour law; and

WHEREAS, In signing said bill, his Excellency issued a public statement discussing the principles embodied in the bill; and

WHEREAS, Said statement is a public document of great importance, which, in the opinion of the members of this Assembly, should be preserved; be it

Resolved by the Assembly of the State of California. That we hereby respectfully request his Excellency Governor Hiram W. Johnson to furnish to the Clerk of this Assembly a copy of said statement; and be it further

Resolved, That the Clerk of the Assembly be and he is hereby instructed to secure from his Excellency Hiram W. Johnson, Governor of the State of California, a copy of said statement and cause the same to be printed in the Journal of this Assembly; and the Clerk is hereby further instructed to have printed in suitable form one thousand copies of said statement for distribution.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

Also:

Resolved, That the Chief Clerk of the Assembly be, and he is hereby, authorized and directed to compile, prepare and have printed, after final adjournment, a final calendar of the legislative business of the thirty-ninth session, comprising a history of all bills, resolutions, etc., introduced, their authors, the number that become laws, those that have been read on second readings, and all other information that will create a permanent guide and history to the session's business; together with this, shall be the expenditures of the Senate and Assembly, and of printing, such information being prepared not only for the book, but as a guide for the fortieth session of the Legislature.

When said calendar is finally prepared, the Chief Clerk of the Assembly is directed to mail or express one copy of such calendar to each member of the Assembly. For the purpose of carrying out the objects of this resolution, and to pay the necessary expenditures therefor, the Controller is directed to draw his warrant in favor of L. B. Mallory, Chief Clerk of the Assembly, in the sum of \$250 00, the same payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

Also:

Resolved, That the sum of one hundred and fifty dollars is hereby appropriated from the Contingent Fund of the Assembly, being in payment for telegraphing, telephoning, expressage, postage, hack hire (call of the House), branding furniture, etc. The State Controller is hereby directed to draw his warrant in favor of Ed H. Whyte, Sergeant-at-Arms of the Assembly, for the same amount, one hundred and fifty dollars (\$150.00), and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Accounts.

By Mr. Coghlan:

Resolved, That Committee Substitute for Senate Bills Nos. 2, 24, 167 and 1074, which is now before the Judiciary Committee of this House, be recalled from said committee, and be put upon its passage.

Roll call regularly demanded.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Bliss, Callaghan, Coghlan, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Griffin of Modesto, Hall, Hayes, Hinshaw, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mullally, Nolan, Pelsley, Rodgers of San Francisco, Rutherford, Ryan, Schmitt,

Slater, Smith, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, and Wilson—38.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hinkle, Jasper, Joel, Kehoe, Lamb, Mendenhall, Mott, Preisker, Randall, Rogers of Alameda, Wyllie, Young, and Mr. Speaker—32.

By Mr. Slater:

WHEREAS, There was printed at the top of page 8, of the Senate Journal, on March 23, 1911, the following

"The following resolution was introduced:

By Senator Stetson

Resolved, That fifty dollars, being the Senate's portion, be and is hereby appropriated out of the Contingent Fund of the Senate, to pay for the bronze bas-reliefs used in the Washington and Lincoln birthday celebrations by this Legislature, and that the Controller is hereby directed to draw his warrant in favor of Carl Browne for said amount, and the State Treasurer is hereby instructed to pay the same

Read and referred to Committee on Contingent Expenses."

Now, therefore, be it

Resolved by this Assembly, That fifty dollars, being the Assembly's portion, be and is hereby appropriated out of the Contingent Fund of the Assembly, to pay for the bas-reliefs used in the Washington and Lincoln birthday celebrations by this Legislature, on a hundred-dollar basis, and the Controller is hereby directed to draw his warrant for said amount in favor of Carl Browne, and the State Treasurer is hereby instructed to pay the same.

Read, and referred to Committee on Contingent Expenses and Accounts

By Mr. Farwell:

WHEREAS, Assembly Bills Nos 1520 and 1521 have been in the Ways and Means Committee since February 10th; and

WHEREAS, Other bills from said committee have been recommended out by signatures obtained on the floor; and

WHEREAS, The aforesaid bills have heretofore attached the signatures of a majority of said committee advocating their report back to House, without recommendation; therefore, be it

Resolved, That the bills be withdrawn from the Committee on Ways and Means, and placed upon the second-reading file

Resolution read and, on motion, adopted

By Mr. Schmitt:

ASSEMBLY CONCURRENT RESOLUTION No. 29.

Relative to granting leave to certain members of the Assembly to leave the State of California for a period of more than sixty days

Resolved by the Assembly of the State of California, the Senate concurring, That leave of absence from the State for a period longer than sixty days, during their term of office, is hereby granted to the following members of the Assembly, said leave of absence to take effect after adjournment

Messrs H. N. Beatty, J. F. Beckett, H. S. Benedict, C. G. H. Bennink, Clyde Bishop, C. A. Bliss, L. D. Bohnett, H. W. Brown, E. M. Butler, R. J. Callaghan, H. G. Cattell, W. F. Chandler, W. C. Clark, N. C. Coghlan, P. F. Cogswell, J. R. Cronin, S. Crosby, A. Cunningham, D. M. Denegri, Lyman Farwell, T. J. Feeley, George Fitzgerald, W. R. Flint, G. R. Freeman, E. C. Gaylord, F. C. Gerdes, T. I. Griffin, W. B. Griffiths, J. H. Guill, Jr., F. H. Hall, J. W. Hamilton, G. H. Harlan, D. R. Hayes, W. D. L. Held, E. C. Hinkle, W. E. Hinshaw, G. A. Jasper, M. R. Jones, A. Joel, F. E. Judson, William Kehoe, W. P. Kennedy, W. A. Lamb, E. J. Lynch, H. H. Lyon, W. T. Lyon, J. B. Maher, G. E. Malone, J. C. March, W. A. McDonald, E. H. McGowen, J. L. Mendenhall, D. W. Mott, J. E. Mullally, E. J. Nolan, H. Polsley, C. L. Preisker, C. H. Randall, D. Rimlinger, F. N. Rodgers, A. A. Rogers, C. B. Rosendale, F. M. Rutherford, J. J. Ryan, V. A. Sbragia, M. L. Schmitt, H. W. Slater, F. M. Smith, F. G. Stevenot, J. W. Stuckenbruck, W. A. Sutherland, R. L. Telfer, J. H. Tibbits, F. J. Walker, E. P. Walsh, D. E. Williams, L. H. Wilson, G. W. Wyllie, C. C. Young, A. H. Hewitt, and also his Excellency Hiram W. Johnson, Governor of the State of California

Resolution read and, on motion, adopted

RULES SUSPENDED.

Mr. Cogswell moved that the Standing Rules of the Assembly be suspended for the purpose of receiving committee reports out of order.

The roll was called, and rules suspended by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hayes, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lyon of San Francisco, Malone, March, McDonald, Mendenhall, Mott, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Tibbits, Walsh, Wylhe, Young, and Mr. Speaker—52.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 1016—An Act to provide for the collection, compilation and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Concurrent Resolution No. 10—Relative to the appointing of a commission to select and to recommend to the Legislature a site for a public park in Humboldt County, California, which was re-referred to us from the Committee on Public Buildings and Grounds—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

COGSWELL, Chairman.

The above reported Senate concurrent resolution ordered on file for adoption.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 1027—Appropriating money to pay the claim of J. W. Kavanagh against the State of California, which was re-referred to us from the Committee on Claims—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGSWELL, Chairman.

The above reported bill ordered on file for second reading.

ON LABOR AND CAPITAL.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 1079—An Act to amend Sections 9 and 10 of an Act entitled "An Act

to establish and support a Bureau of Labor Statistics," approved March 3, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

TELFER, Chairman.

The above reported bill ordered on file for second reading

ON ELECTION LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Committee Substitute for Senate Bill No. 587—An Act providing for the calling and holding of a special election to enable the electors of California to vote upon all constitutional amendments and all laws requiring the consent of the electors, passed and adopted at the thirty-ninth session of the Legislature of the State of California. Also Committee Substitute for Senate Bill No. 9—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

YOUNG, Chairman.

The above reported bills ordered on file for second reading.

ON PUBLIC PRINTING.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER. Your Committee on Public Printing, to whom was referred Senate Bill No. 530—An Act to amend Section 531 of the Political Code, relating to the duties of the Superintendent of State Printing—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

RODGERS of San Francisco, Chairman.

The above reported bill ordered on file for second reading.

ON PUBLIC CHARITIES AND CORRECTIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER Your Committee on Public Charities and Corrections, to whom was referred Assembly Bill No. 633—An Act to amend section six hundred seven of the Civil Code, relating to cruelty to children

Also Assembly Bill No. 634—An Act to define the responsibility for the misconduct of children and providing penalties therefor.

Also Assembly Bill No. 1043—An Act to amend an Act entitled an Act concerning dependent and delinquent minor children, providing for their care, custody, and maintenance until twenty-one years of age, providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children, and fixing the salaries of probation officers, providing for detention homes for said children, providing for the punishment of persons responsible for, or contributing to the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent Acts, approved March 8, 1909, by adding a new section thereto to be numbered 10f.

Also Assembly Bill No. 1303—An Act to amend the Penal Code of California, by adding new sections thereto, to be numbered 270d, 270e, and 273h, relating to the abandonment and neglect of children, and the non-support of wife, and the evidence required to prove, and the punishment of such offenses.

Have had the same under consideration, and respectfully report the same back without recommendation.

WILLIAMS, Chairman.

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 1281—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund and general road fund, for road, bridge and tunnel construction, repair and purchase—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended

CHANDLER, Chairman.

The above reported bill ordered on file for second reading.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO. March 25, 1911.

MR. SPEAKER Your Committee on Medical and Dental Laws, to whom was referred Senate Bill No. 700—An Act to regulate the practice of mechanotherapy in the State of California, and to provide for a state board of mechanotherapeutic examiners, and to license mechanotherapists to practice in this State, and punish persons violating the provisions of this Act—have had the same under consideration, and respectfully report the same back without recommendation.

HINSHAW, Chairman.

The above reported bill ordered on file for second reading.

ON ATTACHÉS AND EMPLOYÉS

ASSEMBLY CHAMBER, SACRAMENTO. March 25, 1911.

MR. SPEAKER: Your Committee on Attachés and Employés has had under consideration the matter of the reduction of daily expenses of the Assembly for hire of clerks, attachés and employés, and begs to report and recommend that the following resolution be adopted:

Resolved, That the names of the following persons heretofore appointed to the positions following their respective names, be and they are hereby stricken from the roll from and after March 25, 1911, to wit:

	Per diem.
C. E. Bowlen, Assistant File Clerk.....	\$5 00
A. A. Leonard, Assistant File Clerk.....	5 00
J. E. Price, Stenographer to Committee on Judiciary.....	5 00
Ralph A. Sollars, Stenographer to Committee on Ways and Means.....	5 00
W. C. Bohnett, Clerk to Committee on Judiciary.....	6 00
Mrs. Helen Dobbins, Assistant Mailing Clerk.....	4 00
C. E. Brooks, Committee Clerk.....	4 00
F. S. Brush, Committee Clerk.....	4 00
E. J. Cronin, Committee Clerk.....	4 00
Geo. Elder, Committee Clerk.....	4 00
J. Forsythe, Committee Clerk.....	4 00
Frank Hepp, Committee Clerk.....	4 00
Mrs. H. Hirsch, Committee Clerk.....	4 00
E. J. Hoert, Committee Clerk.....	4 00
Mark Jacobs, Committee Clerk.....	4 00
J. E. Lamb, Committee Clerk.....	4 00
Nick Lennon, Committee Clerk.....	4 00
M. P. Lynch, Committee Clerk.....	4 00
Miss Grace Loomis, Committee Clerk.....	4 00
Ed Lynn, Committee Clerk.....	4 00
J. S. Melvin, Committee Clerk.....	4 00
J. J. O'Brien, Committee Clerk.....	4 00
Miss V. V. Randall, Committee Clerk.....	4 00
R. P. Strathern, Committee Clerk.....	4 00
Olive Stackenbruck, Committee Clerk.....	4 00
Lvda C. Williams, Committee Clerk.....	4 00
Mabel Wyllie, Committee Clerk.....	4 00
Wlde Ford, Committee Clerk.....	4 00
Craig Arthur, Bill Clerk.....	4 00
Joseph Costello, Bill Clerk.....	4 00
Morris Doady, Bill Clerk.....	4 00
M. T. Dyer, Bill Clerk.....	4 00
H. J. Gerdes, Bill Clerk.....	4 00
Charles V. Lynch, Bill Clerk.....	4 00
T. McKiernan, Bill Clerk.....	4 00
William H. Nolan, Bill Clerk.....	4 00
Ed Perry, Bill Clerk.....	4 00
James Sullivan, Bill Clerk.....	4 00
R. J. Walker, Bill Clerk.....	4 00
Charles Bohrus, Bill Clerk.....	4 00
F. L. Gafney, Stenographer.....	5 00
Zieta Kincheloe, Stenographer.....	5 00
M. Loeffler, Stenographer.....	5 00
S. A. M. Squier, Stenographer.....	5 00
David Catell, Assistant Sergeant-at-Arms.....	5 00
C. A. Gowell, Assistant Sergeant-at-Arms.....	5 00
Geo. S. Miller, Assistant Sergeant-at-Arms.....	5 00
Geo. C. Sandersfield, Assistant Sergeant-at-Arms.....	5 00
T. P. Arnold, Assistant Sergeant-at-Arms.....	5 00
C. C. Smith, Gatekeeper.....	3 00
Jos. Beard, Doorkeeper.....	3 00

	Per diem.
Samuel Brunswick, Porter.....	\$3 00
F. Y. Madeley, Porter.....	3 00
William Sitton, Porter.....	3 00
T. P. Whyte, Porter.....	3 00
L. J. Chrisler, Porter.....	3 00
Dave Ellis, Porter.....	3 00
J. P. Whyte, Cloakroom Attendant.....	3 00
F. W. Galleher, Cloakroom Attendant.....	3 00
F. W. Smith, Page.....	2 50
Frank Douglas, Assistant Sergeant-at-Arms.....	5 00
Mrs. Evelyn Hummel, Clerk to Committee on Ways and Means.....	6 00

BLISS, Chairman.

Mr. Bliss moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Buckett, Benedict, Beunink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Denegri, Flint, Freeman, Gaylord, Griffiths, Hayes, Hinkle, Hinchshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Mendenhall, Mott, Nolan, Polsley, Preisker, Rogers of Alameda, Rutherford, Schmitt, Slater, Smith, Tibbits, Walsh, Williams, Wyllie, and Young—43.

NOES—Messrs. Cunningham, Feeley, March, McDonald, Mullally, Rodgers of San Francisco, Ryan, and Sbragia—8.

SPEAKER PRO TEM. IN THE CHAIR.

At nine o'clock and twenty minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

CONSIDERATION OF BILL OUT OF ORDER.

Mr. Preisker asked for, and was granted, unanimous consent to have Senate Bill No. 1281 taken up, out of order.

Senate Bill No. 1281—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs.

During the consideration of bill, the following amendment was submitted by the committee:

Strike out all after the words "An Act", and insert in lieu thereof the following:

"To amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund and general road fund for road, bridge, and tunnel construction, repair, and purchase.

"The people of the State of California, represented in Senate and Assembly, do enact as follows:

"SECTION 1 Section 2712 of the Political Code is hereby amended to read as follows

"2712 Whenever it appears to the board of supervisors that any road district is or would be unreasonably burdened by the expense of constructing, or by the maintenance and repairs of any road, bridge or tunnel connecting or forming a part of a road or the purchase of toll roads, they may in their discretion, cause a portion of the aggregate cost or expense to be paid out of the general road fund of the county, or by vote of the majority of the board of supervisors, said board may, in their discretion, order a portion of the cost of construction and repairs of bridges and tunnels connecting or forming a part of a road, or a portion of the cost of the purchase of toll roads, or cost of material for road construction to be paid out of the county general fund, as well as the general road fund; *provided, however,* that said board shall not take any money out of the county general fund for cost of material for road construction, except by unanimous vote of the board of supervisors; *and provided further,* that the said board may in their discretion, by a four fifths vote, pay, or cause to be paid, out of the county general fund or the general road fund, or both or either, the whole or a portion of the cost required to construct, build, reconstruct, rebuild, or repair any and all bridges or roads in the county, or both, destroyed or damaged by storms, floods or other calamities.

"SEC. 2. This Act shall take effect immediately after its passage."

Amendment adopted.

Bill ordered to reprint, and on file for second reading.

SENATE MESSAGES—(RESUMED).

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on March 23, 1911, amended, and this day passed, as amended, Assembly Bill No. 1469—An Act relating to the liability of common carriers by railroad in this state for injuries or death sustained by their employees—and respectfully requests your honorable body to concur in the amendments.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

The question being put, "Shall the Senate concur in the following Senate amendments to Assembly Bill No. 1469?"

On page 2, Section 3, line 1, strike out the word "hereinafter", and insert in lieu thereof the following: "hereafter".

Also: On page 2, Section 3, line 8, strike out the word "attributable", and insert in lieu thereof the following: "attributable".

Also: On page 3, Section 4, line 4, after the word "carrier", insert the following: "other than street railroads".

Also. On page 3, Section 7, line 3, strike out the words "in the existing", and insert in lieu thereof the following: "under the".

The roll was called, and Senate amendments to Assembly Bill No. 1469 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Freeman, Gaylord, Griffiths, Guill. Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Schmitt, Slater, Smith, Tibbits, Wyllie, and Young—50.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on March 24, 1911, passed, as amended, Assembly Bill No. 265—An Act to add a new section to the Penal Code to be numbered three hundred and seventy-four a, relating to the dumping of garbage or other refuse upon the navigable waters of the State of California, or upon the waters of the Pacific Ocean—and we respectfully request that your honorable body concur in the Senate amendments to said Assembly bill.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 265?"

On page 2, line 14, Section 1, between the words "State" and "and", insert the following: "at any point therein, within twenty miles of any point on the coast line of the State,"

Also: On page 2, Section 1, line 22, between the words "State" and "is", insert the following: "at any point therein, within twenty miles of any point on the coast line of the State,".

Also: On page 2, Section 1, line 23, between the words "misdemeanor" and "provided" insert the following: "and no scow, barge, float, hulk, or any steam or sailing vessel, or any vessel of any kind, upon which any garbage, swill, refuse, cans, bottles, paper, or vegetable matter, or the carcass of any dead animal, or the offal from any slaughter pen or butcher shop, or any trash or rubbish has been loaded with the intent that the same shall be dumped or deposited therefrom upon any of the waters of the Pacific Ocean where permitted by this section, shall leave any point within the State unless it shall carry for the entire trip an inspector appointed by the State Board of Health, or where such point of departure is within a municipality, then by such municipality, and it shall be the duty of such inspector to enforce the provisions of this section, and the captain, or other person in charge of any such scow, barge, float, hulk, steam, sailing or other vessel, so leaving without carrying such inspector during the entire trip is guilty of a misdemeanor."

Also: On page 1, strike out all of the title, and insert in lieu thereof the following: An Act to add a new section to the Penal Code to be numbered three hundred

and seventy-four *a.* relating to the dumping of garbage or other refuse upon the navigable waters of the State of California, or upon the waters of the Pacific Ocean. Also. On page 1. strike out all of the title, and insert in lieu thereof the following:

"An Act to add a new section to the Penal Code to be numbered three hundred and seventy-four *a.* relating to the dumping of garbage or other refuse upon the navigable waters of the State of California, or upon the waters of the Pacific Ocean."

The roll was called, and Senate amendments to Assembly Bill No. 265 were concurred in by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cronin, Denegri, Feeley, Fitzgerald, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Telfer, Tibbits, Walsh, Wyllie, and Young—48.

NOES—None.

Bill ordered to enrollment.

RESOLUTION.

The following resolution was offered:

By Mr. Bohnett:

Resolved, That no bills that have not been finally acted on by the Assembly by six o'clock P. M. of Sunday, March 26, 1911, shall receive further consideration by the Assembly, *provided, however*, that this shall not apply to action upon or concurring in or receding from Senate amendments to Assembly bills, nor to action with regard to conference or free conference committees or their reports.

Mr. Bohnett moved the adoption of the resolution.

POINT OF ORDER.

Mr. Coghlan rose to the following point of order: "That the resolution is out of order as one day's notice must be given to amend the rules."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

DECISION APPEALED FROM.

Mr. Coghlan appealed from the decision of the chair.

CHAIR SUSTAINED.

The question being put, "Shall the decision of the chair be the judgment of the Assembly?"

A vote was taken, and the decision of the chair sustained.

Mr. Coghlan moved to amend the resolution as follows:

Strike out the words and figures "six o'clock, on Sunday evening, March 26th, 1911", and insert in lieu thereof the words and figures "9:30 o'clock P. M. on Monday, March 27, 1911".

The question being on the adoption of the amendment.

The roll was called.

Pending the announcement of the vote, Mr. Bohnett moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Beckett, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Flint, Freeman, Gaylord, Griffiths, Harlan, Held, Hinkle, Hinshaw,

Jasper, Jones, Joel, Judson, Kehoe, Lamb, Mott, Preisker, Randall, Rogers of Alameda, Slater, Sutherland, Wyllie, and Young—32.

NOES—Messrs. Beatty, Benedict, Bennink, Callaghan, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Hall, Hayes, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Nolan, Polsley, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, and Wilson—35.

The question reverting to the adoption of the resolution.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Coghlan moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beatty, Benedict, Bishop, Bliss, Callaghan, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Harlan, Hayes, Held, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Nolan, Polsley, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, Telfer, Walker, Walsh, and Williams—32.

NOES—Messrs. Bennink, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Flint, Freeman, Gaylord, Griffiths, Hinkle, Jasper, Jones, Judson, Kehoe, Lamb, Mendenhall, Randall, Rogers of Alameda, Slater, Stuckenbruck, Sutherland, Wyllie, and Young—25.

Time, ten o'clock and fifteen minutes P. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, and Young—67.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At ten o'clock and twenty minutes P. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Coghlan.

The roll of absentees was called, and amendment adopted by the following vote:

AYES—Messrs. Beatty, Bennink, Bliss, Callaghan, Coghlan, Cronin, Cunningham, Denegri, Feeley, Fitzgerald, Hayes, Hinshaw, Kennedy, Lamb, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Nolan, Polsley, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, Telfer, Tibbits, Walker, Walsh, Williams, and Wilson—33.

NOES—Messrs. Beckett, Benedict, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Farwell, Flint, Freeman, Gaylord, Griffiths, Hall, Harlan, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Mott, Preisker, Randall, Rogers of Alameda, Stuckenbruck, Sutherland, Wyllie, and Young—32.

The following amendment to resolution, as amended, was submitted by Mr. March:

Amend by striking out the words and figures "9:30 o'clock on Monday evening, March 27, 1911", and insert in lieu thereof the words and figures "6 o'clock on Monday evening, March 27, 1911".

POINT OF ORDER.

Mr. Bohnett rose to the following point of order: "That the amendment was out of order."

POINT OF ORDER NOT WELL TAKEN.

The Speaker ruled the point of order not well taken.

MOTIONS.

Mr. Bishop moved that the matter be laid on the table.

Motion carried.

Mr. Bishop moved that when the Assembly adjourn this day, it do so until ten o'clock A. M. of Sunday, March 26, 1911.

Motion carried.

CONSIDERATION OF BILL OUT OF ORDER.

Mr. Fitzgerald asked for, and was granted, unanimous consent to have Senate Bill No. 451 taken up out of order.

Senate Bill No. 451—An Act granting certain submerged and overflowed and tide lands of the State of California to the city of Oakland.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 451 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowan, Mullally, Nolan, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Smith, Telfer, and Young—44.

NOES—Messrs. Chandler, Harlan, Hayes, Jasper, Kehoe, March, Mott, and Slater—8.

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION.

Mr. Lyon of Los Angeles moved that the Assembly take up the special urgency file.

Motion carried.

SPECIAL URGENCY FILE.

Senate Constitutional Amendment No. 49—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 19 of Article XI, relating to public utilities.

The question being on the adoption of Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 49 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, Mendenhall, Mullally, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—54.

NOES—None.

Senate constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT No. 49.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending Section 19 of Article XI, relating to public utilities.

The Legislature of the State of California, at its regular session, commencing on the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California the following amendment to the Constitution of the State of California so that Section 19 of Article XI of said Constitution shall read as follows:

Section 19 Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under its organic law, on condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such services to the inhabitants outside its boundaries, *provided*, that it shall not furnish any service to the inhabitants of any other municipality owning, or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance.

Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor.

During the consideration of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the printed bill by striking out all of the title and inserting a new title, to read as follows:

"An Act to regulate the registration and operation of motor vehicles, the registration of chauffeurs, to provide for the disposition of the revenue resulting from fees of registration, to make an appropriation for the purpose of carrying out the provisions of this Act, and to repeal an Act entitled 'An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act,' approved March 22, 1905, and all amendments thereto, together with all Acts or parts of Acts inconsistent or in conflict with the provisions of this Act."

Amendment adopted.

AMENDMENT No. 2.

On page 1, Section 1, line 9, after the word "wagons", insert the following: "or other motor vehicles operated by police departments."

Amendment adopted.

AMENDMENT No. 3.

On page 2, Section 1, line 48, after the word "license", strike out all the remainder of the section beginning with the comma, and insert in lieu thereof the following: "to operate such vehicle, subject, however, to the regulations of this Act relative to chauffeurs, and the fee paid for registration and the certificate or seal of registration issued therefor shall also include and be considered as a license fee and license certificate upon such vehicle."

Amendment adopted.

AMENDMENT No. 4.

On page 3, Section 3, line 10, after the word "number", insert the words "and appropriate year".

Amendment adopted.

AMENDMENT No. 5.

On page 5, Section 6, line 2a, strike out the word "three", and insert in lieu thereof the word "two".

Amendment adopted.

AMENDMENT No. 6.

On page 5, Section 6, line 4, strike out the word "five", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 7.

On page 5, Section 6, line 6, strike out the words "seven dollars and fifty cents", and insert in lieu thereof the words "five dollars".

Amendment adopted.

AMENDMENT No. 8.

On page 5, Section 6, line 8, strike out the words "ten dollars", and insert in lieu thereof the words "seven dollars and fifty cents".

Amendment adopted.

AMENDMENT No. 9.

On page 5, Section 6, line 10, strike out the words "twelve dollars and fifty cents", and insert in lieu thereof the words "ten dollars".

Amendment adopted.

AMENDMENT No. 10.

On page 5, Section 6, line 11, strike out the words "fifteen dollars", and insert in lieu thereof the words "twelve dollars and fifty cents".

Amendment adopted.

AMENDMENT No. 11.

On page 6, Section 10, line 1, after the word "one", insert the word "half".

Amendment adopted.

AMENDMENT No. 12.

On page 6, Section 10, line 2, after the word "one", insert the word "half".

Amendment adopted.

AMENDMENT No. 13.

On page 7, Section 11, line 12, after the word "use", insert the following: "No person shall operate any motor vehicle without the permission of the owner thereof."

Amendment adopted.

AMENDMENT No. 14.

On page 8, Section 13, line 11, strike out the words "twenty-five", and insert in lieu thereof the word "thirty".

Amendment adopted.

AMENDMENT No. 15.

On page 8, Section 14, line 4, strike out the word "fifteen", and insert in lieu thereof the word "six".

Amendment adopted.

AMENDMENT No. 16.

On page 8, Section 16, line 9, strike out the word "badly".

Amendment adopted.

AMENDMENT No. 17.

On page 9, strike out all of Section 18, and insert in lieu thereof a new Section 18, to read as follows:

"Sec. 18. Upon request or signal from any police officer, constable, or state deputy as provided for under this Act, any person operating a motor vehicle shall stop and give to such police officer, constable or deputy his name and address, the number of the motor vehicle, and the name and address of the owner thereof, and if such person operating such vehicle is a chauffeur, he shall also give his registration number."

Amendment adopted.

AMENDMENT No. 18.

On page 9, Section 19, line 1, after the word and figures "Sec. 19", insert the following: "No person shall operate a motor vehicle upon any public highway of this State upon a bet, wager, or in a race, or for the purpose of making a record, except as hereinafter provided."

Amendment adopted.

AMENDMENT No. 19.

On page 9, Section 20, line 4, after the word "one", insert the word "half".

Amendment adopted.

AMENDMENT No. 20.

On page 9, Section 20, line 5, after the word "one", insert the word "half".

Amendment adopted.

AMENDMENT No. 21.

On page 11, Section 24, line 5, after the word "registration", insert the following: "together with his photograph, of size approximately two and one half inches in width by three and one half inches in length."

Amendment adopted.

AMENDMENT No. 22.

On page 12, Section 28, line 6, after the word "chauffeur.", strike out all of the remainder of the section and insert in lieu thereof the following:

"Upon conviction of any chauffeur for the violation of any of the provisions of this Act or any provisions of the Penal Code relating to the operation of motor vehicles, it shall be the duty of the Secretary of State to suspend for such period, or to revoke, the license of such convicted chauffeur, as the court rendering the judgment may prescribe."

Amendment adopted.

AMENDMENT No. 23.

On page 13, Section 31, line 11, after the word "offense", insert the following: " ; provided, that nothing herein contained shall be construed to affect any provision of the Penal Code relative to the operation of motor vehicles."

Amendment adopted.

AMENDMENT No. 24.

On page 14, Section 32, line 8, strike out the word "treasury", and insert in lieu thereof the words "State Controller and State Treasurer".

Amendment adopted.

AMENDMENT No. 25.

On page 14, Section 32, line 9, after the word "fund", insert the words "to be designated as the 'Motor Vehicle Fund,' which fund is hereby established, and".

Amendment adopted.

AMENDMENT No. 26.

On page 14, Section 32, line 11, after the word "roads", insert the following: ", including county highways,".

Amendment adopted.

AMENDMENT No. 27.

On page 15, Section 35, strike out all of line 22.

Amendment adopted.

AMENDMENT No. 28.

On page 16, Section 35, line 23, strike out the word "each,".

Amendment adopted.

AMENDMENT No. 29.

On page 16, Section 35, line 24, strike out the word "five", and insert in lieu thereof the word "two".

Amendment adopted.

AMENDMENT No. 30.

On page 16, Section 35, line 26, strike out the word "four", and insert in lieu thereof the word "three".

Amendment adopted.

AMENDMENT No. 31.

On page 16, Section 35, line 26, after the word "year", insert the following: "The office force provided by this section shall be in lieu of and not in addition to the office force otherwise provided by law for the conduct of such motor vehicle department."

Amendment adopted.

AMENDMENT No. 32.

On page 16, Section 36, in line 3, strike out the word "sixty", and insert in lieu thereof the word "fifty".

Amendment adopted.

AMENDMENT No. 33.

On page 16, Section 36, line 4, strike out the figures "60,000.00", and insert in lieu thereof the figures "50,000.00".

Amendment adopted.

AMENDMENT No. 34.

On page 16, Section 36, line 5, after the word "cashier", insert the following: "deputies".

Amendment adopted.

AMENDMENT No. 35.

On page 16, Section 36, line 7, after the word "necessary", insert the words "traveling and".

Amendment adopted.

AMENDMENT No. 36.

On page 16, Section 36, line 11, after the words "sixty-second.", insert the words "and during the".

Amendment adopted.

Mr. March moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Senate Bill No. 656 considered.

Mr. March moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 656, and do now report the same back, and recommend that it do pass.

CATTELL, Chairman.

Mr. March moved the adoption of the report.

Motion carried.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 961—An Act controlling the sanitation of shellfish grounds and premises where shellfish are opened, packed or prepared for the market, and controlling the sale of oysters and shellfish for food purposes and providing a penalty for the violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 961 passed by the following vote.

AYES—Messrs. Beckett, Benmink, Bliss, Cattell, Coghlan, Cogswell, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Hall, Hayes, Hinkle,

Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, March, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Ryan, Sbragia, Smith, Stevenot, Telfer, Tibbits, Walsh, Wyllie, and Young—42.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento, San Joaquin and Feather rivers, and other river channels of the State, and improving the navigability of such streams, and for acquiring land for necessary rights of way.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 197 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Butler, Callaghan, Cattell, Cogswell, Cronin, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Griffiths, Harlan, Hayes, Hinkle, Hinshaw, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, Mott, Mullally, Polsley, Preisker, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Young—41.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 901—An Act to define and prohibit bucketing and bucket shopping and bucket shops; to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket shopping; to prohibit the use of property for the purpose of carrying on bucket shops or bucketing or bucket shopping; to require the furnishing of statements of facts in certain cases, and fixing penalties.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 901 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Fitzgerald, Freeman, Gaylord, Griffiths, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Wilson, Wyllie, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1247—An Act to provide for the formation, government and control of overflow districts.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1247 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cronin, Cunningham, Farwell, Feeley, Fitzgerald, Freeman, Gaylord, Griffiths, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda,

Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Young—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1284—An Act granting relief to counties by extending the time within which county treasurers are required to make semi-annual settlements with the State Controller and State Treasurer in cases in which school money of such counties have been misappropriated.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 462—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the Angeles National Forest, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 615—An Act to amend section three thousand eight hundred and twenty-four of the Political Code of California, relating to revenue and taxation and the return of excess taxes collected by the assessor on certain personal property where a lower rate has been fixed.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 615 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Chandler, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Hall, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Stevenot, Telfer, Tibbits, Wilson, Wyllie, and Young—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1026—An Act to amend Section 1247 of the Penal Code of California, relating to appeals.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1184—An Act to amend Section 4 of an Act approved March 26, 1895, entitled "An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties and cities and counties in the State," as amended March 29, 1897; as amended March 23, 1901, as amended March 20, 1903, as amended March 11, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1184 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bishop, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Griffiths, Hamilton, Hayes, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mullally, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, and Wyllie—45.

NOES—Mr. Mendenhall—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1241—An Act declaring a state highway from the

Shasta County line through Lassen County to the Modoc County line, and making an appropriation for its improvement and maintenance.

Mr. Tibbits moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Senate Bill No. 1241 considered.

Mr. Tibbits moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem. Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read :

ASSEMBLY CHAMBER. SACRAMENTO, March 25, 1911.

GENTLEMEN : The Committee of the Whole have had under consideration Senate Bill No 1241, and do now report the same back, and recommend that it do pass.

CATTELL, Chairman.

Mr. Tibbits moved the adoption of the report.

Motion carried.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 944—An Act to create a reservation for fish, shell-fish, shrimp, and crabs, within the sloughs, rivers, streams and creeks tributary to the bay of San Francisco and the bay of San Pablo, and to prohibit the taking of the same from such reservation by means of weirs, dams, nets, traps or seines.

Bill dropped from file.

Senate Bill No. 411—An Act to repeal article eighteen of chapter three, title three, part three, of the Political Code of the State of California, and to add a new article numbered eighteen to chapter three of title three, part three of the Political Code, relating to the establishment of industrial, technical, and agricultural training in the public schools.

Bill read second time, and ordered on file for third reading.

Senate Bill No 1138—An Act to amend Sections 1240, 1241, and 1248 of the Code of Civil Procedure of the State of California, and to add a new section thereto to be designated as Section 1247a, all relating to the taking of private property for public use, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No 1138 passed by the following vote :

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley,

Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbitts, Walsh, Wyllie, and Young—56.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act

Mr. March moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker pro tem. Cattell in the chair.

Senate Bill No. 648 considered.

Mr. March moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker pro tem Cattell in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

GENTLEMEN The Committee of the Whole have had under consideration Senate Bill No. 648, and do now report the same back, and recommend that it do pass

CATTELL, Chairman

Mr. March moved the adoption of the report.

Motion carried.

During the third reading of the bill, Mr. Hamilton moved that the Speaker appoint a select committee of one to amend the bill as follows:

Strike out all of the title after the words "An Act", and insert the following

"To form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, and making an appropriation therefor, and repealing all Acts in conflict herewith"

Also Strike out all after the enacting clause, and insert in lieu thereof the following

SECTION 1. The several counties of this State are divided and classified into agricultural districts as follows, to wit

1. The counties of San Francisco, San Mateo, Santa Cruz, Santa Clara, San Benito and Monterey shall constitute Agricultural District Number One.

2. The counties of El Dorado, Amador, San Joaquin, Calaveras, and Tuolumne shall constitute Agricultural District Number Two

3. All that portion of Santa Barbara County lying west of Gaviota and north of Santa Ynez Mountains, and the county of San Luis Obispo shall constitute Agricultural District Number Three.

4. The counties of Riverside, Orange, San Bernardino, Alpine, Mono, and Inyo shall constitute Agricultural District Number Four

5. The county of San Diego shall constitute Agricultural District Number Five

6. The county of Los Angeles shall constitute Agricultural District Number Six

7. The county of Imperial shall constitute Agricultural District Number Seven.

8. The counties of Kings, Tulare, and Kern shall constitute Agricultural District Number Eight.

9. The counties of Fresno and Madera shall constitute Agricultural District Number Nine.

10. The counties of Stanislaus, Mariposa, and Merced shall constitute Agricultural District Number Ten.

11. The counties of Alameda and Contra Costa shall constitute Agricultural District Number Eleven.

12. The counties of Sacramento, Yolo, Solano, and Napa shall constitute Agricultural District Number Twelve.

13. The counties of Placer, Sierra, Nevada, Sutter, Yuba, Butte, and Plumas shall constitute Agricultural District Number Thirteen.

14. The counties of Colusa, Tehama and Glenn shall constitute Agricultural District Number Fourteen.

15. The counties of Siskiyou, Shasta, Modoc, Lassen, and Trinity shall constitute Agricultural District Number Fifteen.

16. The counties of Del Norte and Humboldt shall constitute Agricultural District Number Sixteen.

17. The counties of Mendocino, Lake, Sonoma, and Marin shall constitute Agricultural District Number Seventeen.

18. All that portion of Santa Barbara County not included in Agricultural District Number Three and the county of Ventura shall constitute Agricultural District Number Eighteen.

SEC. 2. Any fifty (50) or more persons resident of a majority of the counties embraced within any of the above districts may form an association for the purpose of holding fairs, expositions or exhibitions of all the industries and industrial enterprises, resources and products of every kind or nature of the district in which they are organized, or of the State, with a view of improving, exploiting, encouraging and stimulating the same.

SEC. 3. The officers of such association shall consist of eight (8) directors to be appointed by the Governor of the State of California, who shall constitute a district board of agriculture for said district. No two directors shall be appointed from any one county unless the number of counties constituting such district be less than eight (8), in which case one director at least shall be chosen from each county constituting the district.

SEC. 4. After the formation of an agricultural association within any of the districts above constituted in accordance with the provisions of the Act, and notice of such formation to the Governor, the Governor shall thereupon appoint eight (8) resident citizens of such district as members of the district board of agriculture for said association according to the provisions of the preceding section. The term of office of such directors shall be four (4) years from and after the date of their appointment, and until their successors are appointed and qualified: *provided, however*, that of the first board of directors appointed by the Governor, the members thereof shall meet at some place within the district within twenty (20) days after their appointment, and shall classify themselves by lot into four (4) classes of two (2) members each. The term of office of the first class shall expire at the end of the first year, the second class at the end of the second year, the third class at the end of the third year, and the fourth class at the end of the fourth year, as hereinabove provided: *provided, further*, that thereafter all succeeding appointments shall be for four (4) years from and after the date of their appointment and qualification, and until their successors are appointed and qualified: *provided*, that in cases where the boundaries of any agricultural district heretofore formed and now existing under the provision of law, are not changed by this Act, the agricultural association heretofore established therein shall be continued in force and be an agricultural association under this Act, and all officers of any such association now in office under such law shall continue to hold office for the term for which they were appointed. After said members of said board of directors shall have so classified themselves by lot, they shall notify the Governor of the State of such classification.

SEC. 5. Each association so formed, organized or continued is hereby declared and hereby recognized as a state institution, and shall be known and designated as a district agricultural association, and by the numbers, respectively, hereinabove given thereto, and by such name and style shall have perpetual succession; shall have power to contract; to sue and be sued; to have a seal; to purchase; to hold and to lease real estate and personal property, and may sell, lease, beautify and dispose of the same, and do any and all acts and things necessary to carry out the objects and purposes for which said associations are formed, and the board of directors so appointed and qualified shall have the exclusive control and management of such institution for and in the name of the State, and shall have possession and care of all the property of the association, and shall fix the term of office and the appointments of the secretary and treasurer and determine their salaries and duties. Such board shall also have the power to make all necessary by-laws, rules and regulations for the government of the association and the management of its public, industrial and financial affairs. It may provide for an annual fair, exposition or exhibition by the association of all industries and products in the district or State at such time as they by a majority vote may determine upon, and at the place each year in each of their districts respectively, which may be selected, chosen or designated as herein-

after provided: *provided*, that the State shall in no event be liable for any premiums offered or rewards made or on account of any contract made by any district board of agriculture or agricultural association; *provided further*, that any such agricultural association having a speedway or race course upon any lands owned or leased by it or under its control, shall maintain the same for the purpose of holding speed contests and training and speeding horses thereon.

SEC 6 No sum appropriated by the State for aid to the district agricultural associations herein provided for and created, or for any of them, shall be used for the payment of purses or premiums for speed contests, but shall be used exclusively for the payment of premiums upon bona fide exhibits of agricultural, horticultural, viticultural and mechanical products, or of manufactures or mining or forestry products, and for the payment of premiums upon exhibits of domestic live stock and dairy products.

SEC 7 It is further provided that no sum appropriated by the State in aid of the district agricultural associations herein provided for, or for any of them, shall be available or can be obtained or collected by any such association in any case where betting or gambling of any kind is allowed upon the grounds, or premises controlled or used by said association, nor shall any intoxicating, malt, vinous or spirituous liquors or beverages be permitted to be sold upon any grounds used by or occupied or under the control of any district agricultural association created hereby and receiving aid or support from the State of California.

SEC 8 The board of directors of the district agricultural associations created hereby, and each of such board, in preparing their premium lists and in the offering of premiums for the annual fairs, exhibitions and expositions to be given by them as required hereby, shall classify the premiums to be offered for exhibits of agricultural, horticultural, viticultural and mechanical products, or of manufactures, or mining or forestry products, or live stock and dairy products in the same way as the same are offered and classified by the State Board of Agriculture in the same department, so that the classes shall be uniform for the state fair, and each of the district agricultural association fairs, provided for herein; *provided*, that such uniformity need not extend to the amount of the premiums to be offered.

SEC 9. No free passes shall be issued by the board of directors of the district agricultural association herein provided for, or by any of them, to the grounds of such associations during the fairs, exhibitions or expositions to be held by them, except to bona fide exhibitors and accredited newspaper correspondents, and all other persons shall be admitted thereto only upon paid admissions, to be uniformly and equally assessed.

SEC 10. The place where in each of the agricultural districts herein provided for, the annual fair, exhibition or exposition hereby required shall be held, located or conducted, shall be agreed to, determined upon, fixed, found and established each year as follows: Immediately after the appointment of the directors of the agricultural district they shall meet and proceed to select some place in each of the agricultural districts herein provided for and hereby created, at which place the annual fairs, exhibitions or expositions of such district shall thereafter be held. They shall select each year the place which in view of all the circumstances they deem the best and fittest for the location and holding of such annual fair, exhibition or exposition; *provided*, that in case more than one place in each district is fitted for the holding of such annual fair, they shall take their turn alphabetically, and the directors shall hold the fairs in that order. No place shall be selected by such directors as the place for holding such fair, exhibition or exposition, unless and until adequate and sufficient grounds and buildings at such place are given or leased, or secured to the district agricultural association of that district, free of charge or cost, if such district association has been organized. If it has not been organized at the time of such selection, the gift or lease of such buildings and grounds must be secured to be given and bound to be given to such district association free of charge or cost as soon as the same shall become organized. As soon as said directors shall have determined upon the place each year in such district which they so deem best for the holding of such fair, exhibition or exposition, and shall have secured free of charge to the agricultural association for said district the gift or lease of adequate and sufficient buildings and grounds, they shall thereupon designate said place as the place where, in said district, the agricultural association organized therein and therefor shall hold its annual fair, exhibition or exposition, and shall immediately notify the Governor of such selection and designation.

SEC 11 All sums of money appropriated by the State for the support of the district agricultural associations herein provided for shall be paid to said associations and collected by them in the same manner in which sums now provided for the support of the State Board of Agriculture, or State Agricultural Society, are paid to and collected by it.

SEC 12 The sum of seventy thousand (70,000) dollars is hereby appropriated for the purposes of this Act, said sum to be available during the sixty-fourth fiscal year and to be apportioned as follows:

For aid to Agricultural District Number One, five thousand (5,000) dollars.

For aid to Agricultural District Number Two, five thousand (5,000) dollars:

For aid to Agricultural District Number Three, two thousand (2,000) dollars;

For aid to Agricultural District Number Four, five thousand (5,000) dollars;
 For aid to Agricultural District Number Five, four thousand (4,000) dollars;
 For aid to Agricultural District Number Six, five thousand (5,000) dollars;
 For aid to Agricultural District Number Seven, one thousand five hundred (1,500) dollars;
 For aid to Agricultural District Number Eight, five thousand (5,000) dollars;
 For aid to Agricultural District Number Nine, five thousand (5,000) dollars;
 For aid to Agricultural District Number Ten, three thousand (3,000) dollars;
 For aid to Agricultural District Number Eleven, five thousand (5,000) dollars;
 For aid to Agricultural District Number Twelve, five thousand (5,000) dollars;
 For aid to Agricultural District Number Thirteen, five thousand (5,000) dollars;
 For aid to Agricultural District Number Fourteen, two thousand (2,000) dollars;
 For aid to Agricultural District Number Fifteen, three thousand five hundred (3,500) dollars;
 For aid to Agricultural District Number Sixteen, two thousand (2,000) dollars;
 For aid to Agricultural District Number Seventeen, five thousand (5,000) dollars;
 For aid to Agricultural District Number Eighteen, two thousand (2,000) dollars;
 SEC. 13 All Acts and parts of Acts in conflict with this Act are hereby repealed.

Roll call regularly demanded.

The roll was called

Pending the announcement of the vote. Mr. Chandler moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs Beatty, Chandler, Coghlan, Cunningham, Denegri, Feeley, Flint, Griffin of Modesto, Harlan, Hayes, Hinshaw, Joel, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, March, McDonald, Mullally, Nolan, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, and Walsh—25

NOES—Messrs Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Farwell, Freeman, Gaylord, Griffiths Hall, Hamilton, Hinkle, Jasper, Judson, Kehoe, Lamb, Maher, McGowen, Mott, Polsley, Preisker, Rutherford, Smith, Stuckenbruck, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—37.

The roll of absentees was called and the motion to amend carried by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cronin, Crosby, Farwell, Freeman, Griffin of Modesto, Griffiths, Hall, Hamilton, Hinkle, Jasper, Jones, Judson, Kehoe, Lamb, McGowen, Mott, Polsley, Preisker, Smith, Stevenot, Stuckenbruck, Tibbits, Walker, Wilson, Wyllie, Young, and Mr. Speaker—38.

NOES—Messrs Beatty, Chandler, Coghlan, Cunningham, Denegri, Feeley, Flint, Gaylord, Guill, Harlan, Hayes, Held, Hinshaw, Joel, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Meendenhall, Mullally, Nolan, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Sutherland, Walsh, and Williams—33

Motion carried.

The Speaker appointed Mr. Hamilton as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

MR. SPEAKER Your select committee of one, to whom was referred Senate Bill No. 648, with instructions, do now report that the instructions of the Assembly have been carried out.

HAMILTON, Select Committee.

Report of select committee, and amendments, adopted.

Bill ordered to reprint, and on file for passage.

SPEAKER IN THE CHAIR.

At ten o'clock and thirty minutes P. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

Senate Bill No. 887—An Act to amend Section 596 of the Political Code of the State of California, relating to the transaction of insurance business

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 887 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Polesley, Preisker, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Stuckenbruck, Walker, Williams, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 45—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XIX, relating to term of office.

The question being on the adoption of Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 45 adopted by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Flint, Freeman, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Polesley, Preisker, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—Messrs. Maher and Mullally—2.

Senate constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT No 45.

A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XX, relating to term of office.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its regular session commencing on the second day of January, A. D. 1911, two thirds of all the members elected to each house of said Legislature voting in favor thereof, hereby proposes to the people of the State of California that Section 16 of Article XX of the Constitution of said State be amended so as to read as follows:

Sec. 16. When the term of any officer or commissioner is not provided for in this constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however,* that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control; *and provided further,* that the term of office of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the State or of any political division thereof shall not be limited by this section.

Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated

cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California of 1909, page 948.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1221 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Freeman, Griffin of Modesto, Griffiths, Guill, Hall, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Ryan, Shragia, Schmitt, Smith, Stevenot, Telfer, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—50

NOES—Messrs. Bliss, McGowen, and Stuckenbruck—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a State Board of Forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 747 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—59.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1521—An Act authorizing the Governor to appoint a commission to investigate and report concerning the adoption of a system of old age insurance and pensions and making an appropriation therefor.

Mr. Farwell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Assembly Bill No. 1521 considered.

Mr. Farwell moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Assembly Bill No. 1521, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Farwell moved the adoption of the report.

Motion carried.

Bill passed on file.

Senate Bill No. 1245—An Act to cede to the United States of America, upon certain conditions and reservations, certain lands in possession of the United States to which the State of California holds a tax title.

Bill read second time, and ordered on file for third reading.

SECOND READING OF SENATE BILLS.

Senate Bill No. 704—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 51—An Act to amend the Political Code of the State of California by adding thereto a new article, to be designated and numbered Article IXa, of Chapter III, of Article III, of Part III of said Code, relating to elementary and secondary schools

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1027—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1016—An Act to provide for the collection, compilation and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 49—An Act to amend Section 249 of the Penal Code of the State of California, relating to the punishment of libel and slander.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 409—An Act to amend an Act entitled "An Act to provide for public cemetery districts," approved March 6, 1909, Statutes 1909, page 156, by amending section two thereof, relating to the appointment of trustees of the district.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 610—An Act to amend Section 1515 of the Penal Code, relating to the taking, filing and preservation of evidence taken before coroners

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1058—An Act to amend section four thousand one hundred eighty-seven of the Political Code of the State of California, relating to the duties of constables.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 492—An Act to amend Sections 2, 3, 4 and 6 of an Act entitled "An Act to define personal property brokers, and regulate their charge and business," approved April 16, 1909.

During second reading of bill, the following amendment was submitted by the committee:

Strike out the word "three" wherever it appears in the printed bill, and insert in lieu thereof the word "two".

Amendment adopted.

Bill read second time, and ordered to reprint, and on file for third reading.

Senate Bill No. 1285—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of the Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1288—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1282—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights, and supplies for the Legislature and state officers for the sixty-first and sixty-second fiscal years.

Bill read second time, and ordered on file for third reading.

Committee Substitute for Senate Bill No. 124—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 1096—An Act to amend sections one thousand seventy-five, one thousand seventy-seven, and one thousand seventy-eight of the Political Code, relating to boards of election commissioners and providing for clerks and secretaries of such boards.

Bill read second time, and ordered on file for third reading.

Mr. Cogswell moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering Senate Bills Nos. 704, 404, 1285, 1288, 1282, 124, 1016, and 1027.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bills Nos. 704, 404, 1285, 1288, 1282, 124, 1016, and 1027, considered.

Mr. Cogswell moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bills Nos. 704, 404, 1285, 1288, 1282, 124, 1016, and 1027, and do now report the same back, and recommend that they do pass.

HEWITT, Chairman

Mr. Cogswell moved the adoption of the report.
Motion carried.

CONSIDERATION OF BILLS OUT OF ORDER.

Senate Bill No. 1246—An Act granting to the city of Long Beach the tide lands and submerged lands of the State of California within the boundaries of the said city.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1246 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohuett, Brown, Butler, Callaghan, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Fitzgerald, Flint, Freeman, Gaylord, Guill, Hall, Hamilton, Hinkle, Hinshaw, Jasper, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mullally, Nolan, Randall, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Smith, Telfer, Walsh, Wylie, and Mr. Speaker—48.

NOES—Messrs. Griffin of Modesto, Harlan, Kehoe, March, and Walker—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1286—An Act to amend Section 4239 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the tenth class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1286 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Walsh, Wilson, Wylie, Young, and Mr. Speaker—57.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1038—An Act to amend Section 4260 of the Political Code, relating to county and township officers of counties of the thirty-first class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1038 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Clark, Coghlan, Denegri, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinshaw, Jasper, Judson, Kehoe,

Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Walsh, Wyllie, Young, and Mr. Speaker—49.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 772—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14 and 16 of an Act entitled "An Act creating a state commission of voting and balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act, approved March 20, 1903, and adding a new section thereto to be known and designated as Section 16a, relating to voting or ballot machines."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 772 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bishop, Bliss, Bohnett, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Flint, Freeman, Hall, Hamilton, Harlan, Hayes, Hinkle, Jasper, Judson, Kennedy, Lamb, Lyon of San Francisco, March, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Walsh, Wyllie, Young, and Mr. Speaker—42.

NOES—Mr. Gaylord—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 382—An Act to amend the Political Code of the State of California, by amending Sections 1094, 1097, 1109, 1145 and 1216 of said Political Code, and by adding to said Political Code two new sections to be known and numbered as Section 1106a and Section 1072a of said Political Code, all relating to elections.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 382 passed by the following vote:

AYES—Messrs Benedict, Bennink, Bishop, Butler, Coghlan, Cronin, Cunningham, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mullally, Polsley, Randall, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Stevenot, Stuckenbruck, Telfer, Walsh, Wilson, Young, and Mr. Speaker—43.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 874—An Act to repeal an Act entitled "An Act to provide for the appointment of pilots, and defining their duties and compensation, at the port of Wilmington, and the bay of San Pedro," approved March 19, 1889.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 874 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Cattell, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Hall, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rodgers of San Francisco, Ryan, Sbragia, Schmitt, Slater, Stevenot, Stuckenbruck, Telfer, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes P. M., on motion of Mr. Schmitt, the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Sunday, March 26, 1911. }

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Assistant Chief Clerk Hopkins, and the following members answered to their names:

Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ruthertoid, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—74.

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Walsh, its further reading was dispensed with.

LEAVE OF ABSENCE.

On motion of Mr. Chandler, leave of absence was granted Mr. Sutherland for the day.

REPORTS OF STANDING COMMITTEES

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 51—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding a new section to Article VI thereof, to be numbered Section 4 $\frac{1}{2}$, in relation to the establishment of a state commerce court—have had the same under consideration, and respectfully report the same back, without recommendation.

SUTHERLAND, Chairman.

The above reported Senate constitutional amendment ordered on file for adoption.

ON MUNICIPAL CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 1028—An Act to provide for the incorporation and organization and management of municipal water districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGHLAN, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 532—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

COGHLAN, Chairman.

The above reported bill ordered on file for second reading.

ON UNIVERSITIES.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: Your Committee on Universities, to whom was referred Assembly Bill No. 335—An Act authorizing the regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, without recommendation.

HARLAN, Chairman.

The above reported bill ordered on file for second reading.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 1097—An Act to amend Section 3629 of the Political Code of the State of California, relating to assessment of property—have had the same under consideration, and respectfully report the same back, without recommendation.

HELD, Chairman.

The above reported bill ordered on file for second reading.

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 1130—An Act entitled "An Act to amend Section 1543 of the Political Code of the State of California," relating to the duties of the county superintendent of schools of each county.

Also: Assembly Bill No. 1136—An Act entitled "An Act to amend Section 1549 of the Political Code of the State of California, relating to the appointment of deputy county superintendents of school.

Also: Assembly Bill No. 133—An Act to promote education in literature, music, and fine arts, and making an appropriation therefor.

Also Assembly Bill No. 218—An Act amending Section 1634 of the Political Code, relating to duty of census marshal.

Also Assembly Bill No. 242—An Act to amend Section 1830 of the Political Code of California, relating to school elections, and to provide for the submission of the question of free-text books to the electors of school districts at such elections.

Also Assembly Bill No. 243—An Act to amend Section 1880 of the Political Code of California, relating to school bond elections and to provide for the calling of bond elections and submitting to the qualified electors of school districts the question whether the bonds of such districts shall be issued for the purpose of raising money for supplying free text-books to the pupils in the public schools of such districts.

Also Assembly Bill No. 244—An Act making it the duty of the board of trustees or other governing body of a school district to purchase and furnish to the pupils in the public schools of such district free text-books, whenever the qualified electors of such district shall have voted in favor of free text-books.

Also Assembly Bill No. 379—An Act to amend Section 1617 of the Political Code of California, relating to the powers and duties of boards of school trustees and city boards of education.

Also Assembly Bill No. 390—An Act to add a new section to the Political Code of the State of California, to be numbered sixteen hundred and three, relating to incurring and paying expenses of elections in school districts.

Also Assembly Bill No. 413—An Act to amend Section 1560 of the Political Code, relating to teachers' institutes.

Also Assembly Bill No. 414—An Act to amend Section 1562 of the Political Code, relating to teachers' institutes.

Also Assembly Bill No. 415—An Act to amend Section 1564 of the Political Code, relating to teachers' institutes.

Also Assembly Bill No. 513—An Act to establish a state training high school near or on the grounds of the University of California at Berkeley, in the county of Alameda, and making an appropriation therefor.

Also Assembly Bill No. 548—An Act to amend Section 2255 of the Political Code of the State of California, relating to and enumerating the powers and duties of the Board of Directors of the California Institution for the Deaf and the Blind.

Also Assembly Bill No. 563—An Act to amend Section 1817 of the Political Code of California, relating to estimate of county school tax by county superintendent, and to establish a minimum estimate per teacher.

Also Assembly Bill No. 564—An Act to amend Section 1770 of the Political Code of California, relating to meetings of county boards of education, and to provide for the calling of said meetings, and specify the business to be transacted at such meetings.

Also Assembly Bill No. 486—An Act to amend Section 1662 of the Political Code by determining the number of years of instruction in the day and evening elementary school, determining the age of admission to the day and evening elementary school, and providing for separate schools for alien, Mongolian, Chinese, Japanese, Malay, and Hindoo children; excluding adult Indian, Chinese, Mongolian, Malays, Japanese, and Hindoos from the public schools of the State, and authorizing the exclusion of children of filthy or vicious habits.

Also Assembly Bill No. 589—An Act to provide for the holding of "mock" elections in the high schools of the State of California.

Also Assembly Bill No. 630—An Act to repeal Article 18 of Chapter III, Title III, Part III, of the Political Code of the State of California, and to add a new article numbered 18 to Chapter III, of Title III, Part III, of the Political Code, relating to the establishment of industrial, technical and agricultural training in the public schools.

Also Assembly Bill No. 644—An Act to amend Section 1840 of the Political Code of the State of California, relating to district school taxes.

Also Assembly Bill No. 670—An Act to amend Section 1818 of the Political Code of the State of California, relating to county school taxes.

Also Assembly Bill No. 711—An Act to establish the Northern California Polytechnic School in the county of Humboldt, and making an appropriation therefor.

Also Assembly Bill No. 728—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties of boards of school trustees and boards of education.

Also Assembly Bill No. 851—An Act to amend Section 1768 of the Political Code of the State of California, relating to county boards of education.

Also Assembly Bill No. 868—An Act to provide for a physical examination of teachers in the public schools.

Also Assembly Bill No. 902—An Act entitled an Act to establish, govern, locate, construct, furnish, maintain and conduct a technical school to be named the California Institute of Technology, and making an appropriation therefor.

Also Assembly Bill No. 1021—An Act entitled "An Act to amend Section 1772 of Article XVI, of Part III, Title III, Chapter III of the Political Code, relating to certificates upon examination.

Also Assembly Bill No. 1035—An Act to establish a state polytechnic school in the county of Orange, and making an appropriation therefor.

Also: Assembly Bill No. 1038—An Act to amend Section 1772 of the Political Code of the State of California, relating to the granting and renewal of teachers' certificates.

Also: Assembly Bill No. 1048—An Act entitled "An Act to amend Sections 1662, 1663, 1664, 1665, 1665a, 1666 of Article 10, of Part III, of Title III, Chapter III, of the Political Code of the State of California," relating to the elementary schools.

Also: Assembly Bill No. 1050—An Act to amend Sections 1593 and 1597 of Chapter VI of the Political Code of the State of California and to add two new sections thereto to be numbered 1603 and 1604, respectively, all relating to school elections.

Also: Assembly Bill No. 1054—An Act to amend an Act entitled "An Act to add a new section to the Political Code to be known as Section 1665a, providing for the establishment and maintenance in cities of the first class of one or more public schools called cosmopolitan schools, in which shall be taught the French, Italian, and German languages in connection with the English branches," approved March 18, 1909, relating to cities of the first and first and one-half classes.

Also: Assembly Bill No. 1071—An Act to add a new section to the Political Code of the State of California to be numbered Section 1547, relating to the penalty of school superintendents for allowing other than the text-books provided by the State Board of Education to be used in any grammar or high school in the State of California, unless such books are provided to the pupils free.

Also: Assembly Bill No. 1072—An Act to add a new section to the Political Code of the State of California, to be known as Section 1388a, relating to qualifications of instructors in the State University.

Also: Assembly Bill No. 1104—An Act to amend Sections 1729, 1730, 1731, 1732, 1733, 1738, 1739, 1741, 1757, 1759 and 1763 of the Political Code of the State of California, relating to high schools, and to repeal Sections 1721, 1727, 1728, and 1734 of the Political Code of the State of California, and to add three new sections to be numbered 1729a, 1729b and 1729c.

Also: Assembly Bill No. 1135—An Act entitled "An Act to amend Section 10 of the Political Code of the State of California, relating to holidays."

Also: Assembly Bill No. 1159—An Act to amend Section 1617 of the Political Code relating to the powers and duties of trustees of school districts.

Also: Assembly Bill No. 1181—An Act to amend Section 1617 of the Political Code of the State of California, relating to the powers and duties of school trustees and of city boards of education.

Also: Assembly Bill No. 1514—An Act entitled "An Act to provide state aid for the support of postgraduate courses in high schools."

Also: Assembly Bill No. 1515—An Act entitled "An Act to amend Section 1775 of the Political Code relative to the issuing of teachers' certificates upon credentials."

Also: Senate Bill No. 550—An Act to amend section six hundred and forty-nine of the Civil Code, relating to articles of incorporation of colleges and seminaries of learning.

Also: Assembly Bill No. 382—An Act to amend the Political Code of the State of California by amending Sections 1064, 1097, 1109, 1145 and 1216 of said Political Code and by adding to said Political Code three new sections to be known and numbered as Sections 1106a, and Section 1143a, and Section 1072a of said Political Code, all relating to elections.

Also: Senate Bill No. 741—An Act to amend section two hundred and eighty b of the Code of Civil Procedure of California.

Have had the same under consideration, and respectfully report the same back, without recommendation.

WYLLIE, Chairman.

The above reported bills ordered on file for second reading

ON PUBLIC MORALS.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER Your Committee on Public Morals, to whom was referred Assembly Bill No. 26—An Act to amend section four hundred and twelve of the Penal Code, with reference to sparring exhibitions and prize fights.

Also: Assembly Bill No. 169—An Act to amend section four hundred and twelve of the Penal Code with reference to sparring exhibitions and prize fights.

Also: Assembly Bill No. 492—An Act to amend section three hundred and nineteen of the Penal Code of the State of California, relating to the definition of a lottery.

Also: Assembly Bill No. 970—An Act to repeal an Act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home, located at Yountville, Napa County, approved March 18, 1905.

Also: Assembly Bill No. 562—An Act to amend Section 308 of the Penal Code of the State of California, relating to the selling of tobacco to minors.

Also: Assembly Bill No. 603—An Act to prohibit bucket-shops, to define "bucket-shops", to define "futures", "dealing in futures" and "future contracts"; to prohibit the making of future contracts, except as herein provided, to prohibit renting property to be used for carrying on bucket-shops, or knowingly permitting the same to be

so used; to prohibit any one from acting as the agent or broker of any other person in making any future contract; to prohibit any person from making any future contract for himself, to prohibit telegraph or telephone companies from allowing their wires or instruments to be used by or remain in any bucket-shop; to prescribe penalties for the violation of this Act; to provide for procedure in the trial of causes arising under this Act, and to exempt from prosecution persons testifying as to violations of this Act.

Also Assembly Bill No. 813—An Act entitled "An Act to regulate boxing or sparring contests or exhibitions and to promote the science and skill of the art of self defense within the State of California, creating a board of censors with full power and control over the same and providing for the appointment, terms of office, powers, duties, and compensations of the members of said board, creating a fund to be known and designated as the "State Boxing Fund," and fixing a license tax on all public exhibitions of boxing and sparring held within the State of California, and providing for the collection of the same; providing for the enforcement hereof and penalties for the violation hereof".

Also Assembly Bill No. 824—An Act to amend Section 397 of the Penal Code of the State of California, relating to the selling of intoxicating liquors to Indians.

Also Assembly Bill No. 1010—An Act to define and prohibit bucketing and bucket-shopping and bucket-shops, to prohibit the communication, receipt, exhibition or display of quotations of prices of any securities or commodities for the purpose of bucketing or bucket-shopping, to prohibit the use of property for the purpose of carrying on bucket-shops or bucketing or bucket-shopping to require the furnishing of statements of facts in certain cases, and fixing penalties.

Also Assembly Bill No. 1024—An Act to prohibit affixing to or displaying on the exterior of any building or place, in which the sale of liquors is conducted or carried on, any sign, illustration or character advertising the sale or use of any vinous, malt, spirituous or brewed liquors.

Also Assembly Bill No. 1178—An Act to amend the Penal Code, relative to bucket shops, and fixing penalties.

Also Assembly Bill No. 1196—An Act to amend Section 269a of the Penal Code of the State of California, relating to open and notorious fornication and adultery.

Also Assembly Bill No. 1197—An Act to add a new section to the Penal Code of California to be known as 310a, pertaining to soliciting orders, sale and gift of intoxicating liquors in prohibited territory.

Also Assembly Bill No. 1225—An Act to amend the Penal Code of California by adding a new section thereto to be numbered 337b, and relating to possession of gambling devices, their seizure and disposition.

Also Assembly Bill No. 1494—An Act to create a commission to regulate horse racing in the State of California.

Also Assembly Bill No. 1501—An Act to add a new section to the Penal Code of the State of California, to be known and numbered as Section 309a, referring to dance halls, and providing a penalty for its violation.

Also Assembly Bill No. 1504—An Act to prohibit bucket-shops, to define "bucket-shops," to define "futures," "dealing in futures," and "future contracts," to prohibit the making of future contracts except as herein provided, to prohibit renting property to be used for carrying on bucket-shops, or knowingly permitting the same to be so used; to prohibit any one from acting as the agent or broker of any other person in making any future contract, to prohibit any person from making any future contract for himself, to prohibit telegraph or telephone companies from allowing their wires or instruments to be used by or remain in any bucket-shop, to prescribe penalties for the violation of this Act, and to exempt from prosecution persons testifying as to violations of this Act.

Also Assembly Bill No. 196—An Act to confer power upon municipalities to protect the health, morals and peace of their inhabitants by restricting undesirable, improper and unhealthy persons and persons whose practices are dangerous to public morals and health and peace to certain prescribed limits and prescribing a punishment for a violation of this Act.

Have had the same under consideration, and respectfully report the same back without recommendation.

CRONIN, Chairman.

The above reported bills ordered on file for second reading.

ON ELECTION LAWS

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911

MR. SPEAKER: Your Committee on Election Laws, to whom was referred Assembly Bill No. 39—An Act to amend Sections 10 and 14 of "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903.

Also: Assembly Bill No. 13—An Act to amend section two of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909.

Also: Assembly Bill No. 246—An Act to amend an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909, by adding a new section thereto to be numbered 6a, and providing the method whereby electors of political parties may express their choice for President and Vice-President of the United States, at primary elections, in presidential years.

Also: Assembly Bill No. 247—An Act to amend Section 2 of "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909; to repeal Sections 5 and 6 of the above Act, and to add three new sections thereto to be numbered 5a, 5b, 5c, all relating to primary elections.

Also: Assembly Bill No. 383—An Act to repeal section fifty-five a of the Penal Code of California, relating to pledges of candidates.

Also: Assembly Bill No. 402—An Act to amend Sections 1, 5, 6, 12, 13, 17, 22, 26 and 28 of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," approved March 24, 1909.

Also: Assembly Bill No. 416—An Act to amend Sections 1196, 1197, 1205 and 1211 of the Political Code, relating to election ballots, the manner of voting and the conduct of elections.

Also: Assembly Bill No. 597—An Act to amend the Political Code of the State of California by amending Sections 1094, 1097, 1100, 1145 and 1216 of said Political Code, and by adding to said Political Code three new sections to be known and numbered as Section 1106a, and Section 1143a, and Section 1072a of said Political Code, all relating to elections.

Also: Assembly Bill No. 698—An Act to enable railroad employees required by their duties or their occupations to be absent from their voting precincts on the day of any general election to cast their votes wherever they may be within the State of California.

Also: Assembly Bill No. 787—An Act to ascertain the wishes and judgment of the women of the State of California on amendment to the Constitution of the State granting equal suffrage.

Also: Assembly Bill No. 898—An Act to amend Section 1096 of the Political Code of the State of California relating to registration of electors.

Also: Assembly Bill No. 899—An Act providing when an elector who has not registered may vote.

Also: Assembly Bill No. 900—An Act to amend Section 1083 of the Political Code of the State of California, relating to qualifications and disabilities of electors.

Also: Assembly Bill No. 901—An Act relating to the right of electors to vote when absent from the precinct where registered.

Also: Assembly Bill No. 1318—An Act to limit expenses of nomination and election of candidates for public office.

Also: Senate Bill No. 250—An Act to amend section twenty-two of an Act entitled "An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator," relating to the duties of clerks.

Have had the same under consideration, and respectfully report the same back, without recommendation.

YOUNG, Chairman

The above reported bills ordered on file for second reading.

ON REVISION OF CRIMINAL PROCEDURE

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: Your Committee on Revision of Criminal Procedure, to whom was referred Assembly Bill No. 48—An Act to amend section one thousand and seventy of the Penal Code of the State of California, relating to peremptory challenges.

Also: Assembly Bill No. 67—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending section six hundred and eighty-six of said Penal Code, relating to rights of defendants in criminal actions and proceedings.

Also: Assembly Bill No. 520—An Act to amend Section 894 of the Penal Code, relating to grand juries.

Also: Assembly Bill No. 521—An Act to amend Section 895 of the Penal Code and to repeal Sections 164, 896, 897, 898, 899, 900, and 901 of the Penal Code, all relating to grand juries.

Also: Assembly Bill No. 522—An Act to amend Section 925 of the Penal Code, relating to proceedings before the grand jury, the persons who may be present at the sessions of such jury, and the records of testimony taken at such sessions.

Also Assembly Bill No. 523—An Act to amend Section 988 of the Penal Code, relating to the arraignment of defendants.

Also: Assembly Bill No. 524—An Act to amend Section 995 of the Penal Code relating to motions to set aside indictments or informations.

Also: Assembly Bill No. 525—An Act to amend Section 1070 of the Penal Code relating to peremptory challenges to jurors.

Also: Assembly Bill No. 526—An Act to add a new section to the Penal Code to be numbered 1506, relating to appeal from an order or judgment on habeas corpus.

Also: Assembly Bill No. 527—An Act to add a new section to the Penal Code to be numbered 1053, relating to the substitution of judges during trial of a criminal action.

Also: Assembly Bill No. 528—An Act to amend Section 1008 of the Penal Code, relating to amendment of an indictment or information.

Also: Assembly Bill No. 529—An Act to add a new section to the Penal Code to be numbered 1324, relating to the testimony of witness refusing to answer on the ground that such answer will incriminate himself.

Also: Assembly Bill No. 530—An Act to amend Section 686 of the Penal Code, relating to the rights of a defendant in a criminal action.

Also: Assembly Bill No. 531—An Act to amend Section 1111 of the Penal Code, relating to conviction upon the testimony of an accomplice.

Also: Assembly Bill No. 593—An Act to amend Section 1076 of the Penal Code of the State of California.

Also: Assembly Bill No. 1105—An Act to amend Section 1247 of the Penal Code of California, relating to the statement of grounds of appeal and transcription of notes by reporters.

Have had the same under consideration, and respectfully report the same back, without recommendation.

BEATTY, Chairman

The above reported bills ordered on file for second reading.

ON CONSERVATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR SPEAKER Your Committee on Conservation, to whom was referred Assembly Bill No. 1184—An Act to amend Sections 5, 6, 9, and 11 of an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California; and for the planting, care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property, and to create county boards of forestry for such purposes; and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters; and to prescribe the duties and fix the compensation of county forester, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers."

Also: Assembly Bill No. 1186—An Act to amend Section 1416 of the Civil Code of the State of California, relating to the commencement of work on water claims.

Also: Senate Bill No. 107—An Act to amend section fourteen hundred and sixteen of the Civil Code of the State of California, relating to the work required to be done in the appropriation of waters of the State.

Also: Senate Bill No. 922—An Act to preserve and maintain the lakes, ponds, brooks, creeks, rivers, and streams of this State, and to prevent the waters thereof from being carried by pipes, conduits, ditches, tunnels or canals into other states, for use therein.

Have had the same under consideration, and respectfully report the same back without recommendation.

CLARK, Chairman.

The above reported bills ordered on file for second reading.

ON ROADS AND HIGHWAYS

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR SPEAKER Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 642—An Act to establish the California scenic highway; to define its course, to provide for its supervision, construction, repair and maintenance and to make an appropriation therefor.

Also: Assembly Bill No. 1064—An Act authorizing and directing the State Engineer to erect, equip, and maintain a state plant for the purpose of manufacturing steel bridges, providing for the operation of said plant, and making an appropriation therefor.

Also: Assembly Bill No. 1382—An Act to add five new sections to be numbered 43, 43a, 43b, and 64 to, and to amend Section 1 of an Act entitled "An Act to create for the State of California a department of engineering, to provide for the appoint-

ment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony and repealing an Act entitled 'An Act creating a commissioner of public works, defining his duties and powers and fixing his compensation' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department and to make an appropriation therefor for the remainder of the forty-eighth fiscal year' approved April first, eighteen hundred and ninety-seven, also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing and directing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain Acts a felony, and making an appropriation of money for the purposes of this Act' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his directions in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act,' approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof, approved March 11, 1907.

Also: Senate Bill No. 935—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds, and property within the State of California; and for the planting care, protection and preservation of shade and ornamental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes and to prescribe the duties and powers of such boards; and to authorize such boards to appoint county foresters, and to prescribe the duties and fix the compensation of county foresters, and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation care and control of such shade and ornamental trees, hedges, lawns, shrubs, and flowers," approved April 28, 1909.

Have had the same under consideration, and respectfully report the same back without recommendation.

CHANDLER, Chairman

The above reported bills ordered on file for second reading

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911

MR SPEAKER: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 1370—An Act to amend "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year, and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year' approved April first, eighteen hundred and ninety-seven, also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relative to drainage, to purchase machinery, tools, dredges, and appliances therefor, to improve and rectify water channels, to erect works necessary and incident to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner,' approved March twenty-

fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, eighteen hundred and ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, by amending Sections 1, 1½, 2, 3, 6, 7, 10, and 17 thereof.

Also: Assembly Bill No. 1387—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate the operation of motor vehicles on public highways and making an appropriation for the purpose of carrying out the objects of this Act,' approved March 22, 1905, by amending Sections 2, 3, 4 and 6 of said Act, and by adding a new section thereto to be numbered 8a," by adding thereto a new section to be numbered 5a.

Also: Assembly Bill No. 1041—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor.

Also: Assembly Bill No. 110—An Act to provide for an annual convention of county road commissioners and street superintendents, and to provide for the compensation and expenses thereof.

Also: Assembly Bill No. 560—An Act to amend an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, by amending section three thereof.

Have had the same under consideration, and respectfully report the same back, without recommendation.

CHANDLER, Chairman

The above reported bills ordered on file for second reading

ON REFORM OF THE CIVIL SERVICE

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911

MR SPEAKER: Your Committee on Reform of the Civil Service, to whom was referred Assembly Bill No. 311—An Act to provide for, insure, and maintain preference in the public service—have had the same under consideration, and respectfully report the same back, without recommendation.

ROSENDALE, Chairman.

The above reported bill ordered on file for second reading.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR SPEAKER: Your Committee on Reform of the Civil Service, to whom was referred Assembly Bill No. 3—An Act to regulate the civil service of the State of California and civil divisions thereof—have had the same under consideration, and respectfully report the same back, with amendments, and recommend that it do pass as amended.

ROSENDALE, Chairman.

The above reported bill ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS

MR SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolutions:

Resolved That the Chief Clerk of the Assembly be, and he is hereby authorized and directed to compile, prepare and have printed, after final adjournment, a final calendar of the legislative business of the thirty-ninth session, comprising a history of all bills, resolutions, etc., introduced, their authors, the number that become laws, those that have been read on second readings, and all other information that will create a permanent guide and history to the session's business, together with this, shall be the expenditures of the Senate and Assembly, and of printing, such information being prepared not only for the book, but as a guide for the fortieth session of the Legislature.

When said calendar is finally prepared, the Chief Clerk of the Assembly is directed to mail or express one copy of such calendar to each member of the Assembly. For the purpose of carrying out the objects of this resolution, and to pay the necessary expenditures therefor, the Controller is directed to draw his warrant in favor of L. B. Mallory, Chief Clerk of the Assembly, in the sum of \$250.00, the same payable out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same.

Also:

Resolved, That the sum of one hundred and fifty dollars is hereby appropriated from the Contingent Fund of the Assembly, being in payment for telegraphing, telephoning, expressage, postage, hack hire (call of the House), branding furniture, etc.

The State Controller is hereby directed to draw his warrant in favor of Ed H. Whyte, Sergeant-at-Arms of the Assembly, for the same amount, one hundred and fifty dollars (\$150.00), and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration and beg to report that the same be adopted and that the Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same in favor of the various persons named in said resolutions, and in the sums specified

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Farwell, Freeman, Guill, Harlan, Held, Hinshaw, Jones, Judson, Lamb, Lyon of Los Angeles, Malone, McGowen, Mendenhall, Mott, Polstey, Preisker, Randall, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walsh, Williams, Wyllie, Young, and Mr. Speaker—42.

NOES—None.

Also:

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

WHEREAS, There was printed at the top of page 8, of the Senate Journal, on March 23, 1911, the following:

"The following resolution was introduced:

By Senator Stetson:

Resolved, That fifty dollars, being the Senate's portion, be and is hereby appropriated out of the Contingent Fund of the Senate, to pay for the bronze bas-reliefs used in the Washington and Lincoln birthday celebrations by this Legislature and that the Controller is hereby directed to draw his warrant in favor of Carl Browne for said amount, and the State Treasurer is hereby instructed to pay the same.

Read and referred to Committee on Contingent Expenses "

Now, therefore, be it

Resolved, By this Assembly, that fifty dollars, being the Assembly's portion, be, and is hereby appropriated out of the Contingent Fund of the Assembly, to pay for the bas-reliefs used in the Washington and Lincoln birthday celebrations by this Legislature on a hundred-dollar basis; and the Controller is hereby directed to draw his warrant for said amount in favor of Carl Browne, and the State Treasurer is hereby instructed to pay the same—have had the same under consideration, and beg to report that the same be adopted, and that the Controller is hereby directed to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby directed to pay the same, in favor of Carl Browne for the sum of fifty dollars.

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Ryan moved a call of the House.

Motion carried.

Time, eleven o'clock A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Freeman, Guill, Hamilton, Harlan, Hayes, Held, Hinshaw, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—49.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and five minutes A. M., further proceedings under the call of the House was dispensed with, on motion of Mr. Bohnett.

The roll of absentees was called, and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Cattell, Chandler, Coghlan, Croun, Crosby, Cunningham, Farwell, Feeley, Hall, Hayes, Held, Hinkle, Kennedy, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polslev, Preisker, Randall, Rosendale, Ryan, Schmitt, Slater, Stevenot, Tibbits, Walsh, Williams, Wylie, and Mr. Speaker—42.

NAYS—Messrs. Bohnett, Butler, Cogswell, Freeman, Gaylord, Guill, Hamilton, Harlan, Hinchshaw, Jones, Judson, Kehoe, Lyon of San Francisco, Rutherford, and Wilson—15.

Also:

MR. SPEAKER Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Relative to the eight-hour law statement by his Excellency Hiram W. Johnson, Governor of the State of California.

WHEREAS, On the twenty-second day of March, 1911, his Excellency Hiram W. Johnson, Governor of the State of California, signed Assembly Bill No. 248, known as the women's eight-hour law, and

WHEREAS, In signing said bill, his Excellency issued a public statement discussing the principles embodied in the bill; and

WHEREAS, Said statement is a public document of great importance, which, in the opinion of the members of this Assembly, should be preserved; be it

Resolved by the Assembly of the State of California, That we hereby respectfully request his Excellency Governor Hiram W. Johnson to furnish to the Clerk of this Assembly a copy of said statement; and be it further

Resolved, That the Clerk of the Assembly be and he is hereby instructed to secure from his Excellency Hiram W. Johnson, Governor of the State of California, a copy of said statement and cause the same to be printed in the Journal of this Assembly; and the Clerk is hereby further instructed to have printed in suitable form, one thousand copies of said statement, for distribution.

Have had the same under consideration, and beg to report that the same be adopted

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution.

Motion carried.

SPEAKER PRO TEM. IN THE CHAIR.

At eleven o'clock and ten minutes A. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

MESSAGE FROM THE GOVERNOR

The following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 25, 1911.

To the Assembly of the State of California:

I return you herewith, without my approval, Assembly Bill No. 25, entitled "An Act to add a new section to the Penal Code to be known as section three hundred and ninety-seven a thereof, and regulating the business of selling spirituous, malt, fermented or vinous liquors or any admixture thereof in less quantity than one quart at a time, when the same is sold to be consumed upon the premises where sold; and providing the punishment for the violation thereof."

The bill provides that every person, who, either as principal, or agent, or servant, or employee sells liquor in quantities less than a quart when the same is to be consumed upon the premises where sold, and those who aid, assist, or abet in any manner in such sale, without a license having been procured from the proper authorities, are guilty of a felony. In other words, the Act makes the selling of liquor without a license a felony, and applies to every principal, agent, servant, or employee, and every person aiding, assisting or abetting. The punishment then prescribed for this felony is imprisonment in the county jail or state prison for not less than thirty days or more than a year, or by a fine not less than \$500 or more than \$1,000, or both such fine and imprisonment.

In the first place, the offense is one for local regulation, and in the second place, it ought not to be made a felony. If made a felony, it seems to me obvious that no conviction ever could be secured, and that the Act, while apparently designed to prevent the sale of liquor without a license, would be practically nugatory.

Again, the Act by its terms applies only to those localities where licenses are required for the selling of liquor. In those localities which prohibit the sale of liquor, the sale in contravention of law would be merely a misdemeanor. Practically the same offense, therefore, would be described in one locality as a felony and in another as a mere misdemeanor. Apart from the latter objection, however, I do not think it has ever been the policy of the law to make a state prison offense of a sale of anything without a license, and I do not believe that we should make the particular offense described in the bill a felony.

For the reasons given I have vetoed the bill.

Respectfully submitted.

HIRAM W. JOHNSON,
Governor of California.

The question being put, "Shall the bill become a law notwithstanding the veto of the Governor?"

The roll was called, and the veto sustained by the following vote:

AYES—Messrs. Mullally and Polsley—2

NOES—Messrs. Beckett, Benedict, Benmink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Crosby, Cunningham, Farwell, Flint, Gaylord, Guill, Hall, Hamilton, Harlan, Hayes, Huckle, Hunsbaw, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Randall, Rosendale, Rutherford, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walsh, Wilson, and Young—43.

SENATE MESSAGES.

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference on Senate Bill No. 972—An Act to amend Section 4257 of the Political Code, relating to salaries and fees of officers of counties of the twenty-eighth class.

Also: The report of the Committee on Conference on Senate Bill No. 635—An Act to amend Sections 628, 628a, 632, 634, and 636 of the Penal Code of the State of California, all relating to the protection and preservation of fish.

Also: The report of the Committee on Conference on Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 28—Relative to adjournment *sine die* of the Legislature.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Assembly concurrent resolution ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 675—An Act providing for the acquisition of a site for an armory and state arsenal for the National Guard, at the city of Sacramento, California; providing for the appointment of a commission to select and acquire by donation said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Also: Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose.

Also: Assembly Bill No. 47—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 831—An Act making an appropriation for the collection, establishment, installation and maintenance of a permanent exhibit of the resources and industries of the State of California in the Exposition Building at Los Angeles, California.

Also Assembly Bill No. 600—An Act to provide for the survey and construction of a state highway from Saratoga Gap, on the line between the counties of Santa Clara and Santa Cruz into the California Redwood Park in Santa Cruz County, and making an appropriation therefor.

Also Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road a state highway.

Also Assembly Bill No. 1289—An Act amending section two of an Act entitled "An Act authorizing the Board of Sutter's Fort Trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort and providing for the compensation of such gardener," approved March 21, 1907.

Also: Assembly Bill No. 1288—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Also Assembly Bill No. 1194—An Act to amend Section 4259 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as cases of urgency, Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor, approved March 11, 1907.

Also: Assembly Bill No. 876—An Act to appropriate the sum of eight thousand and ninety-one dollars, for the use and benefit of the University of California, to supply a deficiency in the appropriation for printing at the State Printing Office for the fiscal years 1908 and 1909.

Also: Assembly Bill No. 1586—An Act making appropriations for the support of the government of the State of California for the sixty-third and sixty-fourth fiscal years.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as cases of urgency, Assembly Bill No. 200—An Act to establish the California State Reformatory, to provide for purchase of land therefor; and the construction of buildings and other improvements in connection therewith, to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof; and to make an appropriation therefor.

Also Assembly Bill No. 1176—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Also Assembly Bill No. 1544—An Act to amend Sections 409, 412, 413, 414, 415, and 416 of the Political Code and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422, and 423 of said Code, relating to the duties and salaries of the Secretary of State and his appointees and their duties and salaries.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused adoption to Assembly Constitutional Amendment No. 16—A resolution to propose to the people of the State of California an amendment to the Constitution

of the State, by amending section seven of article nine thereof, relating to boards of education, and free text-books.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1558—An Act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary thereto.

Also: Assembly Bill No. 571—An Act to amend section fifteen hundred and seventy-six of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

Also: Assembly Bill No. 1478—An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners and the defrayal of the expense thereof.

Also: Assembly Bill No. 1471—An Act to amend Section No. 1632 of the Code of Civil Procedure of the State of California, relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures.

Also: Assembly Bill No. 1313—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to gambling by the use of slot machines or card dice, or other dice having more than six faces or bases each—and we respectfully request your honorable body to concur in the Senate amendments to said Assembly bill.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 870?"

On page 2, Section 1, line 32, strike out the words "felony, and upon", and insert in lieu thereof the following: "misdemeanor, and shall be punishable by a fine not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment".

The roll was called, and Senate amendment to Assembly Bill No. 870 was concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Guill, Hall, Hamilton, Harlan, Hayes, Hinkle, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Preisker, Randall, Rosendale, Rutherford, Ryan, Telfer, Walsh, Williams, Wilson, Wyllie, and Young—42.

NOES—Messrs. Cunningham and Mullally—2.

Bill ordered to enrollment

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on March 24, 1911, amended, and on this day passed as amended, Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right-hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

Also: Assembly Bill No. 1568—An Act to amend section four thousand two hundred and sixty-nine of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class

Also: Assembly Bill No. 1509—An Act to amend section four thousand two hundred and seventy of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-first class

And respectfully request your honorable body to concur in the amendments.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1539?"

In Section 1, line 3, strike out the word "forty", and insert in lieu thereof the following "twenty-seven"

Also: On page 2, Section 4, line 3, strike out the words "twenty-five", and insert in lieu thereof the following "twelve".

The roll was called, and Senate amendments to Assembly Bill No. 1539 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bohnett, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Flint, Freeman, Gaylord, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Judson, Kennedy, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, Mendenhall, Mott, Polsley, Preisker, Rosendale, Ryan, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wyllie, and Young—42.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1568?"

On page 2, Section 1, line 17, strike out the word "outside of his own county", and insert in lieu thereof the following: a "period" after the word "State" in line 17.

The roll was called, and Senate amendment to Assembly Bill No. 1568 was concurred in by the following vote:

AYES—Messrs. Bennink, Bishop, Brown, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Mendenhall, Mott, Nolan, Preisker, Randall, Ryan, Slater, Stevenot, Walsh, Williams, Wyllie, and Young—41.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1569?"

On page 1, Section 1, line 9, strike out the period, and insert in lieu thereof the following: "and one deputy clerk, which office of deputy clerk is hereby expressly created. The office of deputy clerk shall be filled by the clerk by appointment, with the consent of the board of supervisors, manifested by at least a four-fifths vote thereof, and said deputy clerk is to be at all times as to his duties under the supervision and control of the clerk, and said deputy clerk shall receive a salary of nine hundred dollars per annum."

The roll was called, and Senate amendment to Assembly Bill No. 1569 was concurred in by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Brown, Cattell, Chandler, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McGowan, Mendenhall, Mullally, Nolan, Preisker, Rosendale, Ryan, Slater, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Young—42.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 626—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the state hospitals of the State, who shall have arrived at the age of sixty years, constituting a state hospital employees' pension board, and making state appropriation to pay the pensions provided for this Act.

Also Assembly Bill No. 997—An Act to amend an Act entitled "An Act to amend section one of an Act entitled 'An Act requiring the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers, and directing the disposition of the same,' approved March seventeenth, eighteen hundred and ninety-nine," approved March 20, 1905, relating to state moneys.

Also Committee Substitute for Assembly Bill No. 1199—An Act to add a new section to the Political Code of the State of California, to be numbered 2636, providing for the naming of highways and avenues.

And respectfully request your honorable body to concur in the amendments.

WALTER N. PARRISH, Secretary of Senate.

By W. H. WRIGHT, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 626?"

Amend the title to read as follows: In line 4, of the title, strike out all after the word "the", and insert in lieu thereof the following: "State hospitals of the State, who shall have arrived at the age of sixty years, constituting a state hospital employees' pension board, and making state appropriation to pay the pension provided for in this Act."

Also On page 1, Section 1, line 5, strike out the words "institutes of this State for the insane", and insert in lieu thereof the following: "state hospitals of this State".

Also In line 7, Section 1, after the comma after the word "years", insert the following: "except managers, physicians, assistant physicians, secretaries and secretaries and treasurers of boards of managers thereof."

Also: Strike out all of Section 2, and insert in lieu thereof the following:

"SEC. 2. The State Commission of Lunacy is hereby constituted as the state hospital pension board. All applications for pensions under the provisions of this Act shall be made to the said board in such manner and in such forms as shall be required by it. On proof of twenty-one years' service at any one or more of said state hospitals and of the age, condition and status required by section one of this Act, the said board shall act upon said application and a record of its action be transmitted to the State Controller, who shall draw his warrant on the fund appropriated for such purpose in favor of the persons entitled to pensions, and the treasurer shall pay the same. Each person whose claim is allowed shall receive a certificate in such form as the said board shall adopt. All claims for pensions after the same have been allowed shall be paid quarterly upon claims audited by said board. No member of said State Commission of Lunacy shall receive any additional compensation for acting as a member of the state hospital pension board."

Also Add a new section to the Act, to read as follows:

SEC. 3. The sum of four thousand dollars is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, which said sum shall constitute a fund to be known as the State Hospital Employees' Pension Fund, and out of which claims for pensions allowed under the provisions of this Act shall be paid.

The roll was called, and Senate amendments to Assembly Bill No. 626 were concurred in by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Brown, Cattell, Chandler, Clark, Cogswell, Crosby, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Guill, Harlan, Hayes, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McGowan, Nolan, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wylie, and Young—42

NOES—Messrs. Cunningham, Held, and Mullally—3.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1199?"

In line 7, after the word "way", insert the following: "is located"

The roll was called, and Senate amendment to Assembly Bill No. 1199 was concurred in by the following vote.

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bohnett, Cattell, Chandler, Cogswell, Cronin, Cunningham, Feeley, Flint, Gaylord, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Maher, McGowan, Mott, Mullally, Nolan, Polsley, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Tibbits, Walsh, Wilson, Wylie, and Young—46.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 997?"

On page 1, title, strike out the title, and insert the following: "An Act to amend an Act entitled 'An Act to amend section one of an Act entitled 'An Act requiring the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers, and directing the disposition of the same,' approved March seventeenth, eighteen hundred and ninety-nine," approved March 20, 1905, relating to state moneys."

Also, On page 1, Section 1, lines 1 and 2, strike out all of lines 1 and 2, and insert in lieu thereof the following: "SECTION 1 Section one of an Act entitled 'An Act to amend section one of an Act entitled 'An Act requiring the payment into the state treasury of all moneys belonging to the State, received by the various state institutions, commissions and officers, and directing the disposition of the same,' approved March seventeenth, eighteen hundred and ninety-nine,' approved March 20, 1905, is hereby amended to read as follows'."

Also On page 1, Section 1, line 9, strike out the word "week", and insert in lieu thereof the following: "month".

The roll was called, and Senate amendments to Assembly Bill No. 997 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bohnett, Brown, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rosendale, Schwitt, Slater, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, and Young—47.

NOES—None

Bill ordered to enrollment.

SECOND READING OF BILL—(OUT OF ORDER).

Senate Bill No. 1020—An Act to provide for the payment of a license tax upon each person, firm, or corporation engaging in the business of selling or disposing of distilled spirit wines or malt liquors or intoxicating liquors, and providing a penalty for the violation thereof, and providing for the regulation of the liquor traffic in the State of California.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENTS.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

The question being on the adoption of Senate constitutional amendment

The roll was called, and Senate Constitutional Amendment No. 20 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Cattell, Chandler, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mullally, Nolan, Polsley, Preisker, Randall, Rutherford, Ryan, Sbragia, Slater, Smith, Stuckenbruck, Tibbits, Walsh, Williams, Wylhe, and Young—55.

NOES—None.

Assembly constitutional amendment ordered transmitted to the Senate.

SENATE CONSTITUTIONAL AMENDMENT No. 20

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

The Legislature of the State of California, at its regular session commencing on the second day of January, in the year one thousand nine hundred and eleven, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that section eight of article eleven of the Constitution of the State of California be amended so as to read as follows:

Section 8. Any city containing a population of more than three thousand five hundred inhabitants as ascertained and established by the last preceding census, taken under the direction of the Congress of the United States, or by a census of said city, taken subsequent to the aforesaid census under the direction of the legislative body thereof, under laws authorizing the taking of the census of cities, may frame a charter for its own government, consistent with, and subject to, the constitution (or, having framed such a charter, may frame a new one), by causing a board of fifteen freeholders, who shall have been, for at least five years, qualified electors thereof, to be elected by the qualified electors of said city, at a general or special municipal election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by a vote of two thirds of all the members of the council, or other legislative body, of such city, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said city, or in pursuance of a petition of qualified electors of said city, as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said city computed upon the total number of votes cast therein for all candidates for governor at the last preceding general election at which a governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said city, may be filed in the office of the city clerk thereof. It shall be the duty of said city clerk, within twenty days after the filing of said petition, to examine the same and to ascertain from the record of the registration of electors of the county, showing the registration of electors of said city, whether the petition is signed by the requisite number of qualified electors of such city. If required by said clerk, the council, or other legislative body, of said city shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall present the said petition to said council, or other legislative body, at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said council, or other legislative body, shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said council, or other legislative body; *provided*, that if a general municipal election shall occur in said city not less than twenty days, nor more than sixty days, after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body, said board of freeholders may be elected at such general municipal election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said council, or other legislative body, to prepare and propose a charter for said city, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the city clerk of said city, and the other in the office of the county recorder of the county in which said city is situated. Said council, or other legislative body, shall, thereupon, cause said proposed charter to be published, for at least ten times, in a daily newspaper of general circulation, printed, published and circulated in said city; *provided*, that in any city where no such daily newspaper is printed, published and circulated, such proposed charter shall be published, for at least three times, in at least one weekly newspaper of general circulation, printed, published and circulated in said city, and, in any event, the first publication of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the city clerk. Such proposed charter shall be submitted by said council, or other legislative body, to the qualified electors of said city, at a special election held not less than twenty days, nor more than forty days, after the completion of such publication; *provided*, that if a general municipal election shall occur in said city not less than twenty days nor more than forty days after the completion of such

publication, then such proposed charter may be so submitted at such general election. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter (whether framed under the provisions of this section of the constitution or not), and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or other chief executive officer of said city, and authenticated under the seal of such city, setting forth the submission of such charter to the electors of said city, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate and deposited, one in the office of the Secretary of State and the other, after being recorded in the office of the recorder of the county in which such city is situated, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals thereto submitted by the council, or other legislative body of the city, to the qualified electors thereof at a general or special municipal election held at intervals of not less than two years (except that charter amendments may be submitted at a general municipal election at an interval of less than two years after the last election on charter amendments; *provided*, that no other election on charter amendments has been held since the beginning of the last regular session of the State Legislature or shall be held prior to the next regular session of the State Legislature), and held not less than twenty days, nor more than forty days, after the completion of the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said city, or for three times in at least one weekly newspaper of general circulation, printed, published and circulated in said city, if there be no such daily newspaper. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition, as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by fifteen per centum of the qualified electors of the city, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, is filed in the office of the city clerk of said city, petitioning the council or other legislative body thereof, to submit any proposed amendment or amendments to the charter of such city, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the city clerk, and if signed by the requisite number of qualified electors of said city, it shall be presented to the said council, or other legislative body, by the said city clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said council, or other legislative body, said council or other legislative body, must submit the amendment or amendments set forth in said petition to the qualified electors of said city, at a general or special municipal election, held not less than twenty nor more than forty days after the completion of the publication of such proposed amendment or amendments, in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the council, or other legislative body. The first publication of any proposed amendment or amendments to such charter so proposed by petition shall be made within fifteen days after the aforesaid presentation of said petition to said council, or other legislative body. In submitting any such charter, amendment or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held in any city under the provisions of this section, for the election of a board of freeholders, or for the submission of any proposed charter or any amendment or amendments thereto shall be called by the council, or other legislative body thereof, by ordinance, which shall specify the purpose and time of such election, and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such

ordinance shall, prior to such election, be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper printed, published and circulated in said city. Such election shall be held and conducted, the returns thereof canvassed, and the result thereof declared by the council, or other legislative body of such city, in the manner that is now or may be hereafter provided by general law for such elections in the particulars wherein such provision is now or may hereafter be made therefor, and in all other respects in the manner provided by law for general municipal elections, in so far as the same may be applicable thereto.

Whenever any board of freeholders shall be elected, or any such proposed charter or amendment or amendments thereto shall be submitted at a general municipal election, the laws governing the election of city officers or the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto and not inconsistent herewith.

It shall be competent in any charter framed by any city under the authority given in this section, or by amendment to such charter, to provide, in addition to those provisions allowed by this constitution and by the laws of the State, for the establishment of a borough system of government for the whole or any part of the territory of such city, by which one or more districts may be created therein, which districts shall be known as boroughs, and which shall exercise such special municipal powers as may be granted by such charter, and for the organization, regulation, government and jurisdiction of such boroughs.

All the provisions of this section relating to the city clerk shall, in any city and county, be deemed to relate to the clerk of the legislative body thereof.

SPEAKER IN THE CHAIR.

At eleven o'clock and fifty-five minutes A. M., Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

The question being on the adoption of Senate constitutional amendment.

The roll was called, and Committee Substitute for Senate Constitutional Amendment No. 5 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cushman, Cogswell, Crosby, Denegri, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinchshaw, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Polslev, Preisker, Randall, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Williams, Wilson, Willie, Young, and Mr. Speaker—59.

NOES—Messrs. Cunningham, Feeley, Kennedy, March, and Walsh—5.

Senate constitutional amendment ordered transmitted to the Senate.

COMMITTEE SUBSTITUTE FOR SENATE CONSTITUTIONAL AMENDMENT No. 5

A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

The Legislature of the State of California, at its thirty-ninth regular session, commencing on the second day of January, 1911, two thirds of all the members elected to each of the two houses of said Legislature voting therefor, hereby proposes that a new section be added to Article XI of the Constitution of the State of California, to be known and designated as section seven and one half of Article XI of the Constitution of the State of California, and to read as follows:

Section 7½. Any county may frame a charter for its own government consistent with and subject to the constitution (or, having framed such a charter, may frame a new one), relating to the matters hereinafter in this section specified, and none other, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county at a

general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors, *provided*, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination by petition of electors, of candidates for county offices, to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county, *and provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, *provided*, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and filed, one in the office of the Secretary of State and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county: *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper of general circulation, printed, published and circulated in such county, *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for Governor at the last general election, at which a Governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section for the election of boards of freeholders or for the submission of proposed charters or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; *provided*, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county and in or near the entrance to at least one public school house in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

It shall be competent in all charters framed under the authority given by this section to provide, in addition to any other provisions allowable by this Constitution, and the same shall provide, for the following matters:

- 1 For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards for their compensation and for their election, either by the electors of the counties at large or by districts, *provided*, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof, and

- 2 For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said

officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment, and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the Constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment, and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein: *provided*, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws, and

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attachés and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and the terms for which they shall be appointed, and the manner of their appointment and removal, and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein, shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

For offices other than those required by the Constitution and laws of the State, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this Constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges, for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town or portion thereof, proposed to be so included, at an election held for that purpose for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose: for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity: *provided*, that any such indebtedness shall not be incurred without the assent of two thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable, *provided, further*, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which and from the State is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature.

Whenever any county has framed and adopted a charter, and the same shall have

been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of sections four and five of this article shall, as to such county, be superseded by said charter as to matters for which, under this section, it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided, and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two thirds of the qualified electors of such county, voting at a special election held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city.

Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, relating to water and water rights

Assembly constitutional amendment withdrawn.

Senate Bill No. 730—An Act making an appropriation for printing for the State Board of Forestry for the balance of the sixty-second fiscal year.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 730 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Judson, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Roseudale, Ryan, Sbragia, Schmitt, Slater, Smith, Telfer, Tibbits, Williams, Wyllie, Young, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

THIRD READING OF BILL.

Assembly Bill No. 1587—An Act for the levy and collection of taxes for the support of the state government for the sixty-third and sixty-fourth fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 1587 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Crosby, Denegri, Feeley, Flint, Freeman, Griffin of Modesto, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Ryan, Sbragia, Schmitt, Slater, Smith, Telfer, Tibbits, Wyllie, and Mr. Speaker—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF SENATE BILLS.

Committee Substitute for Senate Bill No. 587—An Act providing for the calling and holding of a special election to enable the electors of California to vote upon all constitutional amendments and all laws requiring the consent of the electors, passed and adopted at the thirty-ninth session of the Legislature of the State of California.

Bill read second time, and ordered on file for third reading.

Committee Substitute for Senate Bill No. 9—An Act to enable the people of the State of California to express by ballot their preference for some person for the office of United States Senator.

Bill read second time, and ordered on file for third reading.

RESOLUTION.

The following resolution was offered:

By Mr. Young:

Resolved, That Committee Substitute for Senate Bill No. 587 and Committee Substitute for Senate Bill No. 9 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and be placed upon their passage.

The question being on the adoption of the resolution.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Hall, Hamilton, Hayes, Held, Hinkle, Hinchshaw, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Malone, McDonald, McGowan, Mendenhall, Mott, Nolan, Polslev, Preisker, Randall, Rosendale, Rutherford, Ryan, Slagaa, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—57

NOES—Messrs. Cronin, Harlan, Maher, and March—4

THIRD READING OF BILLS.

Committee Substitute for Senate Bill No. 587—An Act providing for the calling and holding of a special election to enable the electors of California to vote upon all constitutional amendments and all laws requiring the consent of the electors, passed and adopted at the thirty-ninth session of the Legislature of the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 587 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Gull, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinchshaw, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Malone, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Committee Substitute for Senate Bill No. 9—An Act providing for placing the names of candidates for United States Senator in Congress upon the official ballot at general elections, for counting, canvass-

ing and making returns of the votes therefor, providing the method of notifying the Legislature of the results of such election, and defining the duties of certain officers in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 9 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Denegri, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate

SPECIAL URGENCY FILE.

Senate Bill No. 1245—An Act to cede to the United States of America, upon certain conditions and reservations, certain lands in possession of the United States to which the State of California holds a tax title.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1245 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kennedy, Lamb, Lyon of San Francisco, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walsh, Williams, Wyllie, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until two o'clock P. M. of this day.

REASSEMBLED.

At two o'clock P. M. the Assembly reconvened.

Speaker Hewitt in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment have examined Assembly Bill No. 1587—An Act to provide for the levy and collection of taxes for the support of the State Government for the sixty-third and sixty-fourth fiscal years—and report that the same has been correctly engrossed

RANDALL, Chairman

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference on Senate Bill No. 13—An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911

To the Assembly of the State of California:

We, your Committee on Free Conference, to whom was referred Senate Bill No. 13, entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation," beg leave to report that we did on the 25th day of March, 1911, meet a like committee on Free Conference appointed by the Senate, consisting of Senators Black, Thompson and Custin, and upon the amendments proposed by the Assembly to said Senate Bill No. 13 as the same was passed by the Senate on March 3, 1911, we beg leave to report as follows:

We respectfully recommend that the Senate concur in Assembly amendments Nos. 1, 2, 3, 4, 6, 7, 10, 12, 14, 15, 16, 17, 22, 27, 28, 29, 37, 38, 39, 44, 48, 49, 50, 54, 61, 62, 63, 64, 68, 71, 74, 80, 82 and 83.

We respectfully recommend that the Assembly recede from Assembly amendments Nos. 5, 8, 9, 13, 18, 19, 20, 23, 26, 36, 41, 42, 43, 46, 65, 66, 67, 72, 73, 84, 85, 86, 87, 88 and 89.

We further respectfully recommend that the Assembly recede from the Assembly amendment No. 11 and in lieu of Assembly amendment No. 11 we recommend the following amendment to said Senate Bill No. 13: On page 6, Section 5, line 16, of printed bill, strike out the semicolon after the word "substances", and insert in lieu thereof a period, and strike out the words "and furthermore all" in line 16; strike out all of lines 17, 18, 19 and all of line 20.

We further respectfully recommend that the Assembly recede from Assembly amendments Nos. 24 and 25 to said Senate Bill No. 13, and we recommend in lieu of and for Assembly amendments Nos. 24 and 25 the following. On page 10, Section 9, line 1, of printed bill, strike out the words "or officers", and between the word "person" and the word "officer", insert the word "or".

We further respectfully recommend that the Assembly recede from Assembly amendments Nos. 30, 31, 32, 33, 34 and 35 and in lieu thereof we adopt and recommend the adoption of the following amendment to Senate Bill No. 13. On pages 17, 18 and 19 of the printed bill, strike out all of Section 14, and in lieu thereof, to be numbered Section 14, insert the following:

SEC. 14. The owner or holder of every franchise subject to taxation, as provided in section five of this Act, shall within ten days after the first Monday in March in each year make a written report to the State Board of Equalization, signed and sworn to by the holder or owner himself if any individual, or by one of the copartners if such owner or holder is a copartnership, or by the president or vice-president or the treasurer or secretary if the owner is a corporation, containing such a concise statement or description of every franchise possessed or enjoyed on said day by such owner or holder as the State Board of Equalization may prescribe, a copy of the law, grant, ordinance, or contract under which the same is held, or if possessed or enjoyed under a general law, a reference to such law, a statement of any condition, obligation, or burden imposed upon such franchise or under which the same is enjoyed, and containing also

1. The name of the company, its nature, whether a person or persons, a partnership (with names of partners), an association, or corporation, and under the laws of what state, territory, or country organized, the nature of its business, the location of its principal place of business, the names and post office addresses of its president, secretary, auditor, treasurer, superintendent, and general manager, the location of its principal place of business in this State, the name and post office address of its

chief officer or managing agent in this State, and the names and addresses of all subsidiary companies whose property and business are operated by it.

2. The amount of its authorized capital stock, the amount thereof issued and outstanding on the first Monday in March, the amount paid in thereon on the value of the property received therefor.

3. The funded and floating debts and the interest paid thereon showing separately the debts of the operating company and of any subsidiary companies in this State on the thirty-first day of December last preceding.

4. The market value of the stock and of the outstanding bonds, or, when said stock or bonds have no market value, the actual value thereof, for such periods and such dates as the State Board of Equalization shall prescribe.

5. The assessed value of its property as assessed for the current fiscal year in each county, city and county, and city in the State for the purposes of taxation, and if any property of such corporation be assessed and taxed outside of the State of California, the place where assessed, the amount of such assessment and taxes there paid during such current fiscal year.

In case the company, person, firm, association, or corporation making such report cannot or does not fairly and fully state the facts and matters contained in the foregoing subdivisions 1 to 5, inclusive, then such company, person, firm, association, or corporation must render an additional report containing the following matters, to wit:

6. The dividends paid during the year ending the thirty-first day of December last preceding, the surplus fund, if any, on said thirty-first day of December, or between such periods as the State Board of Equalization may determine. Those of the operating company and of each subsidiary company in this State to be shown separately.

7. The gross receipts from all sources for the year ending the thirty-first day of December last preceding, from the entire property and business, the gross receipts from such classes of business as the state board may designate, to be reported separately, also, where the property and business are partly within and partly without this State, the gross receipts for said period on all business beginning and ending entirely within this State, and that proportion of the gross receipts from all business passing through, into, or out of this State, which the mileage within this State bears to the total mileage over which such interstate business is done as further defined in section seven of this Act.

8. The operating and other expenses.

9. The balances of profit and loss, between such periods as the State Board of Equalization may determine.

10. Such other matters as the State Board of Equalization may deem necessary in order to enable it to assess and levy the taxes provided for in section fourteen of article thirteen of the Constitution of this State.

The State Board of Equalization shall ascertain and determine from the foregoing reports or from the best information it can obtain the actual cash value on the first Monday in March of each such franchise, and shall assess and levy the taxes thereon in accordance with the provisions of subdivision (d) of section fourteen of article thirteen of the Constitution of this State.

We respectfully recommend that the Assembly recede from Assembly amendment No. 70 and we adopt and recommend in lieu of amendment No. 70 to said Senate Bill No. 13 the following. In Section 25, page 31, line 40, of the printed bill, after the word "member", insert the words "or ex-member". Also in said Section 25, page 31, lines 41 and 42, of the printed bill, after the word "Controller", insert the words "or ex-controller".

We also adopt and recommend the following amendments to Senate Bill No. 13: In Section 4, page 5, line 54, of the printed bill, strike out the word "paragraph", and insert in lieu thereof the word "Section".

In Section 4, page 5, line 60, of the printed bill, strike out the words "the first paragraph of".

In Section 5, page 6, line 7, of printed bill, before the word "right", insert the words "actual exercise of the".

In Section 5, page 6, line 8, of printed bill, before the word "right", insert the words "actual exercise of the".

In Section 5, page 6, line 3, after the comma following the word "value", insert the following: "after making due deduction for good will".

We also recommend that the title of the Act be amended as follows. After the word "corporations" insert the words "Banks and insurance companies".

We respectfully recommend the adoption of the foregoing report of your Committee on Free Conference and the adoption of the amendments proposed therein.

Respectfully,

BLACK,
THOMPSON,
CURTIN,

Committee on Free Conference of the Senate.

HELD,
SUTHERLAND,
COGSWELL,

Committee on Free Conference of the Assembly.

MOTION.

Mr. Held moved that the report of the Committee on Free Conference on Senate Bill No. 13 be adopted, and that the Assembly recede from the amendments which said report recommends that the Assembly do recede from, and that the amendments therein recommended to be adopted be so adopted, and that the Senate be notified of the action of the Assembly thereon.

The roll was called, and report adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Lamb, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Telfer, Tibbits, Walsh, Williams, Willie, Young, and Mr. Speaker—53

NOES—None

THIRD READING OF BILLS.

Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and providing for a penalty for violation thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1046 refused passage by the following vote:

AYES—Messrs. Bohnett, Griffin of Modesto, Hayes, Telfer, and Williams—5

NOES—Messrs. Benedict, Bennink, Bishop, Bliss, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffiths, Guill, Hamilton, Harlan, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Mullally, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Tibbits, Walker, Walsh, Young, and Mr. Speaker—50.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM. IN THE CHAIR.

At two o'clock and fifty minutes P. M., Hon. H. G. Cattell, Speaker pro tem. of the Assembly, in the chair.

Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and restoration; and to repeal an Act entitled "An Act to provide for the permanent support and improvements of the to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 703 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Schmitt, Tibbits, Walsh, Wilson, Willie, and Young—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 217—An Act to carry into effect the provisions of subdivision (e) of section fourteen of article thirteen of the Constitution of the State of California as the said article was amended on the eighth day of November in the year one thousand nine hundred and ten, in so far as the same relates to the State University; and also to provide for the permanent support and improvement of the University of California; and to that end making a continuing appropriation and creating an annual fund therefor; and repealing an Act entitled "An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor, and to repeal an Act approved February 14, 1887, entitled 'An Act to provide for the permanent support and improvement of the University of California by the levy of a rate of taxation and the creation of a fund therefor,' and also to repeal an Act approved February 27, 1897, entitled 'An Act to provide additional support and maintenance, and for the acquisition of necessary property and improvements of the University of California, by the levy of a rate of taxation, and the creation of a fund therefor,'" approved March 20, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 217 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Feeley, Flint, Freeman, Gaylord, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mullally, Polesky, Preisker, Randall, Rodgers of San Francisco, Rosendale, Rutherford, Sbragia, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Young—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 303—An Act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures or advertisements on or upon property of the State of California, or on or upon property of any city, city and county, or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures or advertisements upon property of any person or private corporation without consent in writing therefor having been first obtained, and providing a penalty for the violation of the provisions of this Act, and declaring such signs, mechanical devices, transparencies, pictures and advertisements to be a public nuisance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 303 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Slater, Telfer, Tibbits, Walsh, Wilson, and Wyllie—46.

NOES—Messrs. Cunningham and Feeley—2.

Bill ordered transmitted to the Senate.

Title read and approved.

Senate Bill No. 1177—An Act to amend section twenty-two and one half of an Act approved March 31, 1891, entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State for the constructing of sewers and other sanitary purposes, the acquisition of the property thereof; the calling of election in such district; the assessment, levy, collection, custody and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds." as amended March 9, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1177 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Telfer, Walsh, Williams, Wilson, and Wyllie—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1054—An Act to amend Section 4271 of the Political Code, relating to salaries of officers of counties of the forty-second class.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1054 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lyon of San Francisco, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbitts, Walsh, Williams, and Wilson—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 25—Relative to election of Senators of the United States by a direct popular vote.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 25 adopted by the following vote:

AYES—Messrs. Beckett, Bennink, Bishop, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McDonald, Mendenhall, Mott, Nolan, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, and Wyllie—57.

NOES—None.

Senate joint resolution ordered transmitted to the Senate.

Senate Bill No. 202—An Act to amend Sections 3785 and 3786 of the Political Code, relating to tax deeds.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 202 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hayes, Held, Jones, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mott, Mullally, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Williams, Wilson, Wyllie, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION.

Mr. Preisker moved that Assembly Bill No. 1367 be recalled from the Committee on Engrossed and Enrolled Bills, for the purpose of considering Senate amendments thereto.

Motion carried.

SPECIAL URGENCY FILE—(RESUMED).

Senate Bill No. 909—An Act to amend the Civil Code by adding a new section thereto to be numbered section five hundred ninety-eight a, relating to the creation of a bonded indebtedness upon personal property by corporations organized for purposes other than pecuniary profit.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 909 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Clark, Cogswell, Cronin, Cunningham, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinshaw, Judson, Lamb, Lyon of Los Angeles, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Walsh, Williams, Wyllie, and Young—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1099—An Act to amend section three hundred fifty-two of the Political Code, relating to the State Board of Equalization.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1099 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mullally, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Sbragia, Stevenot, Telfer, Tibbits, Walsh, Williams, Wyllie, and Young—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 735—An Act to provide for the payment by cities the actual expenses of any city officer when summoned before the State

Board of Equalization in pursuance of an Act entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 735 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wylhe, and Young—56.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 737—An Act to amend section six of an Act entitled "An Act to provide for the maintenance and support of the public parks heretofore created within the various cities, and cities and counties of the State, and to amend the existing Acts in relation thereto," approved March 14, 1889.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 737 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Stevenot, Tibbits, Walker, Walsh, Williams, and Wilson—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER IN THE CHAIR.

At three o'clock and thirty minutes P. M., Hon. A. H. Hewitt in the chair.

Senate Bill No. 691—An Act to amend an Act entitled "An Act to enforce the educational rights of children, and providing penalties for violation of the Act," approved March 24, 1903, and as amended March 20, 1905, and March 4, 1907, by adding a new section to said Act to be numbered section seven and three fourths.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 691 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord,

Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, and Mr. Speaker—51

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1137 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Lyon of Los Angeles, March, Mendenhall, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Walker, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1052—An Act to provide for the reimbursement of counties in this State, which sustain net loss of revenue by the withdrawal of railroad property from county taxation, under the provisions of section fourteen of article thirteen of the Constitution of this State.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1052 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Judson, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—49

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1053—An Act appropriating money for the purpose of payment of that part of the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, on the eighth day of November in the year one thousand nine hundred and ten, which is provided in section fourteen of article thirteen of the Constitution of this State and as provided in an Act of the thirty-ninth session of the Legislature entitled "An Act to carry into effect the provisions of section fourteen of article thirteen of the Constitution of the State of California as said Constitution was amended November 8, 1910, providing for the separation of state from local taxation, and providing for the taxation

of public service and other corporations for the benefit of the State, all relating to revenue and taxation."

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1053 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Flint, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Judson, Lyon of Los Angeles, Lyon of San Francisco, Malone, McGowen, Mendenhall, Mullally, Polsley, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 959—An Act to provide for the asexualization of inmates of state hospitals for the insane, the Sonoma State Home, of convicts in the state prisons, and of idiots and fools, and repealing an Act entitled "An Act to permit asexualization of inmates of the state hospitals and the California Home for the Care and Training of Feeble-Minded Children, and of convicts in the state prisons," approved April 26, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 959 refused passage by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Cogswell, Cunningham, Deegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Guill, Hamilton, Judson, Lyon of Los Angeles, Lyon of San Francisco, Malone, Mendenhall, Polsley, Rutherford, Stevenot, Telfer, Williams, Wilson, and Wyllie—29.

NOES—Messrs Bishop, Brown, Callaghan, Clark, Cronin, Crosby, Hall, Harlan, Hayes, Held, Hinkle, Jasper, March, McDonald, Mullally, Rogers of Alameda, Rosendale, Ryan, Sbrazia, Slater, Smith, Tibbits, Walsh, Young, and Mr. Speaker—25

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 27—Relative to requesting Secretary of Interior to confirm selections of land to the State of California.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 27 adopted by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Deegri, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Malone, McDonald, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—55

NOES—None.

Bill ordered transmitted to the Senate.

SENATE JOINT RESOLUTION NO. 27

Relative to requesting Secretary of Interior to confirm selections of land to the State of California.

WHEREAS, Applications have been made by the State of California, through the United States General Land Office, to the Secretary of the Interior for approximately three hundred thousand acres of indemnity school lands, which applications are still pending unexamined and unapproved, and

WHEREAS, It is admitted by the Secretary of the Interior that the State of California has complied with all requirements of law and with all rules and regulations

of the United States General Land Office and of the Secretary of the Interior relating thereto; and

WHEREAS, Notwithstanding the larger portion of these applications have been pending for many years, it is represented by the Secretary of the Interior that such applications have not been approved, for the reason that the clerical force at his disposal has been insufficient to make the required examinations, and

WHEREAS, The United State Central Land Office, in November, 1910, determined to make an examination in the field of all lands so applied for before approving the same, and the work of such examination in the field has not yet been commenced; and

WHEREAS, The failure to approve these selections has prevented the state and the citizens thereof from making any beneficial use of the lands so withheld and has resulted in the annual loss of many thousands of dollars in taxes; and

WHEREAS, The State of California having in all things complied with the law and with the rules and regulations of the United States General Land Office, and being admittedly entitled to action thereon by the Federal Government, the continued delay is unwarranted and is manifestly unjust to the State. Therefore, be it

Resolved by the Senate and Assembly, jointly. That we respectfully urge the honorable Secretary of the Interior that such action be taken by his department as shall result in an immediate examination and an early determination of the applications made by California for approximately three hundred thousand acres of indemnity school lands now pending in the United States General Land Office;

Resolved. That our Senators be instructed and our Representatives in Congress be requested to use all honorable means necessary and appropriate to secure a compliance by the honorable Secretary of the Interior with the foregoing resolution.

Resolved. That the Governor of California be, and he is hereby requested, to transmit a certified copy of these resolutions to the honorable Secretary of the Interior and to each of our Senators and Representatives in Congress.

Senate Bill No. 51—An Act to amend the Political Code of the State of California by adding thereto a new article, to be designated and numbered Article IXa, of Chapter III, of Article III, of Part III of said Code, relating to elementary and secondary schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 51 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Hall, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Telfer, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1233—An Act to amend Section 626j of the Penal Code of the State of California, relating to the running, trailing or tracking of deer with dogs.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1233 refused passage by the following vote:

AYES—Messrs. Bliss, Gaylord, Harlan, Lyon of San Francisco, Mullally, Polsley, Rodgers of San Francisco, Rutherford, Ryan, Stevenot, Tibbits, Williams, Wyllie, and Mr. Speaker—14.

NOES—Messrs. Benedict, Bennink, Bishop, Butler, Cattell, Chandler, Clark, Cogswell, Cunningham, Denegri, Feeley, Flint, Griffiths, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, McGowen, Mendenhall, Mott, Randall, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Telfer, Walker, Walsh, and Young—39.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 409—An Act to amend an Act entitled “An Act to provide for public cemetery districts,” approved March 6, 1909, Statutes 1909, page 156, by amending section two thereof relating to the appointment of trustees of the district.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 409 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Mullally, Poisley, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 610—An Act to amend Section 1515 of the Penal Code, relating to the taking, filing and preservation of evidence taken before coroners.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 610 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mott, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Slater, Smith, Stevenot, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: Your Committee on Conference, concerning Senate Bill No. 261—An Act to amend that certain Act entitled “An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,” approved March 14, 1907, as amended by a certain Act approved March 19, 1909, by adding a new section to said Act which section shall be numbered 13a, relating to the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice, medicine, and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto—report that we have met a like committee of the Senate consisting of Senators Avey, Hurd, and Roseberry; and we report that the Conference Committee agreed upon and recommend that the Assembly recede from pending amendment number one, and that the Senate concur in amendment number four.

BLISS,
CHANDLER,
GUILL,

Assembly Committee on Conference

HURD,
AVEY,

Senate Committee on Conference.

The question being on the adoption of the report.

The roll was called, and report adopted by the following vote:

AYES—Messrs Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Cattell, Clark, Coghlan, Crosby, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Pelsley, Preisker, Randall, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None

Bill ordered transmitted to the Senate.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

MR. SPEAKER: Your Committee on Conference, to whom was referred Senate Bill No. 925, report that they have met a like committee from the Senate, and that they have been unable to agree.

ROSENDALE,
TELFER,
BENEDICT.

Assembly Committee on Conference.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The Speaker announced the appointment of Messrs Rosendale, Telfer, and Benedict as a Committee on Free Conference, to meet a like committee from the Senate for the purpose of considering Senate Bill No. 925.

ASSEMBLY CONSTITUTIONAL AMENDMENT WITHDRAWN FROM COMMITTEE.

On motion, Assembly Constitutional Amendment No. 28 withdrawn from Committee on Engrossed and Enrolled Bills, and ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 492—An Act to amend Sections 2, 3, 4 and 6 of an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 492 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Gull, Hall, Harlan, Hayes, Held, Hinshaw, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mott, Mullally, Pelsley, Rogers of Alameda, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—51.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1285—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying

the duties of the Superintendent of State Printing, Board of Examiners, State Controller and State Treasurer in relation thereto.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1285 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mullally, Polsley, Randall, Rogers of Alameda, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1288—An Act appropriating and transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-ninth session of the Legislature and directing the State Controller and State Treasurer to make such transfer.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1288 passed by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rogers of Alameda, Rosendale, Ryan, Shragin, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walsh, Williams, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1282—An Act making an appropriation to pay a deficiency in the appropriation for stationery, fuel, lights, and supplies for the Legislature and state officers for the sixty-first and sixty-second fiscal years.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1282 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Guill, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McGowen, Mendenhall, Mott, Mullally, Polsley, Randall, Rogers of Alameda, Rosendale, Ryan, Shragin, Schmitt, Slater, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—54.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 208—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 208 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Flint, Freeman, Gaylord, Griffiths, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 124—An Act to provide for the construction of an additional building at the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 124 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bishop, Bliss, Brown, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Malone, McDonald, McGowen, Mendenhall, Mott, Randall, Rodgers of San Francisco, Rogers of Alameda, Ryan, Sbragia, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1096—An Act to amend section one thousand seventy-five, one thousand seventy-seven and one thousand seventy-eight of the Political Code, relating to boards of election commissioners and providing for clerks and secretaries of such boards.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1096 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryon, Sbragia, Stevenot, Telfer, Walsh, Wilson, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPECIAL URGENCY FILE.

Senate Bill No. 1037—An Act appropriating money to pay the claim of Francisco Silva Brun against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1037 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Judson, Kehoe, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stevenot, Telfer, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles and the registration of chauffeurs, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 656 passed by the following vote:

AYES—Messrs. Beatty, Bennink, Bishop, Bliss, Brown, Clark, Coghlan, Cronin, Cunningham, Denegri, Feeley, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Jasper, Lyon of San Francisco, Malone, March, McDonald, Mendenhall, Mullally, Polsley, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Telfer, Tibbits, Walsh, Williams, Young, and Mr. Speaker—41.

NOES—Messrs. Beckett, Benedict, Butler, Cattell, Chandler, Cogswell, Farwell, Flint, Hall, Held, Hinkle, Hinshaw, Jones, Judson, Kehoe, Lamb, Mott, Preisker, and Wyllie—19.

Title read and approved.

Bill ordered transmitted to the Senate.

MOTION.

Mr. Bohnett moved that the Assembly adjourn until nine o'clock and thirty minutes A. M. of Monday, March 27, 1911.

Roll call regularly demanded.

The roll was called, and motion carried by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Denegri, Farwell, Flint, Freeman, Gaylord, Griffiths, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Lamb, Lyon of Los Angeles, Malone, McGowen, Mendenhall, Mott, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Sbragia, Stevenot, Tibbits, Wyllie, Young, and Mr. Speaker—42.

NOES—Messrs. Beatty, Bennink, Brown, Coghlan, Cronin, Cunningham, Feeley, Griffin of Modesto, Guill, Hall, Hayes, Lyon of San Francisco, Maher, March, McDonald, Mullally, Polsley, Rosendale, Ryan, Schmitt, Telfer, Walsh, and Williams—23.

ADJOURNMENT.

At five o'clock and forty-five minutes P. M. the Assembly was declared adjourned.

IN ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, CAL., }
Monday, March 27, 1911. }

At nine o'clock and thirty minutes A. M., pursuant to adjournment, the Assembly was called to order.

Hon. A. H. Hewitt, Speaker of the Assembly, in the chair.

The roll was called by Chief Clerk Mallory, and the following members answered to their names:

Messrs Beatty, Beckett, Benedict, Benniuk, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cartell, Chandler, Clark, Cogblan, Cogswell, Cronin, Crosby, Cunningham, Deneeri, Farwell, Feeley, Fitzgerald, Flint, Freeman, Gaylord, Gerdes, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowan, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ruthertord, Ryan, Sbracia, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—80

Quorum present.

PRAYER.

Prayer was offered by the Rev. Frank K. Baker, Chaplain of the Assembly.

READING OF THE JOURNAL.

During the reading of the Journal, on motion of Mr. Walsh, its further reading was dispensed with.

In accordance with resolution previously adopted, the following was ordered printed in the Journal:

STATEMENT OF GOVERNOR HIRAM W. JOHNSON, RELATIVE TO ASSEMBLY BILL
NO 248

The bill prescribing an eight-hour day for women comes to me as an entirety. I must either accept it as a whole or reject it as a whole. I can not modify or amend it. I have listened to oral arguments and have received many written arguments both for and against the measure. Independently, the question has been thoroughly investigated, and I have before me the reports submitted upon legislation of this character not only in this country, but in France, Germany, Switzerland, and England. Beyond this, some investigation has been made by my office among those who will be most directly affected by the law. While a less drastic and more elastic measure might have been preferable, and while, personally, I might have desired that legislation upon the subject should be gradual, still, the advantages of the present bill outweigh the disadvantages. Strong men, by unity of action, have obtained for themselves an eight-hour day. Shall we require greater hours of labor for our women? As long ago as 1872, it was enacted by Section 3244 of the Political Code, that eight hours of labor should constitute a day's work, and it was likewise by the following section, provided that eight hours' labor should constitute a legal day's work in all cases where the same was performed under the authority of the state, or of any municipal corporation within the state; and our law has gone to the extent of requiring that a stipulation to that effect must be made a part of all contracts in which the state or any municipal corporation is a party. The policy, therefore, of the law in this state, is of long standing; and while the sections quoted refer, of course, to public work, they established what has been the set policy of California for more than forty years, and that is that eight hours shall constitute a day's labor. The limitation of the hours of labor to eight is, therefore, by no means new, but that principle is firmly, and, doubtless, irrevocably established in California.

The argument against the eight-hour day for women is purely economic. It is asserted that it will work hardship upon various business enterprises; that these enterprises will have to close, and that financial disaster will follow. This has been the argument ever advanced against legislation of this sort and even against legislation designed for the protection of the public generally, such as pure food laws. When the first shorter hour law was adopted in England, as long ago as 1837, Nas-

sau William Senior, one of the leading political economists of his time, insisted that the reduction of hours of labor would eliminate profit and bring disaster upon employer and employee alike. The English employers, then, with the utmost vehemence, protested. None of the ills they prophesied occurred. There are many of us who remember the child labor laws and how at the time of the enactment of the first of these laws in our State many of our reputable business men protested with earnestness and apparent sincerity, asserting that they could not compete with their rivals and that the enactment of such laws meant their ruin. The laws were enacted, and business continued just the same. Pure food laws enacted for the benefit of the public, the protection of its health in another way than that sought in the present Act, were for years resisted upon the theory of the outrage that would be done business by their enactment, and the great losses that would be entailed. The laws went into effect and business continued just the same. Two years ago the Legislature enacted a law limiting the hours of men working in mines in this State to eight (Statutes 1909, page 279). Many mine owners appeared then and insisted that if the law went into effect they would have to close down their mines and that the industry upon which originally rested the fame and romance of California would be utterly destroyed. The law went into effect, and to-day the same mines are running with the same profit, and the same employees.

The hours of labor of men, by the same Act, in smelters and in other institutions for the refining of ores and metals, were limited to eight. The smelters still run, additional ones are being built, and the subject of smelting has become so important, even with men's hours limited to eight, that it has engrossed a considerable portion of the time of one of the houses of the Legislature.

The economic argument also fails because experience has shown that productivity will not be materially decreased under an eight-hour law. The report of the New York Bureau of Labor Statistics, 1900, states: "Certain facts appear with distinctiveness; one of which is that the cotton industries of Massachusetts have not only grown steadily throughout the period of short-hour legislation, but what is far more impressive, they made larger gains than are shown by adjacent states with less radical short-hour laws." This quotation is in line with the statements contained in many of the statistical reports that I have investigated.

As indicating what experience has shown in our State, where shorter hours have been given women, I quote this telegram received by me in the early days of the discussion of the bill:

"HIGHLANDS, CAL., January 30, 1911.

Governor Hiram W. Johnson, Sacramento, Cal

Am informed that Citrus Protective League opposes bill reducing hours of labor of women and children in packing houses. I earnestly recommend the passage of this bill. Two years ago the Highland Orange Growers' Association, at urgent request of women, voluntarily reduced hours of labor to save breakdown in health. Result excellent. Better work, better health, less absence. Long ago I personally reduced picking hours in the groves. I got better and more work in shorter hours. Hope you can see your way clear to support measure protecting women and children doing piecework in cold, unheated, barnlike packing houses. Claim absurd that industry will suffer by passage of this bill. Citrus industry will be greatly benefited by shorter hours. Women and children need this protection. This is not a labor union movement alone, but a humanity movement. Protective League has not referred the matter to packing houses, and the opposition of the league does not voice the wish of fruit growers of great Highland District where hours have been voluntarily shortened. If you approve, will you show this message to Senator Avey and Assemblyman Bennink. Publish it if you wish.

(Signed) ALEXIS FRYE."

After the receipt of this dispatch, I received one from the Highland Orange Growers' Association endorsing all that Mr. Frye had wired me.

The eight-hour law for women is admittedly right in principle; it is the exemplification of humanitarianism; its beneficent purpose has long since attached to men. It may in some rare instances work hardships; but in those instances we may hereafter, as experience demonstrates the necessity, provide a remedy; and I shall not hesitate in the future, if the necessity becomes apparent, to ask any proper amendment. I do not believe the law will result in great disaster, financial or otherwise. I think that business conditions will adjust themselves to the law, exactly as business conditions have in the past adjusted themselves, in every instance, to remedial legislation of this character. The purpose of the Act, I believe, is just, and I have therefore attached my signature to the bill.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MILITARY AFFAIRS

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 284, have had the same under consideration, and respectfully report the same back without recommendation

CROSBY, Chairman

ON PUBLIC CHARITIES AND CORRECTIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Public Charities and Corrections, to whom was referred Assembly Bills Nos. 633, 634, 1303, and 1043, have had the same under consideration, and respectfully report the same back, without recommendation

WILLIAMS, Chairman.

ON DIRECT LEGISLATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Direct Legislation, to whom was referred Assembly Bills Nos. 53, 1282, and Assembly Constitutional Amendments Nos. 3, 4, 7, 8, 10, and 19—have had the same under consideration, and respectfully report the same back, without recommendation.

TIBBITS, Chairman

ON EDUCATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 1136—have had the same under consideration, and respectfully report the same back, without recommendation

WYLLIE, Chairman.

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolutions Nos. 23, 19, 13, 21, 15, 11, and 26.

Also: Assembly Joint Resolutions Nos. 2, 18, 17, and 7.

Have had the same under consideration, and respectfully report the same back, without recommendation.

FREEMAN, Chairman

ON COMMISSIONS AND PUBLIC EXPENDITURES.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bills Nos. 54, 748, and 1330—have had the same under consideration, and respectfully report the same back, without recommendation.

DENEGRI, Chairman.

ON MILITARY AFFAIRS

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Military Affairs, to whom was referred Senate Bill No. 771—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to Committee on Ways and Means.

CROSBY, Chairman.

The above reported bill ordered on file for second reading

ON COMMON CARRIERS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Common Carriers, to whom was referred Assembly Bills Nos. 1446, 1403, 1020, 276, 254, 194, and 132—have had the same under consideration, and respectfully report the same back, without recommendation.

PREISKER, Chairman.

ON MEDICAL AND DENTAL LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Medical and Dental Laws, to whom was referred Assembly Bills Nos. 257, 258, 315, 599, 602, 606, 640, 699, 751, 752, 754, 755, 757, 854, 906, 949, 958, 1044, and 1171—have had the same under consideration, and respectfully report the same back, without recommendation

HINSHAW, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bills Nos. 4, 6, 10, 20, 30, 31, 34, 50, 52, 55, 59, 147, 170, 201, 251, 259, 260, 261, 275, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 351, 352, 353, 354, 360, 362, 370, 372, 374, 387, 396, 397, 404, 411, 412, 417, 464, 469, 478, 482, 483, 487, 493, 496, 498, 500, 503, 506, 517, 523, 536, 554, 555, 556, 557, 593, 608, 628, 629, 635, 657, 669, 678, 715, 731, 732, 749, 753, 763, 764, 792, 801, 805, 806, 808, 816, 818, 825, 835, 838, 839, 840, 844, 852, 853, 862, 865, 873, 894, 895, 896, 897, 914, 916, 930, 932, 950, 959, 963, 966, 984, 986, 987, 1002, 1013, 1014, 1018, 1033, 1057, 1061, 1062, 1063, 1075, 1082, 1084, 1091, 1099, 1100, 1101, 1125, 1127, 1144, 1146, 1161, 1175, 1205, 1206, 1291, 1312, 1335, 1336, 1354, 1357, 1371, 1388, 1389, 1390, 1391, 1399, 1401, 1414, 1464, 1493, 1502, 1510, 1522, 1524, 1525, 1528, 1529, 1531, 1576, and 1579.

Also: Senate Bills Nos. 249, 264, 287, 427, 429, 447, 457, 481, 537, 556, 591, 619, 633, 714, 738, 745, 746, 868, 876, 877, 879, 881, 902, 904, 905, 906, 912, 913, 927, 946, 956, 1001, 1066, 1081, 1100, 1101, 1146, 1153, 1154, and 1185.

Also: Committee substitutes for Senate Bills Nos. 2, 24, 167, and 1074.

Have had the same under consideration, and respectfully report the same back, without recommendation.

KEHOE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911

MR. SPEAKER, Your Committee on Judiciary, to whom was referred Senate Bill No. 1289, have had the same under consideration, and respectfully report the same back, without recommendation.

KEHOE, Chairman.

REVISION AND REFORM OF LAWS

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911

MR. SPEAKER: Your Committee on Revision and Reform of Laws, to whom was referred Assembly Bills Nos. 439, 443, 444, 449, 450, 452, 455, 456, 457, 458, 459, 460, 461, 561, 1225, 1236, 1237, 1246, 1247, 1270, 1271, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, and 1523, have had the same under consideration, and respectfully report the same back, without recommendation.

KEHOE, Chairman.

ON PUBLIC HEALTH AND QUARANTINE.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bills Nos. 1397 and 1398, have had the same under consideration, and respectfully report the same back, without recommendation.

MALONE, Chairman.

ON FISH AND GAME.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Fish and Game, to whom was referred Senate Bills Nos. 1664, 528, 456, and 271

Also: Assembly Bills Nos. 1372, 543, 480, 658, 659, 1548, 1005, 777, 1533, 23, 262, 325, 99, 176, 1332, 1453, 615, 612, 552, 376, 681, 985, 973, 1040, 1285, 1128, 163, 962, 826, 778, 993, 994, 546, 708, 97, 1358, 1126, 1134, 1137, and 1171

Have had the same under consideration, and respectfully report the same back, without recommendation.

GRIFFITHS, Chairman.

ON COMMISSIONS AND PUBLIC EXPENDITURES

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911

MR. SPEAKER: Your Committee on Commissions and Public Expenditures, to whom was referred Assembly Bill No. 1519, have had the same under consideration, and respectfully report the same back, without recommendation.

DENEGRI, Chairman.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Bohnett:

Resolved, That the State Printer be and he is hereby directed to have a sufficient number of copies of each and all the chapters of the thirty-ninth session of the Legislature printed and delivered in sets to the Chief Clerk within one week after

all the bills receiving the Governor's approval shall have been signed by him, for the following purposes:

The Chief Clerk is hereby directed to express said chapters to the members, one set to the superior judges of each county, and one set to each district attorney, charges prepaid, and for defraying the expenses of the same the State Controller is hereby directed to draw his warrant in favor of L. B. Mallory, Chief Clerk, on the Contingent Fund of the Assembly, in the sum of three hundred and fifty dollars, and the State Treasurer is hereby directed to pay the same.

The question being on the adoption of the resolution.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Cunningham, Denegri, Feeley, Gerdes, Griffiths, Hall, Harlan, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowen, Mendenhall, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rutherford, Shragia, Schmitt, Slater, Smith, Stevenot, Telfer, Walker, Walsh, Wyllie, and Young—47.

NOES—None

Also:

Resolved, That the Chief Clerk and the four assistants to the Chief Clerk of the Assembly must, in accordance with Section 261 of the Political Code, at the close of this session of the Legislature, mark, label and arrange all bills and papers belonging to the archives of the Assembly, and deliver them, together with all the books and papers of the Assembly, to the Secretary of State, who must certify to the reception of the same, and for such services each officer of the Assembly herein named is allowed the sum of fifty dollars, as provided for in Section 269 of the Political Code, the same payable out of the Contingent Fund of the Assembly, and the Controller of State is hereby directed to draw his warrant in favor of the above named officers in the said sums, payable out of the Contingent Fund of the Assembly, and the Treasurer is directed to pay the same.

The question being on the adoption of the resolution.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Bennink, Bohnett, Brown, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Feeley, Flint, Gaylord, Gerdes, Griffiths, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Polsley, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Shragia, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—52.

NOES—None

Also:

WHEREAS, It will be necessary for H. A. Harper, Minute Clerk of the Assembly, to remain after the final adjournment of the thirty-ninth session of the Legislature to prepare the final Journal of the Assembly, now, therefore, be it

Resolved, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same, in the favor of said H. A. Harper, in the sum of twenty-five dollars (\$25.00) for the said service.

The question being on the adoption of the resolution.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Feeley, Gaylord, Gerdes, Griffiths, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, McDonald, McGowen, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Shragia, Schmitt, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—47.

NOES—None.

By Mr. Cronin:

WHEREAS, It has become apparent from the experience of preceding legislatures that much confusion and unnecessary delay has arisen because of not being able to procure files for the various bills, resolutions, etc., until several days after the convening of the session; and

WHEREAS, There was much confusion at the beginning of the present session owing to the above cause:

Resolved. That the Chief Clerk be directed and he is hereby authorized and directed to procure the necessary number of files for the next session of the Legislature, and have the names of the Assemblymen properly printed thereon, and he is also directed in so far as possible to have all printed matter, stationery, etc., prepared and in readiness for the opening of the session;

Resolved. That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly and the State Treasurer is hereby directed to pay the same to L. B. Mallory, Chief Clerk, in the sum of one hundred dollars, for labor in carrying out the purpose of the above resolution.

On motion of Mr. Brown, resolution laid on the table.

By Mr. Bohnett:

WHEREAS, It will be necessary for A. S. Moore, Journal Clerk, to remain after the close of the session to correct the final Journal;

Resolved. That the Controller be, and he is hereby directed and authorized to draw his warrant upon the Contingent Fund of the Assembly in favor of A. S. Moore, and the Treasurer is directed to pay the same, for the sum of ten dollars, said amount being in payment of said services.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cronin, Crosby, Cunningham, Farwell, Feeley, Flint, Gaylord, Gerdes, Griffiths, Guill, Hall, Harlan, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Polesley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Sbragia, Schmitt, Stevenot, Stuckeubruck, Telfer, Tibbits, Walker, Williams, Wilson, Young, and Mr. Speaker—52.

NOES—None.

By Mr. Bliss:

Resolved. That the action of Ed H. Whyte, Sergeant-at-Arms of the Assembly, in employing necessary assistants for Sunday and Monday, March twenty-sixth and twenty-seventh, to perform the duties of Assistant Sergeant-at-Arms, Clerks to Ways and Means Committee, Stenographer, and Watchman; and Postmistress for Tuesday, March 28, 1911, be and the same is hereby approved and ratified, and the Controller of State is directed to draw his warrant in favor of said Ed H. Whyte against the Contingent Fund of the Assembly in the sum of forty-two (42) dollars, said payment being on account of services rendered and to be rendered as follows, and the State Treasurer is hereby directed to pay the same, to wit:

G. C. Sandersteld, Assistant Sergeant-at-Arms, 2 days at \$5-----	\$10 00
Mrs. Evelyn Hommell, Clerk to Committee on Ways and Means, 2 days at \$6-----	12 00
Miss A. M. Squier, Stenographer, 2 days at \$5-----	10 00
J. P. Whyte, Watchman, 2 days at \$3-----	6 00
Addie Peaslee, Postmistress, 1 day at \$4-----	4 00

The question being on the adoption of the resolution.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Griffiths, Hall, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, March, McGowen, Polesley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Stevenot, Stuckeubruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—57.

NOES—Mr. Kehoe—1.

By Committee on Contingent Expenses and Accounts:

WHEREAS, The committee heretofore appointed by this Assembly to investigate the conduct of the office of the California Fish and Game Commission, and to secure the examination and experting of the books and accounts of said Fish and Game Commission, has employed the services of Prentiss Maslin as expert accountant to perform said work of experting said books and accounts; and

WHEREAS, Said Prentiss Maslin has performed said services and has made a full and complete report of said examination, together with his bill for his said services, which said bill amounts to the sum of nine hundred thirty-eight dollars; and

WHEREAS, The amount heretofore appropriated by this Assembly for the payment of expenses connected with the conduct of said investigation is insufficient to pay

in full the entire claim of said Prentiss Maslin after paying all of the other expenses incurred by said Committee of Investigation, now, therefore, be it

Resolved, That the sum of four hundred eighty-five (\$485.00) dollars be, and the same is hereby appropriated, out of the Contingent Fund of this Assembly for the payment to said Prentiss Maslin of the balance due him, for his said services as such expert; and the Controller of the State of California is hereby authorized and directed to draw his warrant in favor of F. J. Walker, chairman of said committee of investigation of said California Fish and Game Commission, for said sum, and the Treasurer of the State of California is hereby authorized, empowered and directed to pay the same.

STEVENOT, Chairman.

SACRAMENTO, March 25, 1911.

Hon. F. J. Walker, Chairman Special Committee of the Assembly Investigating the Fish and Game Commission of California.

DEAR SIR: I am handing you herewith report of my investigation and examination of the books, records, and accounts of the Fish and Game Commission of California from July 1, 1907, up to and including February 28, 1911, together with my bill covering cost of said work. In connection therewith feel that some explanation may be needed in regard to same, not so far as you and the rest of your committee are concerned, but so far as the Assembly and the general public are concerned.

My report is most complete so far as details that could be adduced from the records of the same. The peculiar and chaotic condition of the records made necessary a vast amount of work which practically does not appear in the final summing up of my report. This you and your committee will readily understand, as the report is the concise resultant of all of my work—the annual balance sheet of the United States treasury contains less than forty items, representing a vast amount of work by hundreds of clerks and covers receipts from thousands of sources and the expenditures in thousands of avenues. So my report is merely the gist, or the findings, of thirty days of the most arduous labor that I ever contributed to any one piece of work. It required all of this time of myself and assistant to arrive at this result and to report to you the exact condition of the books of the California Fish and Game Commission. The average and regular hours of an accountant are six per day. Myself and assistant averaged over twelve hours each per day with the exception of only three days during that month. We worked until eleven o'clock P. M. and we were back at about eight the following morning. Our expense bills are necessarily high, but no larger than I would use in my own private business. I instructed my assistant to get as good a room as she could in a first class hotel, with a bath, as she was accustomed to in her own home, and I did likewise. Without such conveniences it would have been impossible to have completed this work within the time at our disposal. The most of our meals was necessarily large because we ate whenever and wherever we could, and because of the late working hours, we usually had a midnight luncheon. These are factors which I would and do use in my own private work, and the cost of living, I can assure you, is far below the actual expenses paid out by myself, but I have endeavored to include therein only reasonable expenses.

For several days I had employed a man who has assisted me at different times in perfunctory checking. This is drudgery work, and he could do it as well as myself or my regular assistant, and it greatly facilitated my work. I am, therefore, including his cost in my bill.

I am also including \$100.00 for the preparation and writing of the report. This is a class of work known as double minimum work, being almost entirely tabulation, and at the regular professional stenographic rate of wages would be worth about \$250.00. So, I feel that this is a reasonable and just charge.

It will be noted that while I have included a few charges for specially prepared and ruled blank sheets, which were absolutely necessary to do the work, no charge has been made for the rental of the office I occupied during the month. The regular rate for such offices is \$40.00 per month, but the long and close intimacy between myself and Mr. Caicy Friedlander, the secretary of the Merchants' Exchange and the custodian of their building, made it possible for me to have the use of the office with lights, heat, etc., without charge, and for which Mr. Friedlander is entitled to the thanks of your committee.

However large my bill may appear, I wish to assure you that I would not undertake the same for \$1,000.00, and when all of the factors connected with the same are considered, that sum would only be a reasonable remuneration.

Trusting that my work and report meets the approval of your committee, and that therefrom you can glean all the information you desire on the subject, and thanking you and your committee most sincerely for the courtesies extended to me at all times during this period, I remain,

Most respectfully yours,

PRENTISS MASLIN,
Certified Public Accountant.

Mr Stevenot moved the adoption of the resolution

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Cronin, Cunningham, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Mullally, Nolan, Polsley, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, Williams, Wilson, Wylhe, Young, and Mr. Speaker—49

NOES—Messrs. Hayes and Held—2.

Also:

MR. SPEAKER Your Committee on Contingent Expenses and Accounts has had the enclosed matter under consideration, and begs to report that the following resolution be adopted:

Resolved, That the Controller be, and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of three hundred eighty-two and forty hundredths dollars (\$382.40) in favor of Ed H. Whyte, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

Underwood Typewriter Company.....	\$6 50
Whisky Hill Water Co.....	72 00
Western Union Telegraph Co.....	3 70
W. F. Purnell.....	51 40
Henry B. Sleeper & Co.....	35
Bradley Carriage and Auto Livery Co.....	15 40
Capital Paint Co.....	4 70
Perkins & Co.....	1 00
Clark & Buell.....	8 00
Fred Warren Transfer Co.....	8 00
Kane & Trainor Ice Co.....	44 95
Mrs. C. McCall.....	30 00
Wahl Stationery Co.....	41 50
Pacific Telegraph and Telephone Co.....	15 60
Thomson-Diggs Co.....	20
McDowell & Harding.....	51 00
Grace Loomis.....	3 00
Matian Brown.....	3 00
J. D. Price.....	3 00
Laman Harford.....	3 00
F. B. Kleinsorge.....	15 00
L. B. Mallory.....	1 10
	<hr/>
	\$382 40

STEVENOT, Chairman.

Mr. Stevenot moved the adoption of the report and resolution

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Cattell, Clark, Cogswell, Cronin, Cunningham, Freeman, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, Mendenhall, Mott, Mullally, Nolan, Polsley, Randall, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Stevenot, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wylhe, and Mr. Speaker—52.

NOES—None

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON FEDERAL RELATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 28—Relative to the treatment by the Russian Government of its citizens by reason of their religious belief or political views—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FREEMAN, Chairman.

Mr. Freeman moved the adoption of the resolution

The roll was called, and the resolution adopted by the following vote :

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cronin, Cunningham, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Harlan, Held, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McDonald, Mendenhall, Mott, Mullally, Nolan, Polsley, Rogers of Alameda, Rutherford, Ryan, Schmitt, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Walsh, Williams, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Senate joint resolution ordered transmitted to the Senate.

SENATE JOINT RESOLUTION No. 28.

Relative to the treatment by the Russian Government of its citizens, by reason of their religious belief or political views.

WHEREAS, The Russian Government has imprisoned hundreds of prominent Armenians who are teachers, lawyers, and editors and all of whom are in the forefront of progressive thought and action, in the prisons of Rostov and other towns in the monarchy of Russia and has kept these men confined for a long period of time without giving them any preliminary hearing or opportunity to present their cases to any court, which is revolting to the sense of justice of all mankind; and

WHEREAS, The said Russian Government has frequently tolerated riot, pillage, outrage and murder of men, women and children by reason of their religious belief; and

WHEREAS, Such acts are a disgrace to civilization and repugnant to all people who love justice and fear God; now, therefore, be it

Resolved by the Senate and Assembly jointly of the thirty-ninth Legislature of the State of California, That we believe the time has arrived in the affairs of this world when it becomes necessary for every civilized nation to protest against such conduct on the part of any other nation, and we do hereby express our abhorrence of the treatment accorded these men of Armenia because of their political convictions and to other men, women and children because of their religious belief, and be it further

Resolved, That in the opinion of the Legislature of the State of California, the time has arrived when there should be a concert of action between all nations that lay claim to civilization and enlightenment to compel the observance on the part of any other nation of the laws of humanity and common justice toward its citizens; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, to the President of the United States Senate, and to the Speaker of the House of Representatives, earnestly urging them to use their good offices to secure to the Armenians herein referred to a just and public trial without further delay and to stop the recurrence of outrage and murder upon innocent men, women and children, who have sinned only because of their adherence to the faith of their fathers

ON CLAIMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No 628—An Act to appropriate money to pay the claim of R. A. Sarle against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WALKER, Chairman.

The above bill ordered on file for second reading

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No 924—An Act to provide for the execution and delivery by the Governor in certain cases, to the purchasers of state salt marsh and tide lands, purchased under the provisions of an Act entitled "An Act to survey and dispose of certain marsh and tide lands belonging to the State of California," approved March 30, 1868, or any of the Acts supplementary thereto and amendatory thereof, and conveying to such purchasers or their successors in interest all the right, title and interest of the State of California in and to such lands—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass

FLINT, Chairman.

ON RULES AND REGULATIONS

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Rules and Regulations, to whom was referred Senate Concurrent Resolution No 20—Relative to the consent of the Legislature to the absence of certain members and state officials from the State of California for

more than sixty days—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

PREISKER, Chairman

Senate concurrent resolution ordered on file
Resolution read, and on motion, adopted.

ON REVENUE AND TAXATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER. Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 412—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto, relating to the disposition of the proceeds of the license tax collected under the provisions thereof—have had the same under consideration, and report the same back, with the following committee substitute therefor:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 412.

An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto relating to the disposition of the proceeds of the license tax collected under the provisions thereof, and defining the duties of certain officers in relation thereto

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section to be known as Section 10a is hereby added to an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, to read as follows:

Section 10a. All taxes levied and collected under the provisions of this Act up to the amount of one hundred thousand dollars annually, shall be paid into the treasury of the State for aid to college high schools to be apportioned by the Superintendent of Public Instruction and other officers thereto authorized by law, at the same per capita distribution that the state school moneys are apportioned for elementary schools, and all taxes levied and collected thereunder in excess of one hundred thousand dollars annually, except as otherwise provided by law, shall be paid into the state treasury to the credit of the General Fund thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that committee substitute do pass

HELD, Chairman.

Committee substitute adopted, and order to print with rush order.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER. Your Committee on Revenue and Taxation, to whom was referred Senate Bill No. 413—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds, to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder; to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same—have had the same under consideration, and respectfully report the same back, with the following committee substitute therefor

ASSEMBLY COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 413

An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds, to provide for the enforcement of liens created by this Act, and for suits to quiet title against claims of liens arising hereunder, to repeal an Act entitled an Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act," approved March 20, 1905, relating to the disposition of proceeds

of the tax levied under the same, and defining the duties of certain officers in relation thereto.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder, to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds, approved March 23 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act.'" approved March 20, 1905, is hereby amended to read as follows:

Section 25. All taxes levied and collected under this Act shall be disposed of as follows:

First—Up to the amount of two hundred and fifty thousand dollars annually first collected under this Act each year, shall be paid into the treasury of the State, for the uses of the State School Fund, and all taxes levied and collected annually in excess of two hundred and fifty thousand dollars shall be paid into the treasury of the State for the following uses

One hundred thousand dollars thereof annually for aid to grammar high schools to be apportioned by the Superintendent of Public Instruction and other officers thereto authorized by law, at the same per capita distribution that state school moneys are apportioned for elementary schools, and the balance thereof annually, except as otherwise provided by law, to the credit and for the uses of the "General Fund" of the State

And recommend that the committee substitute do pass.

HELD, Chairman.

Committee substitute adopted, and ordered to print with rush order.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911

MR. SPEAKER: Your Committee on Free Conference concerning Senate Bill No. 925—An Act to amend Section 4041 of the Political Code of California, relating to the general, permanent powers of the board of supervisors, report that we have met a like committee of the Senate, consisting of Senators Stetson, Wright, and Hewitt, and we report that the Free Conference Committee agreed upon, and recommend that in line 252, page 9, Section 1, Subdivision 30, of the printed bill as amended by the Assembly, after the word dollars, there be inserted the following "in counties of from the third to twentieth class inclusive the sum of four thousand dollars", and that with this modification, be adopted as a further amendment to the bill.

ROSENDALE,
BENEDICT,
TELFER,

Assembly Committee on Free Conference.

STETSON,
WRIGHT,
HEWITT,

Senate Committee on Free Conference.

The question being on the adoption of the report.

The roll was called, and report adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Cunningham, Farwell, Flint, Gaylord, Guill, Hall, Hamilton, Harlan, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Nolan, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Steenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Young, and Mr. Speaker—53.

NOES—None.

Bill ordered transmitted to the Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Bohnett:

Resolved, That Senate Bills Nos. 1079, 760, 169, 1083, 1253, 1085, 532, 1097, 1066, 1028, 1021, 1281, and 1289 and each of said bills, present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Mr. Bohnett moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Farwell, Freeman, Gaylord, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Maher, Maloue, March, McGowen, Mendenhall, Mott, Nolan, Poisley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Rutherford, Ryan, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Wilson, Young, and Mr. Speaker—57.

NOES—None.

SECOND READING OF BILL.

Senate Bill No 1079—An Act to amend sections nine and ten of an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883.

Bill read second time, and ordered to third reading

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1079 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bliss, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Farwell, Freeman, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Malone, March, McGowen, Mendenhall, Mullally, Poisley, Randall, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Wilson, and Mr. Speaker—50.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No 760—An Act to regulate the practice of mechanotherapy in the State of California, and to provide for a state board of mechanotherapeutic examiners, and to license mechanotherapists to practice in this State, and punish persons violating the provisions of this Act

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time

The question being on the passage of the bill.

The roll was called.

Pending the announcement of the vote, Mr. Schmitt moved a call of the House.

Motion lost.

The roll of absentees was called, and Senate Bill No. 760 refused passage by the following vote:

AYES—Messrs. Beckett, Clark, Coghlan, Cunningham, Denegri, Feeley, Freeman, Hall, Hayes, Held, Joel, Lynch, Lyon of Los Angeles, Lyon of San Francisco, March, McGowen, Mendenhall, Mullaly, Polsley, Rimlinger, Ryan, Schmitt, and Walsh—23.

NOES—Messrs. Benedict, Bennink, Bliss, Butler, Cattell, Chandler, Cogswell, Cronin, Crosby, Farwell, Gaylord, Griffin of Modesto, Guill, Hamilton, Harlan, Hinkle, Jasper, Jones, Judson, Kehoe, Lamb, Maher, Malone, McDonald, Mott, Preisker, Randall, Rogers of Alameda, Rosendale, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—40.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 169—An Act to amend section twelve hundred and forty-nine of the Code of Civil Procedure of the State of California
Bill read second time and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 169 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Butler, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Farwell, Feeley, Freeman, Gaylord, Guill, Harlan, Hayes, Held, Hinkle, Jasper, Joel, Judson, Kehoe, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Mullaly, Nolan, Polsley, Preisker, Randall, Rimlinger, Rogers of Alameda, Rosendale, Schmitt, Slater, Smith, Sutherland, Telfer, Tibbits, Walker, Williams, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 1083—An Act to amend section sixty-seven *a* of the Code of Civil Procedure of the State of California, relating to the number of Superior Court judges and providing for the appointment of two additional Superior Court judges in Los Angeles County, and providing for their compensation.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1083 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Freeman, Gaylord, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Mott, Nolan, Polsley, Preisker, Rimlinger, Rosendale, Ryan, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—57.

NOES—Messrs. Cunningham, Feeley, Mullaly, and Randall—4.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 1253—An Act to provide for the organization, control and equipment of high school cadet companies, and for the promotion of rifle practice therein, and appropriating the sum of five thousand dollars therefor.

Mr. Crosby moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 1253 considered.

Mr. Crosby moved that the committee do now rise and report in favor of the passage of the bill

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 1253, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Crosby moved the adoption of the report.

Motion carried.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1253 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bliss, Bohnett, Brown, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Flint, Gaylord, Harlan, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lynch, Maher, Malone, March, McGowen, Nolan, Polsley, Preisker, Rimlinger, Rogers of Alameda, Rosendale, Ryan, Schmitt, Stevnot, Stuckenbruck, Sutherland, Tibbits, Walker, Williams, Wilson, Wyllie, and Mr. Speaker—45

NOES—Messrs. Benedict, Beunink, Butler, Cattell, Cunningham, Feeley, Freeman, Griffin of Modesto, Guill, Hayes, Hinchshaw, Lamb, Lyon of Los Angeles, Lyon of San Francisco, McDonald, Mendenhall, Mullally, Telfer, and Walsh—19.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 1085—An Act to amend section fourteen hundred and seventy-five of the Code of Civil Procedure, relating to the setting off of the recorded homestead and the presentation of claims against said homestead and the estate of the homestead claimant.

Bill read second time, and ordered to third reading

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1085 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Flint, Freeman, Gaylord, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lunch, Lyon of Los Angeles, Malone, March, McGowen, Mott, Palsley, Preisker, Rumlinger, Rogers of Alameda, Ryan, Schmitt, Slater, Stuckenbruck, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—53.

NOES—Messrs. Brown, Maher, McDonald, Mendenhall, Rosendale, and Walker—6.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 532—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by amending Section 874 thereof, relating to the provisions requiring that public work shall be done by contract.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 532 refused passage by the following vote:

AYES—Messrs. Cronin, Griffiths, Hall, Hamilton, Judson, Lamb, Lyon of Los Angeles, Maher, Malone, Palsley, Rumlinger, Slater, Sutherland, and Walker—14.

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Clark, Coghlan, Cogswell, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Kehoe, Lynch, Lyon of San Francisco, March, McDonald, McGowen, Mendenhall, Mullally, Nolan, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—50.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 1097—An Act to amend Section 3629 of the Political Code of the State of California, relating to assessment of property.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1097 refused passage by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Cogswell, Freeman, Held, Hinkle, Kehoe, Malone, and Palsley—12.

NOES—Messrs. Benedict, Brown, Butler, Cattell, Clark, Coghlan, Crosby, Cunningham, Denegri, Farwell, Feeley, Flint, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Mullally, Nolan, Preisker, Randall, Rumlinger, Rodgers of San Fran-

cisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Wilhams, Wilson, Wyllie, Young, and Mr. Speaker—58.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 1066—An Act to add a new section to the Penal Code of the State of California, relating to gift enterprises.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1066 passed by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, Malone, McGowen, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Wilhams, Wyllie, and Young—59.

NOES—Messrs. Cunningham and Mendenhall—2.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 1028—An Act to provide for the incorporation and organization and management of municipal water districts.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1028 passed by the following vote:

AYES—Messrs Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Flint, Freeman, Gaylord, Griffin, of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon, of San Francisco, Maher, Malone, March, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Rimlinger, Rogers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—63.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 1021—An Act to amend Section 268 of the Political Code of California, relative to the salaries of officers and employees of the Senate and Assembly.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1021 refused passage by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Butler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Denegri, Flint, Gaylord, Griffiths, Guill, Kehoe, Lyon of Los Angeles, Randall, Rimlinger, Schmitt, Young, and Mr. Speaker—22

NOES—Messrs. Beckett, Bishop, Bliss, Bohnett, Brown, Cattell, Chandler, Farwell, Freeman, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Joel, Judson, Lamb, Lynch, Lyon of San Francisco, Maher, March, McDonald, McGowen, Mendenhall, Mott, Mullally, Nolan, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Slater, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Walsh, and Williams—42.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 1281—An Act to amend Section 2712 of the Political Code, relating to the payment by the board of supervisors out of the General Fund for road repairs.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1281 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Crosby, Cunningham, Farwell, Flint, Gaylord, Griffin of Modesto, Griffiths, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of Los Angeles, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Nolan, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walker, Williams, Young, and Mr. Speaker—58.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SECOND READING OF BILL.

Senate Bill No. 1289—An Act to amend Section 1272 of the Penal Code of the State of California.

Bill read second time, and ordered to third reading.

THIRD READING OF BILL.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1289 refused passage by the following vote:

AYES—Messrs. Bishop, Bliss, Cunningham, Feeley, Flint, Held, Lamb, Lynch, Lyon of Los Angeles, March, Rosendale, Schmitt, Slater, Tibbits, and Wilson—15.

NOES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Coghlan, Cogswell, Cronin, Farwell, Freeman, Gaylord, Griffin, of Modesto, Griffiths, Hall, Harlan, Hayes, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Nolan, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Smith, Telfer, Walker, Wyllie, Young, and Mr. Speaker—46.

Bill ordered transmitted to the Senate.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Coghlan:

Resolution. That Senate Bill No. 965 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Mr. Coghlan moved the adoption of the report and resolution.

The roll was called.

Pending the announcement of the vote, Mr. Coghlan moved a call of the House.

Roll call regularly demanded.

The roll was called, and motion lost by the following vote:

AYES—Messrs. Beatty, Bliss, Brown, Callaghan, Coghlan, Cronin, Cunningham, Denegri, Feeley, Griffin of Modesto, Hamilton, Hayes, Held, Kennedy, Lynch, Maher, Malone, March, McDonald, McGowen, Mullally, Polsley, Rumliger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Smith, Stevenot, Stuckenbruck, Telfer, Walker, Walsh, and Williams—35.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Farwell, Flint, Freeman, Gaylord, Griffiths, Guill, Hall, Harlan, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Mendenhall, Preisker, Randall, Rogers of Alameda, Slater, Sutherland, Tibbitts, Wyllie, Young, and Mr. Speaker—36.

The roll of absentees was called, and the resolution refused adoption by the following vote:

AYES—Messrs. Beatty, Brown, Callaghan, Coghlan, Cronin, Cunningham, Denegri, Feeley, Griffin of Modesto, Guill, Hall, Hayes, Kennedy, Lynch, Maher, Malone, March, McDonald, McGowen, Mullally, Polsley, Rumliger, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Walker, Walsh, and Williams—34.

NOES—Messrs. Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Crosby, Farwell, Flint, Freeman, Gaylord, Griffiths, Hamilton, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lyon of Los Angeles, Mendenhall, Mott, Preisker, Randall, Rogers of Alameda, Stevenot, Sutherland, Tibbitts, Wyllie, Young, and Mr. Speaker—40.

By Mr. Farwell:

WHEREAS, The people of this State should have some protection against the manufacture, sale or use of fraudulent linseed, or other paint oils, pigments, or mixed paints, and

WHEREAS, Such a bill has been introduced in the form of Assembly Bill No. 1519, as amended in Assembly, March 18, 1911, but which said bill has not as yet been perfected nor approved by proper experts to fully represent the people of this State; nor all of those parties directly interested in the measure have been heard on the amended bill; therefore, be it

Resolved, That the Speaker be empowered and is herewith requested to appoint two members of this Assembly to confer with two members of the Senate, to serve without pay, for the purpose of considering said bill and suggestions from experts or those interested in the measure, to the end that at the next or extra session of the Legislature the bill with amendments so proposed may be properly presented for consideration, and be it further

Resolved, That in case his Excellency Hon. Hiram W. Johnson, Governor of California, deems that an extra session of the Legislature be called, that he is herewith respectfully requested to include in his proclamation for said extra session the consideration of this proposed "Pure Paint Law"

The question being on the adoption of the resolution.

A vote was taken, and resolution refused adoption.

Also:

WHEREAS, The people of this State should, in some manner, be relieved from their burdensome and confusing systems of direct taxation, and

WHEREAS, The people of this State are not receiving their just share of the

natural resources of the State, such as coal, oil, and electric energy produced by water power, or other natural means; and

WHEREAS, Some means should be provided, either by adoption of constitutional amendment or otherwise, to the end that by securing a proper classification of property the State can levy a direct tax upon every ton of coal that is mined, every barrel of hydrocarbon oil that is produced from the earth, and every horse power of electric energy that is generated by natural means (water or otherwise); therefore, be it

Resolved, That this Assembly request that his Excellency Hiram W. Johnson, Governor of this State, be asked to include the consideration of these items in his proclamation, or call, for any extra session that he may in his wisdom and judgment decree to convene.

The question being on the adoption of the resolution.

A vote was taken, and resolution refused adoption.

By Mr. Walker:

Resolved, That the report of the select committee of investigation of the Fish and Game Commission be printed in the Journal, and that 10,000 extra copies of said Journal be printed and distributed throughout the State, and that each member of the Assembly be given fifty copies thereof.

SUBSTITUTE OFFERED.

The following substitute was offered by Mr. Held:

Resolved, That 10,000 copies of the report of the Special Committee on Fish and Game investigation be printed in pamphlet form, and fifty copies given each member of the Assembly, and that said report be printed in the Journal.

Substitution made, and substitute resolution adopted.

REPORT OF THE SPECIAL COMMITTEE OF THE ASSEMBLY ON THE INVESTIGATION OF THE CALIFORNIA FISH AND GAME COMMISSION. F. J. WALKER, CHAIRMAN.

MR. SPEAKER: Your special committee, appointed pursuant to resolution regularly adopted by this Assembly, for the purpose of investigating the books and accounts of the Board of Fish and Game Commission and the manner in which, and the purposes for which, the money received by said Commission has been expended, and the charges of extortion by employees of said Commission, and the acts and conduct of said employees, beg leave to herewith submit its report and findings thereon.

Pursuant to the authority conferred by said resolution, your committee met in the city of San Francisco in the Merchants' Exchange building in said city, and at the first meeting of said committee, they at once took charge of and held under their control all books and papers connected with or belonging to the said Fish and Game Commission and placed the same under seal, and thereafter delivered the same to Prentiss Maslin, a certified public accountant, who, under direction of your committee, at once commenced the experting and examination of said books, papers, and accounts, and his report is herewith appended and made a part of this report.

Your committee sent telegrams to the various district attorneys and sheriffs throughout the State requesting such information as they might have with reference to the conduct of deputies of said Fish and Game Commission within their several jurisdictions and as to any other matter pertinent to the investigation being conducted by your committee.

Your committee was in session in the city of San Francisco for a period of seventeen (17) days: during which time a large number of witnesses, subpoenaed from different sections of the State, were examined and a large amount of oral and documentary evidence was adduced, and your committee files herewith a complete transcript of the testimony of all the witnesses examined during such investigation.

After a most thorough, searching and exhaustive examination and investigation into the affairs, administration, conduct of business, the accounts, books and papers of the Fish and Game Commission, and after a most thorough examination of witnesses in respect to the matters which your committee were authorized and directed to investigate by such resolution, your committee submits the following findings:

First—That from the first day of July, 1907, to and including February 28,

1911, the receipts from all sources which came under the control of said Fish and Game Commission were as follows:

July 1, 1907—

Balance on hand			
Fish Commission Fund -----	\$4,987 89		
Game Preservation Fund -----	1,697 17	\$6,685 06	\$6,685 06
Appropriations			
Restoration and preservation of game-----	10,000 00		
Restoration and preservation of fish-----	10,000 00		
Support of hatcheries -----	20,000 00		
Distributing car -----	7,500 00	47,500 00	

July 1, 1908—

Appropriations.			
Restoration and preservation of game-----	10,000 00		
Restoration and preservation of fish-----	10,000 00		
Support of hatcheries -----	20,000 00		
Tuolumne County repository for fish-----	500 00	40,500 00	

July 1, 1909—

Appropriations			
Support of hatcheries-----	20,000 00	20,000 00	

July 1, 1910—

Appropriations			
Support of hatcheries-----	\$20,000 00	\$20,000 00	
Total appropriations -----			128,000 00

July 1, 1910—

Received from sale of licenses			
Fishing -----	55,037 50		
Hunting -----	483,370 30	538,407 80	
Received from fines for violation of—			
Fish laws -----	33,356 75		
Game laws -----	30,465 50	63,822 25	602,230 14
Received from sundry sources.			
Sale of fish eggs-----	375 00		
Sale of confiscated deer hides-----	39 15		
Game farm products -----	1,683 47		
Interest -----	133 63		
Rebates and refunds -----	190 20		
			2,421 45

Total receipts ----- \$739,336 65

Second—That during the same period the disbursements by said Fish and Game Commission were as follows:

General expense	
Salaries of deputies -----	\$341,991 15
Expenses of deputies -----	57,356 49
Rent of office -----	7,285 75
Stationery, printing and office supplies-----	7,112 45
Postage, expressage and telephone, etc -----	6,472 76
Stenographers and clerks -----	13,636 64
Salary of chief deputy -----	12,825 00
Expenses of chief deputy -----	1,772 30
Office furniture -----	1,173 03
Los Angeles office, expense-----	6,591 64
Fresno office, expense -----	693 60
Expenses, Commissioner Stone -----	533 75
Expenses, Commissioner Van Sicklen-----	254 55
Expenses, Commissioner Connell -----	616 00
Expenses, Commissioner Sanborn -----	57 25
Expenses, Commissioner Jordan -----	3 80
Justices of peace, fees -----	2,609 71
Court costs and expenses-----	6,803 95
Board of prisoners -----	2,065 30
Purchase of launches -----	6,691 72
Launch supplies and repairs-----	4,340 01
Rent of launch -----	1,754 45
Printing licenses -----	4,663 20
Badges -----	344 00
California lion bounty -----	24,740 00
Game farm, Hayward -----	25,564 53
Purchase of game birds-----	15,022 11
Care of game birds -----	58 00
Postage and expressage of county clerks in connection with sale of licenses-----	4,921 08
Commission of county clerks account sale of licenses -----	21,037 27
Commission of sundry persons account sale of licenses -----	624 30
Gasoline -----	827 69
Labor -----	630 64
Livery and auto hire-----	11 50
Paints and oils -----	347 72
Lumber -----	102 12
Storage and cartage-----	98 76
Ammunition -----	18 90
Meat -----	60 00
Expressage and costs account fines and licenses -----	142 16

General expense—Continued

Miscellaneous expenses and supplies	\$1,963	21	
Painting picture of fish	347	00	
Half tones for report	317	97	
Purchase of nets	78	76	
Removing stream obstructions	25	00	
Purchase of pipe	57	94	
Field glasses	32	00	
Photographs and frames	165	60	
Photo supplies	12	85	
Folding boat	40	00	
Experting books	325	00	
Hardware and supplies	527	33	
Refund account unsold licenses	25	00	
Clam investigation	27	65	
Fish investigation	20	00	
Bird investigation	19	60	
Salmon investigation	17	41	
Drugs and appliances	14	20	
Safe deposit box	20	00	
Transfer and planting of fish	1,961	96	\$487,915 76
Sisson Hatchery			
Salaries of superintendent and assistants	\$45,915	24	
Expenses of deputies	754	20	
Postage, expressage and telegrams	719	34	
Traveling expenses	329	50	
Livery	486	65	
Labor	6,989	61	
Lumber	5,811	80	
Iron roofing	303	40	
Repairs	78	66	
Paints	37	00	
Hardware and general supplies	6,048	14	
Freight and cartage	207	63	
Meat	3,905	73	
Milk	928	10	
Ice	584	60	
Fuel	764	00	
Groceries and supplies	1,040	81	
Drugs	37	55	
Rent of car	100	00	
Rent of land	35	00	
Electrical supplies	11	30	
Blacksmithing	11	93	
Flowers	9	15	75,750 04
Tahoe Hatchery			
Salaries of superintendent and assistants	\$8,729	70	
Expenses of deputies	444	40	
Labor and board	2,199	75	
Construction of cottage	761	78	
Building supplies	403	42	
Lumber	2,330	57	
Freight and cartage	500	82	
Hardware, gasoline and general supplies	1,869	33	
Carpenter	160	00	
Paints	49	23	
Painting	48	00	
Livery	66	00	
Meat	380	40	
Milk	56	50	
Ice	39	65	
Rent of launch	40	00	
Purchase of skiff	50	00	
Fuel	12	00	
Cement	7	20	
Cans	31	80	
General repairs	3	00	
Miscellaneous expenses	90	93	
Postage, expressage and telegrams, etc	61	66	18,346 13
Tallac Hatchery			
Salary of superintendent	\$600	00	
Expenses of superintendent	51	50	
Labor	1,252	50	
Postage, expressage and telegrams, etc	12	70	
Freight and cartage	64	93	
Hardware and general supplies	125	90	
Lumber	30	19	
Meat	34	35	
Ice	9	50	
Furniture	107	40	
Miscellaneous expenses	14	25	2,303 22
Eel River Hatchery			
Salaries of superintendent and assistants	\$5,061	75	
Expenses of deputies	318	03	
Postage, expressage and telegrams, etc	57	82	
Livery and teaming	620	25	
Labor	674	45	
Lumber	193	09	
Iron roofing	265	00	

Eel River Hatchery—Continued			
Hardware and general supplies	\$486 12		
Meat	15 25		
Milk	23 50		
Ice	23 24		
Freight and cartage	30 00		
Repairs	4 00		
Miscellaneous expenses	20 96	\$7,792 40	
Ferndale Hatchery			
Salary of superintendent	\$240 00		
Expenses of superintendent	2 75		
Postage, expressage and telegrams, etc	5 75		
Labor	180 75		
Livery and teaming	21 50		
Lumber	88 19		
Hardware and general supplies	20 55	560 49	
Scott Creek Station			
Salary of superintendent	\$100 00		
Lease of land	300 00		
Labor	276 25		
Cement	118 96		
Lumber	40 87		
Hardware, etc	54 39		
Teaming	32 50		
Auto hire	8 00		
General supplies	32 25		
Painting machine	35 00	1,005 22	
Bouldin Island Hatchery			
Salary of superintendent	\$140 00		
Expenses of superintendent	25 50		
Labor	432 75		
Lumber	50 34		
Gasoline	38 35		
Freight	5 70		
Rent of launch	62 75		
Board	21 50		
Carpenter	12 80		
Hardware	12 20		
General supplies	443 21	1,242 15	
Wawona Hatchery			
Repairs of flume	\$150 00		
Paint	7 00	157 00	
Tuolumne Fish Repository			
Expenses of superintendent	\$20 25		
Labor	125 00		
Lumber	88 00		
Hardware	2 00		
Groceries	21 70		
Livery	43 00	299 95	
Russian River patrol			
Salaries of deputies	\$725 00		
Expenses of deputies	201 55		
Labor	29 77		
Cartage	19 26		
Hardware	4 22		
Repairs	2 50	982 28	
Distribution car			
Salary of superintendent and assistants	\$2,271 00		
Expenses of superintendent	112 45		
Purchase of car	4,500 00		
Remodeling car	1,345 70		
Cans	637 50		
Pump and hardware	164 37		
Repairs of car	459 44		
Expenses of car, maintenance	4,406 85	14,397 29	\$610,752 93
Total disbursements			\$610,752 93
Unexpended balances on hand March 1, 1911			
Fish and game preservation		\$105,391 20	
Tuolumne Fish Repository		200 05	
Hatchery fund		22,992 47	
Total			\$128,583 72

Third—That the evidence adduced from the witnesses during the investigation and the result of the expert's examination of the books and accounts of the commission do not establish that any fraud or misappropriation of the funds by members of the Fish and Game Commission, or by its Chief Deputy, has been committed, but there is shown to have been a careless, if not reckless, handling of the funds at their disposal without due or apparently no regard to the results to be obtained by expenditure of money, and that there was an entire absence of a business system such as should be applied to the handling of large sums of money, and which lack of such system opened the widest avenue for incorrect accounts on the part of the deputies of the Fish and Game Commission, and that there was absolutely, so far as your committee were able to ascertain, no check or close supervision of the accounts of said deputies and that such accounts, when submitted by them, were accepted upon

merely the face value of the same and were not subjected to any sort of scrutiny or investigation.

Fourth—That the salaries of held deputies were raised without, so far as the evidence discloses, any reason therefor, and that such salaries of such deputies were raised in no instance because of efficiency or because of the work accomplished by them, but on the contrary it appears that salaries of such deputies were at various times raised and increased solely upon motion of some member of the commission without any reason being shown therefor.

Your committee further finds that the amount of money derived from the sale of hunting licenses is considerably in excess of the amount actually needed for the work of the Fish and Game Commission, and that an important factor in the preservation of fish and game life of this State is the preservation of the forests and streams of this State, and that by reason of the intimate connection of the subjects of fish and game and forestry that it would be to the great advantage of the fish and game protection that not less than one fourth of the funds derived from the sale of hunters' licenses should be transferred to the use of the Department of Forestry of this State for the purpose of protecting the forests from destruction by fires, many of which fires are caused by hunters, and we recommend that some provision be made by this or the succeeding Legislature for the transfer to said Forestry Department for the purpose of fire patrols of at least one fourth of said sums of money so collected for hunting licenses.

Fifth—That the result obtained from the expenditure of the large sums of money which came into the hands of the Fish and Game Commission were far less than the benefit which might reasonably be expected to be derived therefrom.

Sixth—That the Commission has at the present time under employment about seventy (70) deputies, most of whom are working at a considerable distance from the office of the Chief Deputy in San Francisco; that no proper supervision of the work of these deputies has been exercised by the Commission or its Chief Deputy, nor has a careful scrutiny of their expense accounts, submitted monthly, been made, either by said Commission or its Chief Deputy, and the records disclose no more than an unverified monthly statement submitted by said deputies, and there appears to be no system provided whereby such accounts may be checked, compared or verified. It would seem to your committee that some system of closer communication between the Chief Deputy and the various field deputies should be devised whereby such deputies would be under more direct supervision of the Chief Deputy and a better understanding of the work performed by said deputies should be had by the Chief Deputy.

Seventh—That in some instances appointments as deputies of such Fish and Game Commission have been made of keepers of private gun clubs, and that in many instances, deputies do not receive a salary, but depend for their compensation upon a reward paid to them by the Commission for arrest made of offenders against the fish and game laws, when, in the opinion of said Commission, the facts as submitted by the deputies justify such arrest, and regardless of whether or not a conviction of the offender has been obtained in such case.

Eighth—That many untrained men have been employed by said Commission and paid good salaries as outside or field deputies, and that prior to their employment no examination was made as to their qualification to fill such position, and thereafter, in some cases, the evidence discloses that such deputies possessed no qualifications whatever as such, but that regardless of such fact said deputies were retained in the employ of said Commission. It would seem, therefore, that political and other influences control to a greater degree in making such appointments than the qualification or competence of the person seeking the same.

Ninth—That a thorough reorganization of the entire system of management, control and supervision of the deputies of the Fish and Game Commission should at once be made, to the end that a full examination as to the qualifications of persons applying for the position of deputies should be had prior to their appointment, and that thereafter such deputy should be advanced in the service and their salary raised according to their ability and their efficiency in the service, and that thereby greater and better results may be obtained in return for the large sums of money expended annually in payment of salaries of such deputies.

Tenth—That the evidence adduced discloses that so far as the members of the Fish and Game Commission for the past four years are concerned or its Chief Deputies, there has not been practiced by them directly or indirectly or to their knowledge the extortion of money or anything of value from any person under promise of immunity of such person from arrest, or for any other reason or cause whatsoever, but the evidence does show that various deputies under the employment of said Commission have persistently and systematically for a number of years past, but not later than the first of August, 1910, demanded and accepted of and from various Chinese firms in the city of San Francisco, engaged in shrimp fishing, large sums of money and that in return for said large sums of money said deputies have promised said firms and their employees immunity from arrest for violation of the fish and game laws and that such immunity has been extended to them as a result of the bribes so obtained.

Eleventh—That the Fish and Game Commission, after the disclosures referred to above, suspended from employment Deputies C. B. Woods, E. M. McMillan, and

J. H. Davis, and subsequently finally discharged E. M. McMillan and C. B. Woods. The said Davis, however, is still under suspension, and in the opinion of the committee, he should no longer be in the service of the Commission, for the reasons that it appears from the evidence that on the 15th day of February, 1906, said Davis was, after an investigation made by the then Commissioners, Birmingham, Gerber, and Van Sicken, discharged for incompetency, insubordination and for accepting bribes. It appears further that without any investigation whatever upon the part of the present members of the Commission, and the then Chief Deputy of said Commission, the said Davis was reinstated and has been actively engaged in the service of said Commission as an outside deputy since such time up to the time of his suspension.

Twelfth—That there is no good reason for installing the Tuolumne Fish Repository, that said repository has been abandoned by said Commission, and there appears to have been no effort on the part of the Commission to preserve or protect the property of the state there located; that there now remains in said Tuolumne Fish Repository Fund the sum of two hundred and 5/100 dollars (\$200.05), which, in our opinion, should be turned back into the fund from which it was taken.

Thirteenth—That beginning in the month of October, 1907, to and including January 31, 1911, there has been paid as a bounty for lion scalps the sum of twenty-four thousand seven hundred and forty dollars (\$24,740.00); that while in each instance an affidavit taken before a justice of the peace or a notary public accompanies each claim, we find in no instance where such affidavits were taken before a justice of the peace a certificate of the county clerk of the county in which said justice has jurisdiction has been attached thereto. In justice to the present Commission, we deem it proper to say that they have adopted such system and will in future require the certificate of the county clerk to accompany affidavits when the same are taken before a justice of the peace. Your committee is unable to state that the expenditure of said sum of money for lion scalp bounty, as above stated, has or has not been justified. It appears that the payment of such bounties was ordered by the Commission upon the theory that the mountain lions destroy annually a large number of deer and that the destruction of the lions was really for the better protection of such deer.

Fourteenth—That at the meeting of the Commission held in the month of June, 1908, at which meeting M. J. Connell first appeared as a member of said Commission, there was, at the suggestion of said Connell, created what has been designated and is now known as the Southern Division, or department, of the Fish and Game Commission; that apparently without due or any consideration as to the results which might be obtained by the creation of such Southern Division, and solely upon the suggestion of the said Connell the said division was created, and that under and by the direction and authority of said Connell the office was established in the city of Los Angeles, as headquarters of the said Southern Division; that such division has been, since its creation, absolutely under the sole charge and control of Commissioner M. J. Connell, and the same has not been subordinate to the Fish and Game Commission, but has exercised authority coordinate with the said Fish and Game Commission.

Since the establishment of said Southern Division there has been expended the sum of six thousand six hundred and sixteen and 66/100 dollars (\$6,616.66) for rent, furniture, carpets, fitting up office, salary of stenographer and other purposes connected with such division, which expenses have not, in the opinion of your committee, been in any degree justified by the results obtained. In fact, it appears to the committee from the testimony of witnesses that such Southern Division was established not so much for the benefit to be derived by the people by protection and propagation of fish and game, but rather for the benefit to be derived, and which has been derived by the private gun clubs in said division.

It appears that since the establishment of such Southern Division, certain deputies in the employ and under the control of said M. J. Connell, a member of said Commission, and under whose exclusive control such Southern Division has been conducted, have, in the interest of such private gun clubs, continuously, during the past two years, patrolled what is known as Game Preserve No. 3, and which includes the exterior boundaries of Newport Bay, for the purpose of frightening therefrom waterfowl, and such waterfowl, by reason thereof, would seek such private gun clubs and were not permitted to remain in said Game Preserve No. 3 for resting, as intended when such game preserve was established.

Fifteenth—That the Fresno District is subordinate to the head office of the Fish and Game Commission, and its work is, for the most part, effective and the results justify the expenditures made; that great quantities of food fish are annually destroyed by reason of not screening the irrigation canals in King and Fresno counties, and by reason of the Fish and Game Commission's failure to install or cause to be installed proper fish ladders at the weirs and dams in King and other rivers in said counties.

Sixteenth—That there appears to be some effort on the part of the present members of the Commission to change the system of accounts and the management and supervision of field deputies and the general conduct of the affairs of such Commission.

Seventeenth—That the expenditure of thirty-five thousand dollars (\$35,000.00) in establishing and maintaining a game farm was not justified by the results so far

obtained. In the first place, in the judgment of your committee, the expenditure of at least ten thousand dollars (\$10,000.00) in establishing such farm on rented land could not be commended as a good business proposition. The acreage was entirely too large, and the boring of a well and the construction of permanent buildings, fences, etc., which would revert to the owner upon the abandonment of such farm was an unwarranted and an injudicious expenditure. At present there are only about five hundred (500) birds on the farm, and only a like number has been distributed with but anything like satisfactory results.

Eighteenth—And finally, from the most careful investigation that your committee has given this subject, we find that while no specific act even bordering on fraud or extortion can be charged to the Commission or the Chief Deputies thereof, yet the general conduct of the business affairs of the Commission since it has had at its disposal the large sums of money derived from the sale of hunting licenses has been characterized by a wanton extravagance, which if pursued in any private business would result in the disastrous wrecking of the same.

Respectfully submitted.

FRANK J. WALKER, Chairman.
JOHN C. MARCH.
GEORGE H. HARLAN.
J. W. STUCKENBRUCK.
FRED H. HALL.

REPORT OF PRENTISS MASLIN, CERTIFIED PUBLIC ACCOUNTANT, ON THE INVESTIGATION AND EXAMINATION OF THE BOOKS, RECORDS AND ACCOUNTS OF THE CALIFORNIA FISH AND GAME COMMISSION, FROM JULY 1, 1907, TO MARCH 1, 1911, MADE TO THE SPECIAL INVESTIGATING COMMITTEE OF THE ASSEMBLY, F. J. WALKER, CHAIRMAN.

To the Special Committee of the Legislature of California investigating the Fish and Game Commission of California, Hon. F. J. Walker, Chairman

GENTLEMEN: In accordance with your instructions, I have made a thorough and complete examination of the books and accounts of the California Fish and Game Commission from July 1, 1907, up to and including February 28, 1911, a period of forty-six months, and investigated the methods pursued by the Commission in the transaction of their business and the handling of the funds at their disposal, and submit herewith my report thereon.

I made a most thorough examination of all the accounts of the Commission during the period above mentioned and carefully scrutinized every voucher, amounting to over eight thousand and covering the expenditure of \$610,752.93, for the purpose of arriving at a comprehensive knowledge of the business of the Commission.

The vouchers on file in the office of the Commission of the expenditure of this large sum of money is fairly complete so far as the actual expenditure is concerned. The vouchers are all on file, and with the exception of very few instances, the receipt is attached to each voucher acknowledging the payment of same by the claimant.

From an accountant's standpoint there have been no account books kept by this Commission, and the financial books of the Commission are merely records chronologically arranged showing the general expenditure of moneys under their control and at their disposal, but so far as account books from which could be gleaned comprehensive information showing the distribution of the expenditure or the cost of any one single item of expense, no effort has ever been made to keep the same. It is a physical impossibility for any accountant, or even for the clerical force of the Commission, to determine the actual cost of any particular work performed; that is to say, the actual cost of establishing any of the hatcheries now in existence can not be determined from the books of the Commission; the cost of the maintenance of each hatchery at any particular time is not known; even the general cost of the policing of the State for the purpose of preventing the violation of the provisions of law relating to either fish or game can not be determined, the cost of any one of the launches is an indeterminate quantity, and, in fact, there is absolutely no method or manner in which the cost of any one single item of expense in the general conduct of the affairs of the Fish and Game Commission in the preservation and restoration of fish and game and the support of the hatcheries can be comprehensively determined.

This statement may need some explanation, which is: A field deputy may devote part of his time during one month to investigating violations of the provisions of law relating to fish and the rest of the time to investigating violations of the provisions of law relating to game, but no segregation of his time has ever been made, so that it would be impossible to determine the actual cost of either of these items. The time of every deputy where his labor is divided should be at least approximately charged to each division of the work. The hatchery superintendent and assistants are employed at different times during the year at different hatcheries or spawning stations, but no segregation is ever made showing to what particular hatchery or station their time and expenses should be charged. Oil, gasoline, distillate and other supplies are purchased at Stockton and other points, some of

which undoubtedly has been used by the Bouldin Island Hatchery and some by launches, but no notation is made upon the vouchers showing where or by whom used. A large portion of the general supplies have been purchased in San Francisco, through the San Francisco office, and shipped to different hatcheries, spawning stations and launches, and no record or notation of where the same were used or to what department the same should be charged has ever been made, so that it was and is, an absolute impossibility for me to have complied with your instructions to furnish you in "detail" the cost of all the different items covered by the general expenses of the Commission during the period above mentioned. At the present time, all of the revenue of the Commission finds its way into two funds or reservoirs from which all expenditures are made or drawn. All of the fishing license money goes into the fund for the support of state hatcheries, which I believe is used or to be used solely for the maintenance of commercial hatcheries. All of the hunting license money and fines for the violation of the provisions of law relating to fish and game are deposited in the Fish and Game Preservation Fund, and is used or to be used for the general maintenance of the Commission, the policing of the State, restoration of game and fish and the support of game fish hatcheries. Under this condition, the expenditures have been made with some regard as to the nature of the same, but in the past when several appropriations were at the disposal of the Commission, but little regard was paid to the distribution of expenses; that is to say, that there are innumerable instances where money which should properly have been paid out of one appropriation or fund was drawn from another. At a time when the Commission had for its use appropriations for the restoration and preservation of game and for the restoration and preservation of fish, expenses properly belonging to one appropriation were paid out of the other. Hatchery employees were paid out of the Game Preservation Fund; the purchase of a launch, the use of which was practically to be devoted to the patrol of rivers for the prevention of violation of the provisions of law relating to fish or the arrest of violators thereof, was purchased out of the Game Preservation Fund. It was stated to me that the time such expenditures were made that the Commission believed that the expense of a hatchery employee could be paid out of the Game Preservation Fund because it was a hatchery devoted to preservation of "game" fishes, that it was the intention to use the launch in the work of preventing the violations of the provisions of law relating to game, but such statements only bear the "hall marks" of excuses and no sophistry in the world can make such misapplication of public funds correct.

All of the above statements apply to the years past, when the revenues of the Commission were small and the only justification that the Commission could have in diverting these funds from the proper channel is the moral one that they were endeavoring to carry out the purpose of the Commission to the best of their ability, and were at times compelled to resort to such methods.

During the past six months, there has been a decided effort to segregate the expenses of the Commission into the proper channels of expense, but this segregation is as yet crude and the fundamental or basic principle of the whole proposition has not yet been touched; that is, that a complete set of account books should be established and maintained; accounts opened therein with all of the hatcheries, launches, patrols, and other factors of the general work of the Commission, and all expense properly belonging to each one of the accounts should be charged thereto even to the extent of dividing one single bill or invoice so that the actual, absolute cost or maintenance of any particular hatchery, launch, etc., would be known at all times to the Commission and could be shown at a moment's notice to any citizen of the State of California, the authority of any state, or the United States or any foreign government who might be interested in the same and who by right or courtesy would be entitled to the information.

I am appending hereto first, a complete financial statement, showing all the receipts and disbursements segregated under the different avenues of expense so far as it was possible for me to determine from the vouchers and the notations thereon. You will understand, from what I have previously said, that it is impossible to make this segregation perfect and complete, owing to the lack of information. I have, therefore, made these segregations solely upon the information contained in the vouchers.

I am also appending detailed statement showing the transactions in every fund or appropriation during the period covered by my examination.

I am also appending hereto some thirty-eight statements or exhibits showing expenditures in detail of each fund or appropriation for each fiscal year; the fines collected for the violation of the provisions of law relating to fish and game for each year, for each county, and for all the different offenses for which the same were collected, the hunting licenses for each year and for each county wherein same were sold, the cost of the Game Farm at Haywards, Alameda County; the cost of the Los Angeles office, the bounty paid for the destruction of California lions in the different counties of the State and the Commission paid to the county clerks of the State for the sale of hunting licenses.

It was impossible for me to segregate the fishing licenses according to the counties in which the same were collected in order to obtain information of any value,

because of the fact that professional fishermen are, as a rule, nomadic, having no settled abode and only paying their license when required by the deputy fish commissioner to do so. The average professional fisherman, during one season or year might, at different times, be fishing on the north coast, in Humboldt Bay or vicinity, the San Francisco Bay and tributaries, the Santa Barbara Channel, Lake Tahoe, or other fishing ground as the run or open season for fish gives him opportunity to ply his vocation, and he might pay his license in one of several counties, so that no segregation of fishing licenses as to the county in which the same were paid, would be of any value.

I made a very thorough examination of the hunting licenses issued during the period which my investigation covers, and find many canceled, lost, and destroyed licenses, as well as duplicate issued licenses, appearing as credits on the License Book. There is no good, sufficient, or adequate check regarding the issuance of these licenses by any person other than the office force of the Commission. I, therefore, would most strongly recommend that inasmuch as these licenses represent a revenue amounting to about a quarter of a million dollars per annum, that the law be amended so that it will become the duty of the State Controller to issue these licenses, giving the same to the Fish Commission upon their requisition, charging them with the same and annually auditing their accounts as is done with the fishing licenses.

The careful scrutiny to which I subjected the vouchers during the period covered by my examination disclosed but few errors in figures, and these of small amounts, aggregating less than twenty in number and less than ten dollars in amount. I have made herein no notation of same because of their smallness and the evidence of being purely clerical errors and the fact that they occurred previous to the present fiscal year in funds that have been balanced and closed.

The payment of the large sum of money for the destruction of California lions during the past three years received very careful consideration from me in my examination of the records of the Fish and Game Commission. The claims, on the whole, are in proper form, accompanied by affidavits regarding the killing, which affidavits were executed before notaries public or justices of the peace. The only question that could be raised in this matter, it seems to me, is as to whether the persons before whom the affidavits were taken were properly appointed, qualified and acting notaries public or legally elected and acting justices of the peace, which could easily be determined, so far as the notaries are concerned by reference to the records in the Secretary of State's office, and so far as the justices of the peace are concerned by the records of the county clerks of the several counties of the State. I particularly noted the names of the claimants to whom these bounties were paid and did not notice any large or questionable number of bounties paid to any one person, which would probably happen in case of collusion or fraud.

In the consideration of the statements, tables, and exhibits appended hereto, it should ever be borne in mind that the figures therein set forth do not, as a rule, by any means represent the cost of the heading under which they appear, but are only the aggregate cost as shown by the vouchers on file in the office of the Commission, and that it is undoubtedly true that, in most instances, large amounts were paid for the cost and maintenance of the different factors that are converted into the general undistributed expenses of the Commission.

Respectfully submitted,

PRENTISS MASLIN,
Certified Public Accountant.

March 24, 1911.

Statement Showing the Receipts and Disbursements of the California Fish and Game Commission from July 1, 1907, to February 28, 1911

RECEIPTS			
July 1, 1907—			
Balance on hand			
Fish Commission Fund	\$4,987 89		
Game Preservation Fund	1,697 17	\$6,685 06	\$6,685 06
Appropriations			
Restoration and preservation of game	10,000 00		
Restoration and preservation of fish	10,000 00		
Support of hatcheries	20,000 00		
Distributing car	7,500 00	47,500 00	
July 1, 1908—			
Appropriations			
Restoration and preservation of game	10,000 00		
Restoration and preservation of fish	10,000 00		
Support of hatcheries	20,000 00		
Tulolumne County repository for fish	500 00	40,500 00	
July 1, 1909—			
Appropriations			
Support of hatcheries	20,000 00	20,000 00	
July 1, 1910—			
Appropriations			
Support of hatcheries	20,000 00	20,000 00	
Total appropriations			128,000 00

Received from sale of licenses:

Fishing -----	\$55,037	50		
Hunting -----	483,370	39	\$538,407	89
Received from fines for violations of				
Fish Laws -----	33,356	75		
Game Laws -----	30,465	50	63,821	25
Received from sundry sources				
Sale of fish eggs -----	375	00		
Sale of confiscated deer hides -----		29	15	
Game Farm products -----	1,683	47		
Interest -----		133	63	
Rebates and refunds -----	190	20		
			2,421	45
Total receipts -----			\$739,336	65

DISBURSEMENTS.

General expense

Salaries of deputies -----	\$241,991	15		
Expenses of deputies -----	57,356	49		
Rent of office -----	7,285	75		
Stationery, printing, and office supplies -----	7,112	45		
Postage, expressage, and telephone, etc -----	6,472	76		
Stenographers and clerks -----	13,686	64		
Salary of Chief Deputy -----	12,825	00		
Expenses of Chief Deputy -----	1,172	30		
Office furniture -----	1,173	03		
Los Angeles office, expense -----	6,591	64		
Fresno office, expense -----	693	60		
Expenses, Commissioner Stone -----	533	75		
Expenses, Commissioner Van Sicklen -----	254	55		
Expenses, Commissioner Connell -----	615	00		
Expenses, Commissioner Sanborn -----	51	25		
Expenses, Commissioner Jordan -----	3	80		
Justice of peace, fees -----	2,609	71		
Court costs and expenses -----	6,803	95		
Board of prisoners -----	2,065	30		
Purchase of launches -----	6,631	72		
Launch supplies and repairs -----	4,340	01		
Rent of launch -----	1,754	45		
Printing licenses -----	4,663	20		
Badges -----	344	00		
California lion bounty -----	24,740	00		
Game Farm, Hayward -----	25,564	53		
Purchase of game birds -----	15,022	11		
Care of game birds -----	58	00		
Postage and expressage of county clerks in connection with sale of licenses -----	4,921	08		
Commission of county clerks account sale of licenses -----	21,037	27		
Commission of sundry persons account sale of licenses -----	624	30		
Gasoline -----	827	69		
Labor -----	630	64		
Livery and auto hire -----	11	50		
Paints and oils -----	347	12		
Lumber -----	102	13		
Storage and cartage -----	98	76		
Ammunition -----	18	90		
Meat -----	60	00		
Expressage and costs account fines and licenses -----	142	16		
Miscellaneous expenses and supplies -----	1,963	21		
Painting picture of fish -----	347	00		
Half tones for report -----	317	97		
Purchase of nets -----	78	76		
Removing stream obstructions -----	25	00		
Purchase of pipe -----	57	94		
Field glasses -----	32	00		
Photographs and frames -----	168	60		
Photographic supplies -----	12	85		
Folding boat -----	40	00		
Experting books -----	325	00		
Hardware and supplies -----	527	33		
Refund account unsold licenses -----	25	00		
Clam investigation -----	27	65		
Fish investigation -----	20	00		
Bird investigation -----	19	60		
Salmon investigation -----	17	41		
Drugs and appliances -----	14	20		
Safe deposit box -----	20	00		
Transfer and planting of fish -----	1,961	96	487,915	76

Slisson Hatchery

Salaries of superintendent and assistants	\$45,915	24
Expenses of deputies	784	20
Postage, expressage and telegrams	719	24
Traveling expenses	229	50
Livery	486	65
Labor	6,989	61
Lumber	5,811	80
Iron roofing	303	40
Repairs	78	66
Paints	37	90
Hardware and general supplies	6,048	14
Freight and cartage	207	63
Meat	3,905	73
Milk	328	10
Ice	584	60
Fuel	764	90
Groceries and supplies	1,049	81
Drugs	37	55
Rent of car	100	00
Rent of land	35	00
Electrical supplies	11	30
Blacksmithing	11	93
Flowers	9	15
	\$75,750	04

Tahoe Hatchery

Salaries of superintendent and assistants	\$8,729	70
Expenses of deputies	449	40
Labor and board	2,149	75
Construction of cottage	761	76
Building supplies	408	42
Lumber	2,330	57
Freight and cartage	500	32
Hardware, gasoline, and general supplies	1,869	33
Carpenter	160	00
Paints	19	23
Painting	48	00
Livery	66	00
Meat	380	40
Milk	56	50
Ice	39	65
Rent of launch	40	00
Purchase of skiff	50	00
Fuel	12	00
Cement	7	20
Cans	31	80
General repairs	3	00
Miscellaneous expenses	90	93
Postage, expressage and telegrams, etc	61	66
	18,346	13

Tallac Hatchery

Salary of superintendent	\$600	00
Expenses of superintendent	51	50
Labor	1,252	50
Postage, expressage, and telegrams, etc	12	70
Freight and cartage	\$64	93
Hardware and general supplies	125	90
Lumber	30	19
Meat	34	35
Ice	9	50
Furniture	107	40
Miscellaneous expenses	14	25
	2,303	22

Eel River Hatchery

Salaries of superintendent and assistants	\$5,061	75
Expenses of deputies	318	03
Postage, expressage, and telegrams, etc	77	82
Livery and teaming	620	25
Labor	674	45
Lumber	193	09
Iron roofing	265	00
Hardware and general supplies	486	12
Meat	15	25
Milk	23	50
Ice	23	24
Freight and cartage	30	00
Repairs	4	00
Miscellaneous expenses	20	90
	7,793	40

Ferndale Hatchery

Salary of superintendent	\$240	00
Expenses of superintendent	3	75
Postage, expressage, and telegrams, etc	5	75
Labor	180	75
Livery and teaming	21	50
Lumber	88	19
Hardware and general supplies	20	55
	560	49

Scott Creek Station.			
Salary of superintendent	\$100 00		
Lease of land	300 00		
Labor	276 25		
Cement	118 96		
Lumber	40 87		
Hardware, etc.	54 39		
Teaming	32 50		
Auto hire	8 00		
General supplies	39 25		
Painting picture	35 00	\$1,005 22	
Bouldin Island Hatchery			
Salary of superintendent	\$140 00		
Expenses of superintendent	25 50		
Labor	432 75		
Lumber	50 39		
Gasoline	38 35		
Freight	2 70		
Rent of launch	62 75		
Board	21 50		
Carpenter	12 80		
Hardware	12 30		
General supplies	443 31	1,242 15	
Wawona Hatchery			
Repairs of flume	\$150 00		
Paint	7 00	157 00	
Tuolumne Fish Repository			
Expenses of superintendent	\$30 25		
Labor	125 00		
Lumber	88 00		
Hardware	2 00		
Groceries	21 70		
Livery	43 00	299 95	
Russian River Patrol			
Salaries of deputies	\$725 00		
Expenses of deputies	201 55		
Labor	29 75		
Cartage	19 26		
Hardware	4 22		
Distribution Car.			
Repairs	\$2 50	982 28	
Salaries of superintendent and assistants	2,271 00		
Expenses of superintendent	112 45		
Purchase of car	4,500 00		
Remodeling car	1,845 70		
Cans	637 50		
Pump and hardware	154 35		
Repairs of car	450 44		
Expenses of car, maintenance	4,406 85	14,397 29	\$610,752 93
Balance on hand March 1, 1911			<u>\$128,583 82</u>

BALANCES.

Fish and game preservation	\$105,391 20
Tuolumne Fish Repository	200 05
Hatchery Fund	22,992 47
Total	<u>\$128,583 72</u>

RECAPITULATION OF RECEIPTS AND DISBURSEMENTS

July 1, 1907, to February 28, 1911.

RECEIPTS			
Total balance on hand July 1, 1907			\$6,685 06
Total appropriations received			128,000 00
Total receipts from fishing licenses	\$55,037 50		
Total receipts from hunting licenses	483,370 39		
Total receipts from fish law fines	33,356 75	538,407 89	
Total receipts from game law fines	30,465 50		
Total receipts from farm and other sources		63,822 25	
Total receipts		<u>2,121 45</u>	
			\$739,336 65
DISBURSEMENTS			
General and undistributed expense	\$487,915 76		
Sisson Hatchery	75,750 04		
Tahoe Hatchery	18,346 13		
Tallac Hatchery	2,303 22		
Eel River Hatchery	7,793 40		
Ferndale Hatchery	506 49		
Scott Creek Station	1,005 22		
Bouldin Island Hatchery	1,242 15		
Wawona Hatchery	157 00		
Tuolumne Fish Repository	299 95		
Russian River patrol	982 28		
Distributing car	14,397 29	610,752 93	
Balance on hand March 1, 1911			<u>\$128,583 72</u>

FISH COMMISSION FUND.

Fifty-ninth Fiscal Year.

RECEIPTS.

July 1, 1907—	
Balance on hand	\$4,987 89
Fishing licenses	3,785 00
Hunting licenses erroneously credited to Fish Commission Fund	10 00
Fines collected for the violation of fish laws (Exhibits "A" and "B")	8,684 75

DISBURSEMENTS

State Controller's warrants (Exhibit "C")	\$11,064 64
Expressage and costs, account fines	11 06
Expressage and costs, account licenses	90
Balance July 1, 1908	6,391 04
	<hr/>
	\$17,467 64
	\$17,467 64

FISH COMMISSION FUND.

Sixtieth Fiscal Year

RECEIPTS.

July 1, 1908—	
Balance on hand	\$6,391 04
Fishing licenses	6,647 50
Sale of fish eggs	376 00
Fines collected for violations of fish laws (Exhibits "D" and "E")	5,878 00

DISBURSEMENTS.

State Controller's warrants (Exhibit "F")	\$14,180 74
Expressage and costs, account fines	8 62
Balance May 18, 1909, transferred to Fish and Game Preservation Fund	5,102 18
	<hr/>
	\$19,291 54
	\$19,291 54

(Exhibit "G," total fines—county.)

(Exhibit "H," total fines—offense.)

(Exhibit "I," total expenditures.)

GAME PRESERVATION FUND.

Fifty-ninth Fiscal Year.

RECEIPTS.

July 1, 1907—	
Balance on hand	\$1,697 17
Hunting licenses (Exhibit "J")	116,598 91
Fines collected for violations of game laws (Exhibits "K" and "L")	7,447 00
Sale of confiscated hides	39 15

DISBURSEMENTS.

State Controller's warrants (Exhibit "M")	\$52,381 70
Expressage and cost, account fines	21 07
Expressage and cost, account licenses	19 80
Balance July 1, 1908	73,359 66
	<hr/>
	\$125,782 23
	\$125,782 23

GAME PRESERVATION FUND.

Sixtieth Fiscal Year.

RECEIPTS

July 1, 1908—	
Balance on hand	\$73,359 66
Hunting licenses (Exhibit "N")	108,066 48
Fines collected for violation of game laws (Exhibits "O" and "P")	5,574 50

DISBURSEMENTS.

State Controller's warrants	\$102,425 20
Expressage and cost, account fines	18 45
Balance May 18, 1909, transferred to Fish and Game Preservation Fund	84,556 99
	<hr/>
	\$187,000 64
	\$187,000 64

RESTORATION AND PRESERVATION OF GAME
Fifty-ninth Fiscal Year (July, 1907, to June 30, 1908)

RECEIPTS

July 1, 1907—
Appropriation ----- \$10,000 00

DISBURSEMENTS

Salaries of deputies, nature and place of work not set forth in vouchers -----	\$7,140 00
Expenses of deputies -----	2,051 25
Salaries of deputies at Sisson Hatchery -----	215 00
Expenses of deputies at Sisson Hatchery -----	197 45
Salaries of deputies at Eel River Hatchery -----	340 00
Expenses of deputies at Eel River Hatchery -----	56 30
	\$10,000 00

\$10,000 00

RESTORATION AND PRESERVATION OF GAME
Sixtieth Fiscal Year (July 1 1908, to June 30, 1909).

RECEIPTS

July 1, 1908—
Appropriation ----- \$10,000 00

DISBURSEMENTS.

Salaries of deputies, nature and place of work not set forth in vouchers -----	\$7,770 00
Expenses of deputies -----	2,230 00
	\$10,000 00

\$10,000 00

RESTORATION AND PRESERVATION OF FISH.
Fifty-ninth Fiscal Year (July 1, 1907, to June 30, 1908).

RECEIPTS.

Appropriation ----- \$10,000 00

DISBURSEMENTS.

Salary of Chief Deputy -----	\$450 00
Expenses of Chief Deputy -----	124 05
Salaries of deputies, nature and place of work not set forth in vouchers -----	5,215 00
Expenses of deputies -----	1,575 31
Sisson Hatchery	
Salaries of deputy and assistants -----	\$1,325 00
Expenses of deputy and assistants -----	311 30
Tahoe Hatchery	
Salaries of deputy and assistants -----	\$618 00
Expenses of deputy and assistants -----	72 30
Meat -----	6 75
Ice -----	2 40
Milk -----	11 50
Hardware and general supplies -----	55 25
Repairs -----	3 00
	769 90
Eel River Hatchery	
Salary of superintendent -----	\$120 00
Postage, expressage, telephone, etc. -----	1 95
Livery and teaming -----	56 25
Lumber -----	35 24
General supplies -----	15 50
	228 94
	\$10,000 00

\$10,000 00

RESTORATION AND PRESERVATION OF FISH
Sixtieth Fiscal Year (July 1, 1908, to June 30, 1909)

RECEIPTS.

July 1, 1908—
Appropriation ----- \$10,000 00

DISBURSEMENTS

Salary of Chief Deputy -----	\$600 00
Expenses of Chief Deputy -----	49 00
Salaries of deputies—Nature and place of work not set forth in vouchers -----	4,245 00
Expenses of deputies -----	1,603 75
Sisson Hatchery	
Expenses of deputies -----	\$4 40
Postage, expressage, and telephone, etc. -----	5 55
Fuel -----	31 40
Ice -----	16 00
Repairs -----	1 75
General supplies -----	5 75
	64 85

64 85

Tahoe Hatchery.		
Salaries of deputies	\$1,251 25	
Expenses of deputies	84 10	
Postage, expressage, and telephone, etc	18 85	
Meat	92 50	
Labor	3 00	
Gasoline	3 00	
Hardware and general supplies	66 05	
		\$1,519 65
Bel River Hatchery:		
Salary of deputy	\$698 00	
Expenses of deputy	13 95	
Postage, expressage, etc.	8 10	
Livery	39 25	
Gasoline	3 45	
Hardware and general supplies	19 35	
		782 10
Distributing car		
Salaries of deputies	\$886 00	
Expenses of car	249 95	
		1,135 95
	\$10,000 00	\$10,000 00

FISH AND GAME PRESERVATION FUND

Sixtieth Fiscal Year (May 18, 1909, June 30, 1909)

RECEIPTS

May 18, 1909—		
Balance on hand—Transfer from Fish Commission Fund	\$5,102 18	
Transfer from Game Preservation Fund	84,556 99	
		\$89,659 17
Hunting license (Exhibit "V")	5,410 45	
Fines collected for the violation of fish laws (Exhibits "W" and "X")	3,375 00	
Fines collected for the violation of game laws	770 00	
DISBURSEMENTS.		
State Controller's warrants (Exhibit "Y")		\$11,764 75
Expressage and costs, account fines		5 02
Balance June 30, 1909		87,444 85
	\$39,214 62	\$39,214 62

FISH AND GAME PRESERVATION FUND.

Sixty-first Fiscal Year (July 1, 1909, to June 30, 1910)

RECEIPTS

July 1, 1909—		
Balance on hand	\$87,444 85	
Hunting licenses (Exhibit "Z")	126,734 35	
Fines collected from the violations of fish laws (Exhibits "AA" and "BB")	11,301 00	
Fines collected for the violations of game laws (Exhibits "AA" and "BB")	8,345 50	
Receipts from Game Farm	924 72	
Rebates and refunds	130 20	
DISBURSEMENTS.		
State Controller's warrants (Exhibit "CC")		\$145,631 65
Expressage and costs, account fines		33 93
Balance on hand July 1, 1910		89,275 04
	\$234,940 62	\$234,940 62

FISH AND GAME PRESERVATION FUND

Sixty-second Fiscal Year (July 1, 1910, to February 28, 1911)

RECEIPTS.

July 1, 1910—		
Balance on hand	\$89,275 04	
Hunting licenses (Exhibit "DD")	126,550 20	
Fines collected for the violations of fish laws (Exhibits "EE" and "FF")	4,118 00	
Fines collected for the violations of game laws (Exhibits "EE" and "FF")	8,328 50	
Farm receipts	758 75	
Interest on bank balance	133 63	
DISBURSEMENTS.		
State Controller's warrants (Exhibit "GG")		\$123,749 61
Expressage and costs, account fines		23 31
Balance on hand February 28, 1911		105,391 20
	\$229,164 12	\$229,164 12

SUPPORT OF HATCHERIES.

Fifty-ninth Fiscal Year (July 1, 1907, to June 30, 1908).

RECEIPTS.

July, 1907—		
Appropriation		\$20,000 00

DISBURSEMENTS.		
Sisson Hatchery		\$16,152 88
Tahoe Hatchery		2,505 52
Eel River Hatchery		1,341 60
	\$20,000 00	\$20,000 00
Sisson Hatchery:		
Salary of superintendent	\$11,029 30	
Postage, expressage, and telegraphing	179 42	
Traveling expenses	229 50	
Labor	648 15	
Meat	892 50	
Milk	288 45	
Groceries and general supplies	1,049 81	
Ice	395 80	
Fuel	1,238 54	
Repairs	63 91	
	\$16,152 88	
Tahoe Hatchery:		
Salaries of superintendent and assistants	\$2,170 00	
Postage, expressage, and telegraphing	13 60	
Traveling expenses	62 90	
Labor	9 50	
Meat	58 00	
Groceries and general supplies	130 07	
Ice	12 25	
Lumber	41 30	
Fuel	7 00	
	\$2,505 52	
Eel River Hatchery:		
Salaries of superintendent and assistant	\$772 00	
Livery and teaming	359 00	
Traveling expenses	13 70	
Postage, expressage, and telegraphing	11 80	
General expenses	185 10	
	\$1,341 60	
Total	\$1,341 60	

SUPPORT OF HATCHERIES.

Sixtieth Fiscal Year (July 1, 1908, to June 30, 1909).

RECEIPTS.

July 1, 1909—	
Appropriation	\$20,000 00

DISBURSEMENTS.		
Sisson Hatchery		\$16,451 69
Bouldin Island Hatchery		105 50
Eel River Hatchery		1,078 29
Distributing car		888 81
Tahoe Hatchery		1,287 91
C. A. Vogelsang		187 80
	\$20,000 00	\$20,000 00
Sisson Hatchery:		
Salaries of superintendent and assistants	\$12,163 29	
Expenses of superintendent	17 50	
Postage, expressage, and telegraphing	216 85	
Livery	21 00	
Labor and repairs	48 25	
Meat	1,280 15	
Milk	382 65	
Ice	105 50	
Fuel	242 50	
Lumber	241 58	
Groceries, hardware, and general supplies	1,732 42	
	\$16,451 69	
Bouldin Island Hatchery:		
Salary of superintendent	\$80 00	
Expenses of superintendent	25 50	
	\$105 50	
Eel River Hatchery:		
Salaries of superintendent and assistants	\$705 00	
Expenses of superintendent	53 55	
Postage, expressage, and telegraphing	15 12	
Labor	140 00	
Livery	34 75	
Lumber	80 72	
General supplies	45 15	
Repairs	4 00	
	\$1,078 29	

Tahoe Hatchery:

Salaries of superintendent and assistants.....	\$1,034 00
Expenses of superintendent and assistants.....	29 05
Postage, expressage, and telegraphing.....	16 31
Lumber.....	39 55
Skiff.....	50 00
General supplies.....	119 00

\$1,287 91

Distributing car:

Salaries of superintendent and assistants.....	\$475 00
Expenses of superintendent and assistants.....	413 81

\$888 81

C. A. Vogelsang:

Salary.....	\$150 00
Expenses.....	37 80

\$187 80

SUPPORT OF HATCHERIES

Sixty-first Fiscal Year (July 1, 1909, to June 30, 1910).

RECEIPTS.

July 1, 1909—	
Appropriation.....	\$20,000 00
June 30, 1909—	
Fishing licenses collected during year.....	21,982 50

DISBURSEMENTS.

Miscellaneous expenses.....	\$26,463 92
Tahoe Hatchery.....	3,793 89
Eel River Hatchery.....	1,225 00
Bouldin Island Hatchery.....	25 41
Marin-Russian River patrol.....	980 53
Distribution car.....	865 20

\$41,982 50

\$41,982 50

DETAILS OF DISBURSEMENTS.

General expense:

Salaries of deputies.....	\$1,250 00
Expenses of deputies.....	317 42
Postage, expressage, and telegraphing.....	75
Livery and auto hire.....	11 50
Gasoline.....	96 61
Labor.....	181 95
Hardware and general supplies.....	162 90
Painting of fish pictures.....	300 00
Launch hire.....	430 70
Purchase of new launch.....	5,876 72

\$8,628 55

Sisson Hatchery:

Salaries of deputies.....	\$14,081 65
Expenses of deputies.....	116 75
Labor.....	4,058 66
Lumber.....	3,434 43
Meat.....	1,327 73
Milk.....	128 00
Postage, expressage, and telegraphing.....	215 36
Ice.....	16 25
Livery.....	9 00
Fuel.....	173 00
Freight.....	83 68
Gasoline.....	21 10
Hardware and general supplies.....	2,794 31

\$26,463 92

Tahoe Hatchery:

Salaries of deputies.....	\$1,642 30
Expenses of deputies.....	58 70
Postage, expressage, and telegraphing.....	9 35
Labor.....	199 50
Construction of cottage.....	761 76
Building supplies.....	408 93
Lumber.....	278 86
Meat.....	118 00
Freight.....	52 02
Milk.....	15 00
Ice.....	7 00
Livery.....	24 00
Fuel.....	5 00
Paint and oil.....	10 35
Hire of launch.....	35 00
Hardware and general supplies.....	119 79
Miscellaneous expenses.....	48 83

\$3,793 89

Eel River Hatchery	
Salaries of deputies	\$1,018 00
Expenses of deputies	34 10
Postage, expressage, and telegraphing	11 10
Lumber	4 09
Labor	6 50
Livery	73 50
Hardware and general supplies	77 71
	\$1,225 00
Bouldin Island Hatchery	
Lumber	\$21 65
Freight	2 70
Hardware and general supplies	1 06
	\$25 41
Marin-Russian River patrol	
Salaries of deputies	\$725 00
Expenses of deputies	201 55
Labor	28 00
Cartage	19 26
Hardware, etc	4 22
Repairs	2 50
	\$980 53
Distributing car:	
Salaries of superintendents and assistants	\$670 00
Expenses of car	195 20
	\$865 20

SUPPORT OF HATCHERIES.

Sixty-second Fiscal Year (July 1, 1910, to March 1, 1911).

RECEIPTS.

July 1, 1910—	
Appropriation	\$20,000 00
January 31, 1910—	
Fishing licenses collected during the sixty-second fiscal year up to January 31, 1911	22,622 50

DISBURSEMENTS

General expense	\$7,703 19
Sisson Hatchery	9,712 71
Tahoe Hatchery	1,001 23
Eel River Hatchery	901 20
Scott Creek Station	297 20
Bouldin Island Hatchery	12 75
Russian River patrol	1 76
Balance	22,992 47
	\$42,622 50
March 1, 1911—Balance on hand	\$42,622 50
	\$22,992 47

DETAILS OF DISBURSEMENTS.

General Expense:	
Salaries of deputies	\$4,365 84
Expenses of deputies	1,218 97
Rent of office	180 00
Stationery	86 25
Launch hire and supplies	947 71
Lumber	3 75
Gasoline	497 70
Meat	60 00
Labor	53 64
Storage	2 58
Picture (painting)	47 00
Hardware and general supplies	239 75
	\$7,703 19
Sisson Hatchery	
Salaries of deputies	\$6,284 50
Expenses of deputies	20 35
Postage, expressage, and telegraphing	97 02
Labor	808 45
Lumber	519 43
Hardware and general supplies	773 59
Meat	877 45
Milk	112 25
Fuel	81 50
Freight	47 12
Livery	10 00
Rent	25 00
Repairs	13 00
Ice	44 05
	\$9,712 71

Tahoe Hatchery:

Salaries of deputies	\$380 00
Expenses of deputies	11 80
Postage, expressage, and telegraphing	3 55
Hardware	399 23
Lumber	64 72
Meat	3 45
Milk	15 00
Ice	3 75
Freight	27 63
Gasoline	15 00
Labor	35 00
Miscellaneous supplies	42 10

\$1,001 23

Bel River Hatchery:

Salaries of deputies	\$793 75
Expenses of deputies	82 53
Postage, expressage, and telegraphing	5 10
Gasoline	4 50
Hardware and general supplies	15 52

\$901 20

Scott Creek Station:

Salary of deputy	\$100 00
Lumber	32 70
Labor	96 75
Hardware and general supplies	32 75
Picture (painting)	35 00

\$297 20

Bouldin Island Hatchery:

Labor	5 00
Rent of launch	7 75

\$12 75

Russian River patrol

Labor	\$1 75
-------	--------

DISTRIBUTION CAR

Fifty-ninth and Sixtieth Fiscal Years (July 1, 1907, to June 30, 1909).

RECEIPTS.

July 1, 1907—

Appropriation	\$7,500 00
---------------	------------

DISBURSEMENTS.

Purchase of car from Southern Pacific Company	\$4,500 00
Remodelling	1,845 70
Cans	637 50
Pump, and hardware	164 35
Maintenance.	
Salary of superintendent, two months	\$240 00
Expenses of same	112 45
	352 45
	<hr/>
	\$7,500 00
	\$7,500 00

FISH REPOSITORY IN TUOLUMNE COUNTY.

Sixtieth and Sixty-first Fiscal Years (July 1, 1908, to June 30, 1910).

RECEIPTS.

July 1, 1908—

Appropriation	\$500 00
---------------	----------

DISBURSEMENTS.

Superintendent's expenses	\$20 25
Livery	43 00
Labor	125 00
Groceries	21 70
Lumber	88 00
Hardware	2 00
Balance	200 05

\$500 00

\$500 00

March 1, 1911—Balance on hand

\$200 05

EXHIBIT "A."

Statement showing the fines collected for the violation of the fish laws during the fifty-ninth fiscal year (from July 1, 1907, to June 30, 1908), according to the counties in which the fines were imposed.

Alameda	\$330 00
Contra Costa	205 00
Fresno	185 00
Humboldt	300 00
Kern	20 00
Kings	60 00
Los Angeles	140 00
Madera	50 00
Marin	105 00
Mariposa	40 00
Mendocino	370 00
Monterey	30 00
Napa	100 00
Nevada	95 00
Placer	50 00
Plumas	1,288 00
Sacramento	725 00
San Benito	40 00
San Diego	60 00
San Francisco	110 00
San Joaquin	640 00
San Luis Obispo	30 75
San Mateo	\$45 00
Santa Barbara	285 00
Santa Clara	100 00
Siskiyou	70 00
Solano	2,835 00
Sonoma	260 00
Ventura	20 00
Yolo	40 00

\$8,634 75

Fines for violations of game laws erroneously credited to Fish Commission

Fund	
Alameda	\$20 00
Santa Cruz	30 00
Siskiyou	10 00

50 00

Total ----- \$8,684 75

EXHIBIT "B."

Statement showing the fines collected for the violation of fish laws during the fifty-ninth fiscal year (from July 1, 1907, to June 30, 1908) according to the offenses for which the fines were imposed.

For violation of the provisions of law relating to

Black bass	\$371 00
Striped bass	645 00
Trout, steelhead, perch, etc.	1,605 00
Dynamiting fish	1,188 00
Salmon	2,200 00
Shrimp crabs, crawfish, etc.	795 00
Set nets	1,900 00
Abalone	30 75

\$8,634 75

For violations of the provisions of law relating to non-game birds, erroneously credited to Fish Commission Fund

50 00

Total ----- \$8,684 75

EXHIBIT "C."

FISH COMMISSION FUND

Statement showing expenditure of California Fish and Game Commission for the fifty-ninth fiscal year (from July 1, 1907, to June 30, 1908) according to services rendered and supplies furnished

Gasoline, paint, asphaltum, etc	\$347 72
Justices of the peace	176 90
Postage, expressage, telephones, and telegrams	63 21
Deputies' salaries	3,104 25
Deputies' expenses	602 65
Chief Deputy's salary	425 00
Chief Deputy's expenses	84 80
Labor, Tahoe Hatchery	320 95
Supplies, Tahoe Hatchery	87 00
Labor, Eel River Hatchery	146 00
Supplies, Eel River Hatchery	23 70
Supplies, Bouldin Island Hatchery	408 01
Court and attorney expenses	1,566 95
Labor	97 50

EXHIBIT "C"—Continued

Lumber	\$77 07
Board of prisoners	341 05
Stenographer and clerical services.....	190 27
Rent	176 25
Stationery, printing, and office supplies.....	77 46
Launch hire, supplies, and repairs.....	1,865 94
Miscellaneous	558 62
Sisson Hatchery	
Paints, and asphaltum	\$9 95
Iron	303 40
	313 35
Total	\$11,064 64

EXHIBIT "D."

Statement showing the fines collected for the violation of fish laws during the sixtieth fiscal year (from July 1, 1908, to May 18, 1909) according to the counties in which the fines were imposed.

Alameda	\$455 00
Butte	10 00
Colusa	25 00
Contra Costa	380 00
Fresno	50 00
Humboldt	100 00
Kern	20 00
Kings	20 00
Los Angeles	105 00
Marin	80 00
Mendocino	20 00
Mono	5 00
Monterey	45 00
Nevada	265 00
Orange	5 00
Placer	20 00
Plumas	426 00
Sacramento	125 00
San Bernardino	40 00
San Diego	20 00
San Francisco	305 00
San Joaquin	510 00
San Luis Obispo	80 00
San Mateo	65 00
Santa Barbara	355 00
Santa Clara	40 00
Santa Cruz	50 00
Solano	1,817 00
Sonoma	225 00
Yolo	100 00
	\$5,828 00
Fines for violations of game laws, erroneously credited to Fish Commission Fund	
Los Angeles	50 00
Total	\$5,878 00

EXHIBIT "E."

Statement showing the fines collected for the violation of fish laws during the sixtieth fiscal year (from July 1, 1908, to May 18, 1909) according to the offenses for which the fines were imposed.

For violations of the provisions of law relating to	
Black bass	\$250 00
Striped bass	440 00
Trout, steelhead, perch, etc	645 00
Dynamiting fish	428 00
Shrimps, crabs, crawfish, etc	1,205 00
Set nets	2,662 00
Abalone	25 00
Fish ladders	100 00
No fishing licenses	75 00
	\$5,828 00
For violations of the provisions of law relating to doves, erroneously credited to Fish Commission Fund	
Los Angeles	50 00
Total	\$5,878 00

EXHIBIT "F "

FISH COMMISSION FUND

Statement showing expenditures of California Fish and Game Commission for the sixtieth fiscal year (from July 1, 1908, to May 18, 1909) according to services rendered and supplies furnished.

Gasoline, paint, asphaltum, etc.....	\$233 38
Justices of the peace	129 00
Postage, expressage, telephones, and telegrams.....	55 00
Salaries of deputies	3,127 50
Expenses of deputies	985 24

EXHIBIT "F"—Continued

Count and attorney expenses		\$1,603 30
Labor and livery		297 55
Lumber		21 30
Freight		1 20
Dockage and storage		8 35
Fuel		3 00
Stenographer and clerical services		675 00
Board of prisoners		528 75
Miscellaneous supplies		1,067 81
Launch hire, supplies, etc		1,048 86
Rent		162 00
Bouldin Island Hatchery:		
Lumber, etc		22 79
Tahoe Hatchery:		
Salary of deputies	\$783 25	
Expenses of deputies	58 90	
Lumber	673 11	
Freight	352 17	
Labor	640 15	
Meat	36 00	
Miscellaneous supplies	460 05	
Ice	14 25	
Milk	15 00	
		3,032 88
Sisson Hatchery:		
Livery	\$446 65	
Lumber	33 60	
Miscellaneous supplies	334 74	
Salaries of deputies	186 00	
Expenses of deputies	24 85	
Postage, expressage, telephones, and telegrams	1 75	
		977 59
Eel River Hatchery		
Lumber	\$14 14	
Miscellaneous supplies	4 95	
Labor and livery	42 50	
Salaries of deputies	120 00	
Expenses of deputies	16 40	
Postage, expressage, telephones, and telegrams	2 25	
		200 24
Total		\$14,180 74

EXHIBIT "G."

Statement showing fines collected for the violations of the fish laws from July 1, 1907, to May 18, 1910, the date of the amalgamation of the Fish Commission Fund and the Game Preservation Fund into the Fish and Game Preservation Fund, according to counties.

Alameda	\$785 00
Butte	10 00
Colusa	25 00
Contra Costa	585 00
Fresno	235 00
Humboldt	400 00
Kern	40 00
Kings	80 00
Los Angeles	245 00
Madera	56 00
Marin	185 00
Mariposa	40 00
Mendocino	390 00
Mono	5 00
Monterey	75 00
Napa	100 00
Nevada	360 00
Orange	5 00
Placer	70 00
Plumas	1,714 00
Sacramento	850 00
San Benito	40 00
San Bernardino	40 00
San Diego	80 00
San Francisco	415 00
San Joaquin	1,150 00
San Luis Obispo	110 75
San Mateo	110 00
Santa Barbara	640 00
Santa Clara	145 00
Santa Cruz	50 00
Siskiyou	70 00
Solano	4,712 00
Sonoma	485 00
Ventura	20 00
Yolo	140 00
	\$14,462 75
Fines for violations of game laws, erroneously credited to Fish Commission Fund	\$100 00
Total	\$14,562 75

EXHIBIT "H."

Statement showing fines collected for the violations of the fish laws from July 1, 1907, to May 18, 1909, the date of the amalgamation of the Fish Commission Fund and the Game Preservation Fund into the Fish and Game Preservation Fund, according to the offenses for which the fines were imposed

For violations of the provisions of law relating to	
Black bass	\$621 00
Striped bass	1,085 00
Trout, steelhead, perch, etc.	2,150 00
Dynamiting fish	1,614 00
Salmon	2,200 00
Shrimps, crabs, crawfish, etc.	2,000 00
Set nets	4,562 00
For violation of the provisions of the laws relating to	
Ahalone	55 75
Fish ladders	100 00
No fishing licenses	75 00
	<hr/>
	\$14,462 75
For violations of the provisions of law relating to doves, \$50,000, non-game birds, \$50.00, erroneously credited to Fish Commission Fund----	100 00
Total	<hr/>
	\$14,562 75

EXHIBIT "I."

FISH COMMISSION FUND

Statement showing expenditures of California Fish and Game Commission from July 1, 1907, to May 18, 1909, the date of the amalgamation of the Fish Commission Fund and the Game Preservation Fund into the Fish and Game Preservation Fund, according to services rendered and supplies furnished

Gasoline, paint, asphaltum, etc.	\$581 10
Justices of the peace	305 90
Postage, expressage, telephones, and telegrams	118 21
Salaries of deputies	6,281 75
Expenses of deputies	1,587 89
Salary of Chief Deputy	425 00
Expenses of Chief Deputy	84 80
Court and attorney expenses	3,170 25
Labor and livery	395 05
Lumber	98 37
Board of prisoners	863 80
Freight	1 20
Dockage and storage	8 35
Fuel	3 00
Stenographer and clerical services	865 27
Miscellaneous supplies	1,626 43
Launch hire, supplies, repairs, etc.	2,914 80
Rent	338 25
Stationery, printing, and office supplies	77 45
Bouldin Island Hatchery.	
Lumber	\$22 79
Miscellaneous supplies	408 01
	<hr/>
	430 80
Tahoe Hatchery.	
Salaries of deputies	\$783 25
Expenses of deputies	58 90
Lumber	673 11
Freight	252 17
Labor	971 10
Meat	36 00
Miscellaneous supplies	547 05
Ice	14 25
Milk	15 00
	<hr/>
	3,450 83
Sisson Hatchery	
Livery	\$446 65
Lumber	33 60
Miscellaneous supplies	334 74
Salaries of deputies	126 00
Expenses of deputies	24 85
Postage, expressage, telephones, and telegrams	1 75
Paints and asphaltum, etc.	9 95
Iron	303 40
	<hr/>
	1,290 94
Eel River Hatchery.	
Labor and livery	\$188 50
Lumber	14 14
Miscellaneous supplies	28 65
Salaries of deputies	120 00
Expenses of deputies	16 40
Postage, expressage, telephones, and telegrams	2 25
	<hr/>
	369 94
Total	<hr/>
	\$25,245 38

EXHIBIT "J."

Statement showing the hunting licenses sold during the fifty-ninth fiscal year (July 1, 1907, to June 30, 1908).

Alameda	\$5,764 00
Alpine	60 00
Amador	1,076 65
Butte	2,374 05
Calaveras	971 05
Colusa	1,361 20
Contra Costa	1,657 90
Del Norte	316 70
El Dorado	1,085 65
Fresno	3,716 15
Glenn	698 00
Humboldt	2,830 52
Imperial	559 00
Inyo	913 27
Kern	2,091 90
Kings	1,008 05
Lake	1,214 80
Lassen	522 50
Los Angeles	12,525 60
Madera	792 16
Marin	921 00
Mariposa	393 40
Merced	1,375 00
Modoc	449 60
Mono	194 00
Monterey	1,936 15
Napa	1,409 60
Nevada	1,253 55
Orange	1,942 60
Placer	1,632 00
Plumas	644 67
Riverside	2,477 00
Sacramento	3,851 00
San Benito	737 00
San Bernardino	3,241 00
San Diego	3,017 10
San Francisco	2,119 05
San Joaquin	2,783 25
San Luis Obispo	1,530 40
San Mateo	1,487 15
Santa Barbara	1,371 25
Santa Clara	3,855 00
Santa Cruz	2,045 00
Shasta	2,116 50
Sierra	318 65
Siskiyou	2,877 00
Solano	2,042 00
Sonoma	4,029 15
Stanislaus	1,160 60
Sutter	586 30
Tehama	1,178 65
Trinity	522 00
Tulare	2,534 00
Tuolumne	1,093 00
Ventura	1,561 55
Yolo	1,452 70
Yuba	300 35
San Francisco office	11,497 75
Expressage	19 80
Total	\$116,598 91

EXHIBIT "K"

Statement showing the fines collected for the violations of the game laws during the fifty-ninth fiscal year (from July 1, 1907, to June 30, 1908) according to the counties in which the fines were imposed

Alameda	\$545 00
Amador	30 00
Calaveras	25 00
Colusa	50 00
Contra Costa	80 00
Fresno	75 00
Humboldt	100 00
Kern	235 00
Lake	250 00
Los Angeles	361 00
Madera	100 00
Marin	40 00
Mariposa	50 00
Mendocino	810 00
Merced	25 00
Monterey	170 00
Napa	55 00

EXHIBIT "K"—Continued.

Nevada	\$70 00
Orange	75 00
Placer	165 00
Plumas	80 00
Riverside	35 00
Sacramento	150 00
San Bernardino	110 00
San Diego	135 00
San Francisco	175 00
San Joaquin	95 00
San Luis Obispo	165 00
San Mateo	295 00
Santa Barbara	135 00
Santa Clara	305 00
Santa Cruz	130 00
Shasta	320 00
Sierra	50 00
Siskiyou	538 00
Solano	110 00
Sonoma	857 00
Sutter	49 00
Tehama	50 00
Tulare	47 00
Tuolumne	50 00
Ventura	150 00
Yuba	40 00
<hr/>	
Fines for violation of fish laws, erroneously credited to Game Commission Fund San Benito	\$7,427 00 20 00
<hr/>	
	\$7,447 00

EXHIBIT "L"

Statement showing the fines collected for the violations of game laws during the fifty-ninth fiscal year (from July 1, 1907, to June 30, 1908) according to the offenses for which the fines were imposed.

For violation of the provisions of law relating to

Non-game birds	\$305 00
Quail	1,645 00
Deer	2,425 00
Doves	652 00
Ducks	549 00
Squirrel	211 00
Rail and shore birds	137 00
Imported birds	25 00
Trespass and night shooting	350 00
No-hunter's license	\$1,128 00
<hr/>	
	\$7,427 00

For violation of the provisions of law relating to trout, erroneously credited to Game Preservation Fund	20 00
<hr/>	
	\$7,447 00

EXHIBIT "M."

Statement showing expenditure of Game Preservation Fund for the fiscal year (from July 1, 1907, to June 30, 1908) according to services rendered and supplies furnished.

Salaries of deputies	\$23,538 15
Expenses of deputies	3,130 54
Stenographer and clerical services	2,793 75
Justices of the peace	448 70
Court and attorney expenses	175 47
Rent	1,727 50
Stationery, printing, and office supplies	1,208 58
Postage, expressage, telephone, and telegrams	1,741 54
License tags	2,584 11
Miscellaneous supplies	160 91
Office furniture, typewriter, etc	726 55
Salary, Chief Deputy	1,950 00
Expenses, Chief Deputy	551 10
California lion bounty	5,740 00
Purchase of game birds	2,177 60
Board of prisoners	30 20
Purchase of launch	\$15 00
Repairs and supplies of launch	21 00
Ammunition	18 90
Expenses, Commissioner Stone	224 60
Postage, expressage, and printing, account county clerks	2,617 50
<hr/>	
Total	\$52,381 70

EXHIBIT "N"

Statement showing the hunting licenses sold during the sixtieth fiscal year (from July 1, 1908, to May 18, 1909)

Alameda	\$4,359 00
Alpine	53 00
Amador	834 00
Butte	2,347 00
Calaveras	734 00
Colusa	1,205 30
Contra Costa	1,236 30
Del Norte	238 60
El Dorado	947 00
Fresno	3,656 40
Glenn	672 00
Humboldt	2,539 30
Imperial	425 00
Inyo	885 75
Kern	2,517 30
Kings	948 15
Lake	917 45
Lassen	435 00
Los Angeles	12,115 75
Madera	287 10
Marin	16 75
Mariposa	358 30
Mendocino	828 85
Merced	1,456 00
Modoc	225 00
Mono	130 00
Monterey	1,965 35
Napa	1,403 20
Nevada	1,522 60
Orange	1,816 95
Placer	1,000 00
Plumas	618 00
Riverside	2,448 00
Sacramento	3,515 00
San Benito	733 00
San Bernardino	3,144 00
San Diego	1,872 80
San Francisco	1,249 60
San Joaquin	2,985 45
San Luis Obispo	1,198 35
San Mateo	1,310 75
Santa Barbara	1,795 00
Santa Clara	3,193 00
Santa Cruz	2,097 00
Shasta	2,079 65
Sierra	239 00
Siskiyou	2,742 25
Solano	1,948 00
Sonoma	3,729 00
Stanislaus	1,180 60
Sutter	538 55
Tehama	1,157 30
Trinity	505 00
Tuolumne	1,047 00
Ventura	1,128 60
Yolo	1,406 70
Yuba	832 00
San Francisco office	14,259 98
Total	\$108,066 48

EXHIBIT "O"

Statement showing the fines collected for the violations of the game laws during the sixtieth fiscal year (from July 1, 1908, to May 18, 1909) according to counties in which fines were imposed.

Alameda	\$635 00
Amador	15 00
Butte	35 00
Colusa	30 00
Contra Costa	60 00
Del Norte	30 00
El Dorado	50 00
Fresno	50 00
Glenn	25 00
Humboldt	50 00
Inyo	35 00
Kern	10 00
Kings	25 00
Lake	75 00
Los Angeles	600 00
Marin	270 00
Mendocino	305 00
Merced	80 00
Monterey	300 00

EXHIBIT "O"—Continued.

Napa	\$270 00
Nevada	65 00
Orange	100 00
Placer	90 00
Plumas	75 00
Riverside	100 00
Sacramento	45 00
San Benito	150 00
San Bernardino	50 00
San Diego	175 00
San Francisco	175 00
San Joaquin	160 00
San Luis Obispo	110 00
San Mateo	140 00
Santa Barbara	70 00
Santa Clara	50 00
Santa Cruz	40 00
Shasta	75 00
Sierra	25 00
Siskiyou	180 00
Solano	37 50
Sonoma	145 00
Stanislaus	50 00
Tehama	175 00
Trinity	117 00
Tulare	55 00
Tuolumne	50 00
Ventura	25 00
Yolo	125 00

\$5,554 50

Fines for violation of fish laws, erroneously credited to Game Preservation Fund, Solano

20 00

EXHIBIT "P "

\$5,574 50

Statement showing the fines collected for the violations of the game laws during the sixtieth fiscal year (from July 1, 1908, to May 18, 1909) according to the offense for which the fines were imposed.

For the violations of the provisions of law relating to

Doves	\$175 00
Quail	675 00
Deer	2,067 00
Ducks	545 00
Snipe and shore birds	210 00
Squirrels	100 00
Night shooting and trespass	295 00
Non-game birds	660 00
Hunting without a license	827 50

\$5,554 50

For violation of the provisions of law relating to fishing without a license, erroneously credited to Game Preservation Fund

20 00

Total \$5,574 50

EXHIBIT "Q "

Statement showing expenditure of Game Preservation Fund for the sixtieth fiscal year (from July 1, 1908, to May 18, 1909) according to services rendered and supplies furnished.

Salaries of deputies	\$50,607 78
Expenses of deputies	8,350 03
Stenographer and clerical services	2,390 00
Justices of the peace	388 70
Court costs	573 86
Rent	1,760 00
Stationery, printing, and office supplies	698 91
Postage, expressage, telephone, and telegrams	1,455 82
License tags	573 10
Miscellaneous supplies	81 23
Office furniture, etc	206 73
Salary, Chief Deputy	2,700 00
Expenses, Chief Deputy	373 60
Expenses, Commissioner Stone	76 00
Expenses, Commissioner Van Sicken	49 00
California lion bounty	7,610 00
Purchase of game birds	6,837 52
Postage, expressage, and printing, account county clerks	1,947 21
Board of prisoners	242 50
Repairs and supplies for launch	11 75
Care of game	58 00
Los Angeles office	2,172 69
Half-tone and photo for report	116 97
Launch rent	10 00
Tahoe Hatchery	1,567 38
Game Farm	10,800 46
Game Farm, expressage	915 96

Total \$102,425 20

EXHIBIT "R."

Statement showing the fines collected in the different counties of the State for the violations of game laws during the fifty-ninth and sixtieth fiscal years (from July 1, 1907, to May 18, 1909) and credited to the Game Preservation Fund

Alameda	\$1,180 00
Amador	45 00
Butte	35 00
Calaveras	25 00
Colusa	80 00
Contra Costa	140 00
Del Norte	20 00
El Dorado	50 00
Fresno	125 00
Glenn	25 00
Humboldt	150 00
Inyo	35 00
Kern	245 00
Kings	25 00
Lake	325 00
Los Angeles	961 00
Madera	100 00
Marin	360 00
Mariposa	50 00
Mendocino	1,115 00
Merced	105 00
Monterey	470 00
Napa	285 00
Nevada	135 00
Orange	175 00
Placer	255 00
Plumas	155 00
Riverside	135 00
Sacramento	195 00
San Benito	150 00
San Bernardino	160 00
San Diego	310 00
San Francisco	350 00
San Joaquin	255 00
San Luis Obispo	275 00
San Mateo	205 00
Santa Barbara	435 00
Santa Clara	355 00
Santa Cruz	170 00
Shasta	395 00
Sierra	75 00
Siskiyou	713 00
Solano	167 50
Sonoma	1,002 00
Sutter	49 00
Stanislaus	50 00
Tehama	225 00
Trinity	117 00
Tulare	102 00
Tuolumne	100 00
Ventura	175 00
Yolo	125 00
Yuba	40 00
Fishing license erroneously credited to Game Preservation Fund	\$13,001 50
Solano	20 00
Total	\$13,021 50

EXHIBIT "S"

Statement showing the total fines collected for the violations of the game laws during the fifty-ninth and sixtieth fiscal years (from July 1, 1907, to May 18, 1909) according to the offenses for which such fines were imposed and collected and which were credited to the Game Preservation Fund

For the violations of the provisions of law relating to	
Doves	\$827 00
Quail	2,320 00
Deer	4,492 00
Ducks	1,094 00
Snipe and shore birds	347 00
Squirrels	311 00
Night shooting and trespass	645 00
Non-game birds	965 00
Hunting without license	1,955 50
Imported birds	25 00
	\$12,981 50
For the violation of the provisions of law relating to trout, \$20.00; fishing without license, \$20.00, erroneously credited to Game Preservation Fund	40 00
	\$13,021 50

EXHIBIT "T."

Statement showing the expenditures during the fifty-ninth and sixtieth fiscal years (from July 1, 1907, to May 18, 1909) charged against the Game Preservation Fund

Salaries of deputies and assistants	\$74,115 92
Expenses of deputies and assistants	11,480 57
Clerks and stenographers	5,183 75
Rent	3,487 50
Salary of Chief Deputy	4,650 00
Expenses of Chief Deputy	924 70
Expenses of Los Angeles office	2,172 69
Office furniture	933 28
Half-tones for reports	116 87
Expenses of Commissioner Stone	300 60
Expenses of Commissioner Van Sicklen	40 00
Stationery, printing, and office expenses	1,907 49
Postage, expressage, telephone, and telegrams	3,197 36
License tags	3,157 21
Postage, expressage, and printing of county clerks in connection with sale of licenses	4,564 71
Purchase of launch for Sacramento River	815 00
Repairs and launch supplies	82 76
Rent of launch	10 00
Ammunition	18 90
Fees of justice of the peace	837 40
Court costs	749 32
Board of prisoners	272 70
California lion bounty	13,380 00
Expenses of Game Farm, Hayward	10,600 46
Purchase of game birds	9,035 12
Expressage on game birds	915 96
Care of game birds (not on farm)	58 00
Tallac Hatchery	1,567 33
Miscellaneous expenses	242 14
Total	\$154,806 90

EXHIBIT "U."

Statement showing the receipts and disbursements of the Fish Commission Fund and the Game Preservation Fund from July 1, 1907, to May 18, 1909, the date of the amalgamation of these funds into the Fish and Game Preservation Fund

RECEIPTS.	
July 1, 1907—	
Balance on hand, Fish Commission Fund	\$4,987 89
Balance on hand, Game Preservation Fund	1,697 17
Fishing licenses	10,432 50
Fines collected for violation of fish laws	14,562 75
Sale of fish eggs	375 00
Hunting licenses	224,675 39
Fines collected for violation of game laws	13,021 50
Sale of confiscated hides	30 15
DISBURSEMENTS.	
Controller's warrants	\$180,052 28
Expressage and costs account fines	59 20
Expressage and costs, account licenses	20 70
Balance transferred May 18, 1909, to Fish and Game Preservation Fund	89,659 17
	\$269,791 35
	\$269,791 35

EXHIBIT "V"

Statement showing hunting licenses paid during the sixtieth fiscal year (from May 18, 1909, to June 30, 1909) credited to Fish and Game Preservation Fund.

Alpine	\$1 00
Amador	44 00
Butte	64 75
Calaveras	2 00
Del Norte	127 00
Humboldt	44 60
Imperial	84 00
Inyo	28 00
Lake	7 75
Lassen	6 00
Los Angeles	90 60
Madera	330 60
Merced	20 00
Modoc	75 00
Mono	51 00
Napa	18 00
Orange	1 00
Placer	534 00
San Benito	10 00
San Diego	53 90
San Joaquin	62 75
San Luis Obispo	352 50
San Mateo	\$12 75
Santa Barbara	2 00
Sonoma	298 00
Trinity	1 00
Tulare	2,703 00
Tuolumne	4 00
Ventura	381 25
Total	\$5,410 45

EXHIBIT "W"

Statement showing the fines collected for the violations of the fish and game laws during the sixtieth fiscal year (May 18, 1909, to June 30, 1910) credited to the Fish and Game Preservation Fund.

Counties	Fish	Game.
Alameda	\$800 00	
Contra Costa	150 00	
Del Norte	22 00	
Humboldt	40 00	
Marin	70 00	
Mendocino		\$50 00
Los Angeles		25 00
Monterey		50 00
Napa		110 00
Nevada	120 00	50 00
San Benito		50 00
San Diego		25 00
San Francisco	505 00	230 00
San Luis Obispo	80 00	25 00
San Mateo	160 00	
Santa Barbara		5 00
Santa Clara	50 00	25 00
Solano	1,078 00	
Ventura		125 00
Totals	\$3,375 00	\$770 00

EXHIBIT "X"

Statement showing the collection of fines for the violations of the fish and game laws during the sixtieth fiscal year (May 18, 1909, to June 30, 1909) according to the offenses for which the fines were imposed and credited to the Fish and Game Preservation Fund.

For the violations of the provisions of law relating to

Deer	\$125 00
Ducks	230 00
Doves	100 00
Quail	160 00
Snipe and shore birds	125 00
Squirrels	25 00
Non-game birds	5 00
Crabs and shrimps	1,170 00
Set nets	1,008 00
Steelhead and trout	325 00
Salmon	372 00
Striped bass	240 00
Fish ladders	100 00
Fishing without a license	160 00
Total	\$4,145 00

EXHIBIT "Y"

Statement showing the expenditures during the sixtieth fiscal year (May 18, 1909, to June 30, 1909) charged against the Fish and Game Preservation Fund

Salaries of deputies and assistants	\$5,499 00
Expenses of deputies and assistants	992 66
Salary of Chief Deputy	300 00
Expenses of Chief Deputy	73 25
Expenses of Commissioner Stone	56 00
Expenses of Commissioner Van Sicklen	79 80
Stenographers and clerks	200 00
Rent	160 00
Stationery, printing, and office supplies	28 55
Postage, expressage, telephone, and telegrams	140 17
Furniture	177 75
Los Angeles office	174 15
Justices of the peace	30 25
Court expenses	715 85
Board of prisoners	882 80
California lion bounty	510 00
Postage and expressage, etc., of county clerks in connection with hunting licenses	41 00
Rent of launch	150 00
Launch supplies	57 92
Game Farm, expenses of	730 16
Purchase of game birds	32 05
Miscellaneous expenses	9 35
Eel River Hatchery	508 60
Wawona Hatchery	150 00
Bouldin Island Hatchery	25 44
Total	\$11,764 75

EXHIBIT "Z"

Statement showing hunting licenses paid during the sixty-first year (July 1, 1909, to June 30, 1910) credited to Fish and Game Preservation Fund.

Alameda	\$5,824 00
Alpine	36 00
Amador	947 00
Butte	2,416 75
Calaveras	734 00
Colusa	1,267 95
Contra Costa	1,294 50
Del Norte	310 65
El Dorado	862 80
Fresno	4,194 00
Glenn	796 00
Humboldt	3,044 90
Imperial	400 50
Inyo	1,026 25
Kern	3,545 30
Kings	1,220 60
Lake	1,024 50
Lassen	518 00
Los Angeles	13,097 65
Madera	624 00
Marin	1,668 00
Mariposa	322 05
Mendocino	1,334 00
Merced	1,545 00
Modoc	519 00
Mono	235 00
Monterey	2,236 10
Napa	2,022 55
Nevada	1,598 75
Orange	2,196 20
Placer	800 00
Plumas	458 00
Riverside	3,346 00
Sacramento	3,558 00
San Bernardino	3,619 00
San Diego	3,536 35
San Francisco	1,014 35
San Joaquin	3,242 25
San Luis Obispo	1,339 45
San Mateo	1,399 00
Santa Barbara	1,803 00
Santa Clara	3,612 00
Santa Cruz	2,030 00
Shasta	2,160 25
Sierra	164 00
Siskiyou	2,843 00
Solano	1,597 00
Sonoma	3,814 00
Stanislaus	1,413 25
Sutter	829 90
Tehama	1,134 80
Trinity	616 00
Tulare	2,998 00
Tuolumne	1,037 00
Ventura	1,861 75
Yolo	1,498 45
Yuba	959 30
San Francisco office	17,338 25
Total	\$126,734 35

EXHIBIT "AA"

Statement showing the fines collected for the violations of the fish and game laws during the sixty-first fiscal year (July 1, 1909, to June 30, 1910) according to the counties in which the fines were paid and credited to the Fish and Game Preservation Fund

Counties.	Game	Fish
Alameda	\$337 50	\$2,135 00
Amador	35 00	
Butte	105 00	
Calaveras		20 00
Colusa	100 00	
Contra Costa	195 00	705 00
El Dorado		25 00
Fresno	295 00	450 00
Glenn	10 00	20 00
Humboldt	118 00	615 00
Inyo	95 00	75 00
Kern	250 00	
Kings		20 00
Lake	165 00	85 00
Los Angeles	311 00	205 00

EXHIBIT "AA"—Continued

Madra	\$75 00	
Marin	221 00	\$300 00
Mendocino	915 00	484 00
Merced	115 00	
Mono	25 00	
Monterey	445 00	30 00
Napa	125 00	150 00
Nevada		80 00
Orange	80 00	
Placer	87 00	50 00
Plumas	50 00	100 00
Riverside	135 00	
Sacramento	190 00	500 00
San Benito	10 00	140 00
San Bernardino	92 00	80 00
San Diego	270 00	40 00
San Francisco	330 00	1,350 00
San Joaquin	100 00	325 00
San Luis Obispo	134 00	50 00
San Mateo	180 00	525 00
Santa Barbara	50 00	285 00
Santa Clara	275 00	165 00
Santa Cruz	45 00	20 00
Shasta	250 00	
Siskiyou	132 00	10 00
Solano	145 00	122 00
Sonoma	480 00	1,005 00
Stanislaus	25 00	
Sutter	188 00	240 00
Trinity	110 00	250 00
Tulare	300 00	
Ventura	175 00	
Yolo	75 00	45 00
Totals	\$8,345 50	\$11,301 00

EXHIBIT "BB "

Statement showing the fines collected for the violations of the fish and game laws during the sixty-first fiscal year (July 1, 1909, to June 30, 1910) according to the offenses for which the fines were imposed and credited to the Fish and Game Preservation Fund

For the violations of the provisions of law relating to	
Deer	\$2,083 00
Doves	791 00
Elk	50 00
Non-game birds	359 00
Hunting without license	1,824 00
Squirrels	185 00
Quail	1,089 50
Ducks	1,258 00
Snipe and shore birds	150 00
Night shooting and trespass	400 00
Imported birds	150 00
Set nets	2,545 00
Steelheads and trout	1,024 00
Small-mesh nets	602 00
Sawdust and dynamite	750 00
Sunday fishing	600 00
Small fish	470 00
Surf fishing with nets	85 00
Crabs and shrimps	3,255 00
Abalones, etc.	240 00
Salmon	400 00
Black bass	390 00
Striped bass	340 00
Perch	25 00
Fishing without license	505 00
General provisions of fish laws	70 00
Total	\$19,646 50

EXHIBIT "CC."

Statement showing expenditures during the sixty-first fiscal year (July 1, 1909, to June 30, 1910) charged against the Fish and Game Preservation Fund

Salaries of deputies and assistants	\$70,216 80
Expenses of deputies and assistants	17,684 31
Salary of Chief Deputy	4,150 00
Expenses of Chief Deputy	250 40
Rent of office	1,920 00
Stenographer and clerks	4,020 00
Stationery, printing, and office supplies	1,779 08
Postage, expressage, telephones, and telegrams	1,814 92
Furniture	7 00
Expenses of Commissioner Stone	177 15
Expenses of Commissioner Van Sicklen	91 15
Expenses of Commissioner Connell	172 00
Los Angeles office expenses	2,281 81
California lion bounty	7,340 00
Justices of the peace	822 86
Court expenses	1,267 82
Board of prisoners	14 50
Printing and expressage of county clerks in connection with sale of hunting licenses	315 37
Commission paid county clerks on sale of hunting licenses	10,471 70
Commission paid sundry persons on sale of hunting licenses	446 30
Rent of launch	498 75
Launch supplies	421 70
Launch repairs	163 20
Printing of licenses	1,333 00
Badges, officers	175 00
Game Farm, maintenance	7,764 36
Purchase of game birds	2,786 34
Distribution car expenses	1,532 69
Distribution car repairs	85 92
Purchase of nets	50 26
Removing obstructions in stream	25 00
Purchase of pipe	57 94
Field glasses	32 00
Photographs and frames	168 60
Half-tones for report	176 00
Fish investigation	20 00
Safe deposit box	20 00
Miscellaneous expenses	36 96
Storage and cartage	16 00
Fresno office expenses	352 05
Fresno office furniture	30 70
Lease of Scott Creek land	300 00
Eel River Hatchery, expenses	443 99
Ferndale Hatchery, expenses	351 64
Bouldin Island Hatchery, expenses	437 25
Sisson Hatchery, expenses	518 60
Tahoe Hatchery, expenses	608 43
Tallac Hatchery, expenses	1,586 30
Wawona Hatchery, expenses	7 00
Transfer and planting of fish	238 00
Total	\$145,631 65

EXHIBIT "DD "

Statement showing hunting licenses sold during the sixty-second fiscal year (July 1, 1910, to March 1, 1911) and credited to the Fish and Game Preservation Fund

Alameda	\$4,897 55
Alpine	70 00
Amador	599 00
Butte	2,598 25
Calaveras	650 00
Colusa	1,603 05
Contra Costa	1,426 20
Del Norte	320 35
El Dorado	948 65
Fresno	5,365 00
Glenn	495 00
Humboldt	3,030 00
Imperial	421 25
Inyo	691 70
Kern	2,996 25
Kings	1,264 85
Lake	1,190 00
Lassen	545 00
Los Angeles	14,320 20
Madera	687 65
Mariposa	997 15
Mendocino	1,246 45
Merced	1,642 00
Modoc	200 00
Mono	245 00
Monterey	2,268 25
Napa	1,598 40

EXHIBIT "DD"—Continued

Nevada	\$1,603 70
Orange	2,317 10
Placer	1,786 00
Plumas	496 00
Riverside	3,101 00
Sacramento	3,792 00
San Benito	2,015 00
San Diego	3,438 40
San Francisco	557 10
San Joaquin	3,230 35
San Mateo	1,346 60
Santa Barbara	1,717 00
Santa Clara	3,924 00
Santa Cruz	1,850 00
Shasta	2,236 75
Sierra	148 00
Siskiyou	3,250 70
Solano	1,975 00
Sonoma	3,378 00
Stanislaus	1,606 75
Sutter	833 70
Tehama	1,306 50
Trinity	679 00
Tulare	2,726 00
Tuolumne	995 00
Ventura	1,338 00
Yolo	1,654 35
Yuba	1,285 00
San Francisco office	19,326 00
Total	\$126,550 20

EXHIBIT "EE"

Statement showing the fines collected for the violations of the fish and game laws during the sixty-second fiscal year (July 1, 1910, to March 1, 1911) according to the counties in which the fines were paid and credited to the Fish and Game Preservation Fund

Counties	Game	Fish
Alameda	\$1,222 00	\$645 00
Amador	10 00	
Butte	135 00	
Calaveras	55 00	
Colusa	305 00	
Contra Costa	260 00	325 00
Fresno	407 50	
Humboldt	280 00	90 00
Inyo	190 00	
Kern	165 00	
Kings	20 00	
Lake	240 00	100 00
Los Angeles	175 00	268 00
Madera	50 00	
Marin	150 00	155 00
Mendocino	380 00	70 00
Merced	430 00	
Modoc	25 00	
Mono	5 00	
Monterey	20 00	60 00
Napa	160 00	
Nevada	150 00	40 00
Orange	45 00	
Placer	309 00	20 00
Plumas	25 00	
Riverside	10 00	
Sacramento	145 00	100 00
San Benito	45 00	
San Bernardino	60 00	
San Diego	140 00	
San Francisco	160 00	1,035 00
San Joaquin	140 00	120 00
San Luis Obispo	105 00	10 00
San Mateo	300 00	25 00
Santa Barbara	120 00	
Santa Clara	395 00	75 00
Santa Cruz	15 00	
Shasta	25 00	100 00
Siskiyou	175 00	
Solano	60 00	690 00
Sonoma	520 00	80 00
Stanislaus	100 00	
Sutter	45 00	
Trinity	\$55 00	
Ventura	175 00	200 00
Yolo	145 00	
Yuba	10 00	
Totals	\$8,328 50	\$4,118 00

EXHIBIT "FF"

Statement showing the fines collected for the violations of the fish and game laws during the sixty-second fiscal year (July 1, 1910, to March 1, 1911) according to the offenses for which the fines were imposed and credited to the Fish and Game Preservation Fund

For the violations of the provisions of law relating to

Deer	\$1,662 50
Ducks	1,240 00
Doves	235 00
Quail, sagehen, and grouse	855 00
Saife and shore birds	100 00
Squirrel	165 00
Night shooting and trespass	445 00
Non-game birds	377 00
Hunting without license	3,014 00
Imported birds	10 00
General provisions of game laws	75 00
Crabs and shrimps	1,488 00
Set nets	200 00
Set line	100 00
Set traps	300 00
Steelhead and trout	175 00
Striped bass	195 00
Sunday fishing	400 00
Salmon	425 00
Abalone	60 00
Small fish	285 00
Surf fishing with nets	20 00
Fishing without a license	335 00
General provisions of fish laws	135 00
Total	\$12,446 50

EXHIBIT "GG"

Statement showing the expenditures during the sixty-second fiscal year (July 1, 1910, to March 1, 1911) charged against the Fish and Game Preservation Fund.

Salaries of deputies and assistants	\$55,911 83
Expenses of deputies and assistants	16,613 86
Salary of Chief Deputy	2,100 00
Expenses of Chief Deputy	228 30
Rent of office	1,200 00
Stationery, printing, and office supplies	3,233 63
Postage, expressage, telephone, and telegrams	1,201 35
Furniture	65 00
Los Angeles office, expense	2,012 00
Fresno office, expense	310 85
Stenographers and clerks	3,427 62
Expenses of Commissioner Van Slicklen	33 80
Expenses of Commissioner Sanborn	57 25
Expenses of Commissioner Connell	443 00
Expenses of Commissioner Jordan	3 80
California lion bounty	3,480 00
Commission of county clerks on sale of hunting licenses	10,565 57
Commission of sundry persons on sale of hunting licenses	178 00
Purchase of nets	28 50
Rent of launch	65 00
Supplies for launch	306 94
Launch repairs	94 99
Badges, officers	169 00
Printing licenses	172 99
Justices of the peace	604 30
Court expenses	900 70
Board of prisoners	24 50
Game Farm, maintenance	5,553 59
Purchase of game birds	3,168 60
Distributing car expense	2,015 20
Distributing car repairs	373 52
Half-tones for report	25 00
Photographic supplies	12 85
Refund unsold licenses	25 00
Hardware and supplies	124 68
Folding boat	40 00
Exporting of books	325 00
Storage and cartage	70 63
Bird investigation	19 60
Clam investigation	27 65
Salmon investigation	17 41
Drugs and appliances	14 29
Miscellaneous supplies	45 23
Sisson Hatchery	3,045 70
Tahoe Hatchery	1,841 69
Tallac Hatchery	716 42
Eel River Hatchery	317 54
Ferndale Hatchery	208 85
Scott Creek Hatchery	408 02
Bouldin Island Hatchery	205 00
Transfer and planting of fish	1,723 96
Total	\$123,749 61

EXHIBIT "HH."

Statement showing the cost of establishing and maintaining the State Game Farm from October, 1908, up to and including January 31, 1911, and the receipts therefrom as shown by the vouchers on file, etc

Expenditures		
Salary of superintendent	\$2,900 00	
Labor	3,965 03	
Rent (due \$637.50)	450 00	
Cottage	1,736 00	
Plans	40 00	
Hardware	1,291 70	
Lumber	1,760 88	
Tank house, tank, and pump	646 30	
Well	567 25	
Fencing	3,151 17	
Crushed rock and cement	218 76	
Paints	138 18	
Painting	32 00	
Roofing	4 68	
Erecting telephone line	40 05	
Traveling and personal expenses of superintendent	263 85	
House supplies and groceries	161 23	
Furniture	45 28	
Stationery, postage, and telephone	152 35	
Freight and expressage	2,126 00	
Livery	100 75	
Trees, flowers, and seeds	112 60	
Hose and lawn implements	48 40	
Cow	50 00	
Horse	40 00	
Wagon and harness	145 35	
Farm implements	48 30	
Hay	34 42	
Chickens	651 70	
Incubators and supplies	196 10	
Feed	2,800 31	
Gravel and sand	145 50	
Yard supplies	502 93	
Teaming	201 30	
Plumbing and supplies	306 35	
Gasoline and oil	192 81	
Shotgun	13 50	
Carpenter	56 00	
Drain tiles	9 30	
Morse patrol	51 40	
Electrical supplies	12 27	
Veterinary	2 50	
Machine and engine supplies	5 25	
Harness repairs	7 05	
Blacksmithing and horseshoeing	51 75	
Photographing	25 00	
Advertising	31 50	
Chemical analysis	20 00	
Total	\$25,553 65	
Purchase of Mexican turkeys, Hungarian partridges, and quail	9,125 91	
Total cost of farm		\$34,679 56
Receipts		
Sale of eggs and other products, as follows:		
October 18, 1909	\$800 46	
December 8, 1909	37 57	
March 31, 1910	15 02	
February 18, 1910	8 92	
May 31, 1910	18 75	
June 29, 1910	44 00	
August 22, 1910	30 19	
September 19, 1910	25 00	
October 5, 1910	99 15	
October 13, 1910	45 46	
October 20, 1910	88 70	
October 26, 1910	40 90	
November 23, 1910	33 65	
December 1, 1910	57 76	
December 2, 1910	352 11	
December 31, 1910	5 53	
January 30, 1911	12 60	
Total		\$1,665 77
Net cost		\$33,013 79
Liabilities, rent		637 50
Total cost		\$33,651 29

EXHIBIT "II"—1.

Statement showing the expenses of the Los Angeles office of the California Fish and Game Commission from July 1, 1908, to February 1, 1911.

Sixtieth fiscal year—July 1, 1908, to June 30, 1909—Twelve months	
Rent	\$745 00
Stenographer	694 00
Furniture, carpets, etc.	431 39
Fitting up office	93 60
Stationery and office supplies	69 90
Postage, expressage, telephone, and telegrams	235 24
Towel supply	8 25
Launch and boat hire	13 50
Purchase of quail	50 00
Quail cages	32 39
Lumber	49 09
Food for quail	20 23
Quail supplies	2 55
Deputy	51 00
Witness expense	6 35
Interpreter	10 00
Freight and cartage	14 25
Storage of nets	4 25
Camp utensils	3 00
	<hr/>
	\$2,534 04
Sixty-first fiscal year—July 1, 1909, to June 30, 1910—Twelve months	
Rent	\$730 00
Stenographer	910 00
Furniture, carpets, etc.	46 15
Fitting up office	5 75
Stationery and office supplies	66 08
Postage, expressage, telephone, and telegrams	253 50
Towel supply	10 00
Ice	13 75
Gasoline and oil	20 54
Lumber	33 70
Fitting up camp	39 70
Labor	33 00
Quail crates	30 00
Interpreter	2 50
Boat supplies	3 95
Groceries	7 86
Freight and cartage	3 25
Storage	7 00
	<hr/>
	3,236 73
Sixty-second fiscal year—July 1, 1910, to February 1, 1911—Seven months	
Rent	\$537 50
Stenographer	555 00
Furniture, carpets, etc.	214 60
Fitting up office	117 15
Stationery and office supplies	25 19
Postage, expressage, telephone, and telegrams	235 20
Towel supply	7 90
Ice	16 00
Railroad scrip	60 00
Clerical assistance	2 50
Rent, launch	25 00
Labor	12 00
Gasoline and oil	17 30
Lumber	8 65
Camp supplies	4 65
Freight and cartage	7 25
	<hr/>
	1,845 89
Total expenditures	<hr/>
	\$6,616 66

EXHIBIT "II"—2.

Statement showing the aggregate expenditures of the Los Angeles office of the California Fish and Game Commission from July 1, 1908, to February 1, 1911, segregated according to the nature of the expense.

Rent, thirty-one months	\$2,062 50
Stenographer, thirty-one months	2,159 00
Furniture, carpets, etc.	692 14
Cost of fitting up offices, including carpentering, painting, etc.	216 50
Stationery and office supplies	161 17
Postage, expressage, telegrams, and telephone	723 90
Towel supply	26 15
Ice	29 75
Railroad scrip ticket, 1,000 miles	60 00
Clerical assistance	2 50
Purchase of quail for Griffiths Park	50 00
Quail cages	32 39
Lumber	81 44
Quail crates	20 00

EXHIBIT "IT"—2—Continued.

Quail supplies	\$2 55
Quail feed	20 23
Deputies	51 00
Labor	45 00
Launch and boat hire	38 50
Gasoline and oil	37 84
Freight and cartage	24 75
Storage	11 25
Boat supplies	3 95
Witness expenses	6 35
Interpreter	12 50
Tent and camp supplies	37 35
Groceries	7 86
Total expenditures	\$6,616 66

EXHIBIT "JJ"—1.

Statement showing bounties paid by the California Fish and Game Commission for the destruction of California hons from October, 1907, to January, 31, 1911

COUNTIES	Fifty-ninth fiscal year from Oct. 1, 1907, to June 30, 1908, inclusive.	Sixtieth fiscal year from July 1, 1908, to June 30, 1909, inclusive.	Sixty-first fiscal year from July 1, 1909, to June 30, 1910, inclusive.	Sixty-second fiscal year from July 1, 1910, to Jan. 31, 1911, inclusive.	Total.
Alameda	1	2	1		5
Amador				1	1
Butte		1	1		2
Calaveras		1			1
Colusa	1	3			4
Del Norte	4	14			18
El Dorado	4	7	6		17
Fresno	1	1		1	3
Glenn		12	5		17
Humboldt	5	86	80	23	253
Ken	13	9	9	9	29
Lake	13	14	15	3	45
Lassen		1			1
Los Angeles	2	5	4		11
Madera	1	1	5		7
Marin		13	1		14
Mariposa	1	13	6	13	33
Mendocino	33	23	14	6	76
Merced				1	1
Modoc		1			1
Monterey	10	8	7	4	29
Napa			1		1
Nevada	1	1	1		3
Orange		1	1		2
Placer		5	5		10
Plumas	1		1	1	3
Riverside	1	3	1		5
San Benito	1	2	2	1	6
San Bernardino	1	4	1		6
San Diego		5	7	1	13
San Luis Obispo	6	6	6	7	25
San Mateo			1		1
Santa Barbara	1	17	16	5	39
Santa Clara	1		2		3
Santa Cruz					
Shasta	20	27	34	20	101
Siskiyou	14	22	49	19	104
Sonoma	3	1	1	4	9
Stanislaus		1			1
Tehama	13	33	22	14	82
Trinity	70	44	34	10	158
Tulare	3	7	9	6	25
Tuolumne	1	7	7	3	21
Ventura	1	7	3	2	13
Yuba	1				1
Totals	287	409	367	174	1,237

AMOUNT OF BOUNTY PAID

Fifty-ninth year, 287 at \$20	\$5,740 00
Sixtieth year, 409 at \$20	8,180 00
Sixty-first year, 367 at \$20	7,340 00
Sixty-second year, 174 at \$20	3,480 00
Total amount paid	\$24,740 00

EXHIBIT "JJ"-2

Statement showing bounties paid by the California Fish and Game Commission for the destruction of California lions according to months

1907:		
October	\$50 00	
November	240 00	
December	540 00	
		\$840 00
1908		
January	\$860 00	
February	1,280 00	
March	1,140 00	
April	880 00	
May	740 00	
June	420 00	
July	640 00	
August	500 00	
September	660 00	
October	700 00	
November	740 00	
December	980 00	
		9,540 00
1909		
January	\$420 00	
February	920 00	
March	960 00	
April	700 00	
May	540 00	
June	440 00	
July	420 00	
August	660 00	
September	600 00	
October	560 00	
November	520 00	
December	760 00	
		7,500 00
1910		
January	\$820 00	
February	1,000 00	
March	780 00	
April	400 00	
May	380 00	
June	240 00	
July	280 00	
August	340 00	
September	500 00	
October	520 00	
November	520 00	
December	600 00	
		6,380 00
1911:		
January	\$480 00	480 00
Total		\$24,740 00

EXHIBIT "KK."

Statement showing the commission (10 per cent) paid county clerks and others on account of sale of hunters' licenses from September, 1909, to February, 1911.

Alameda	\$1,062 40
Alpine	10 60
Amador	154 50
Butte	501 90
Calaveras	140 90
Colusa	286 50
Contra Costa	235 20
Del Norte	63 40
El Dorado	181 40
Fresno	955 90
Glenn	146 10
Humboldt	608 60
Imperial	82 20
Inyo	171 70
Kern	355 00
Kings	249 90
Lake	222 10
Lassen	60 50
Los Angeles	2,744 90
Madera	131 40
Marin	76 30
Mariposa	62 40
Mendocino	158 60
Merced	271 60
Modoc	65 00
Mono	48 00
Monterey	450 90

EXHIBIT "KK" —Continued

Napa	\$362 50
Nevada	320 70
Orange	446 90
Placer	258 60
Plumas	95 00
Riverside	644 60
Sacramento	738 00
San Benito	201 50
San Bernardino	361 90
San Diego	639 50
San Francisco	187 30
San Joaquin	647 60
San Luis Obispo	124 10
San Mateo	274 50
Santa Barbara	352 00
Santa Clara	753 60
Santa Cruz	328 00
Shasta	225 60
Sierra	31 30
Siskiyou	610 40
Solano	357 00
Sonoma	719 20
Stanislaus	302 20
Sutter	146 50
Tehama	250 30
Trinity	171 70
Tulare	872 40
Tuolumne	191 60
Ventura	320 20
Yolo	279 30
Yuba	255 70
Merchants, justices of the peace, and others	524 50
Total	\$21,562 57

By Mr. Held:

Resolved, That the cost of printing the report of the Special Committee on Fish and Game in pamphlet form, this day ordered, be paid for out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrant in payment thereof on said fund, and the Treasurer is directed to pay the same.

The question being on the adoption of the resolution.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Clark, Cogswell, Cronin, Crosby, Cunningham, Farwell, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinchshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of Los Angeles, Malone, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rimlinger, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Sutherland, Telfer, Walker, Williams, Wilson, Young and Mr. Speaker—60.

NOES—None.

SPECIAL URGENCY FILE.

Senate Bill No. 49—An Act to amend Section 249 of the Penal Code of the State of California, relating to the punishment of libel and slander.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 49 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Butler, Callaghan, Cattell, Cogswell, Cronin, Crosby, Denegri, Farwell, Flint, Freeman, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Malone, McGowen, Mendenhall, Mott, Mullally, Preisker, Rimlinger, Rodgers of San Francisco, Rosendale, Rutherford, Ryan, Sbiagna, Sutherland, Telfer, Tibbits, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—Messrs. March, Rogers of Alameda, and Slater—3.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1284—An Act granting relief to counties by extending the time within which county treasurers are required to make semi-annual settlements with the State Controller and State Treasurer in cases in which school money of such counties have been misappropriated.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1284 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Cogswell, Crouin, Crosby, Farwell, Flint, Gaylord, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McDonald, McGowen, Mendenhall, Mott, Randall, Rodgers of San Francisco, Rosendale, Ryan, Sbragia, Schmitt, Smith, Telfer, Tibbits, Williams, Wilson, Wyllie, Young, and Mr. Speaker—49.

NOES—Mr. Preisker—1.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 404—An Act to provide for the improvement of the internal navigation of the State of California by means of canals and the canalization of rivers, their tributaries, and other waterways where necessary, in aid of commerce; to define the duties of the Department of Engineering and of the Governor, in relation thereto, and to make an appropriation to defray the cost of surveys, plans and estimates in connection therewith.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 404 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Butler, Cogswell, Crouin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Griffin of Modesto, Hall, Harlan, Hayes, Held, Jones, Joel, Judson, Kehoe, Lynch, Malone, McGowen, Mott, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, and Mr. Speaker—45.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 704—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 704 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Cogswell, Cunningham, Feeley, Flint, Freeman, Griffin of Modesto, Guill, Hall, Harlan, Hayes, Hinkle, Joel, Kehoe, Lynch, Maher, Malone, March, McDonald, Mendenhall, Mott, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, and Mr. Speaker—42.

NOES—Messrs. Brown, Butler, Farwell, Hinshaw, and McGowen—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

The question being on the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 32 adopted by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Clark, Coghlan, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Gaylord, Griffin of Modesto, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kehoe, Kennedy, Lamb, Maher, Malone, McDonald, McGowen, Mott, Preisker, Rogers of Alameda, Rosendale, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wyllie, and Mr. Speaker—54.

NOES—Messrs. Cattell, Chandler, and Cogswell—3.

Senate constitutional amendment ordered transmitted to the Senate

SENATE CONSTITUTIONAL AMENDMENT No. 32

A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, by adding to Article XX a new section to be numbered Section 21, relating to compensation for industrial accidents.

The Legislature of the State of California at its regular session commencing the second of January, 1911, two thirds of all the members elected to each of the two houses of said Legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California, the following amendment to the Constitution of the State of California.

Article XX is hereby amended by adding a new section to be numbered Section 21 and to read as follows:

Section 21. The Legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment irrespective of the fault of either party. The Legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, by an industrial accident board, and by the courts, or either of these agencies, anything in this Constitution to the contrary notwithstanding.

Senate Bill No. 462—An Act to provide for the reforestation, the cutting of fire lanes and fire trails on the Angeles National Forest, and to make an appropriation therefor.

Mr. Bennink moved that the Assembly resolve itself into the Committee of the Whole for the purpose of considering the bill.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Speaker Hewitt in the chair.

Senate Bill No. 462 considered.

Mr. Bennink moved that the committee do now rise and report in favor of the passage of the bill.

Motion carried.

IN ASSEMBLY.

Speaker Hewitt in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 462, and do now report the same back, and recommend that it do pass.

HEWITT, Chairman.

Mr. Bennink moved the adoption of the report

Motion carried.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 462 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bohnett, Brown, Butler, Cattell, Chandler, Coghlan, Cogswell, Cronin, Cunningham, Farwell, Freeman, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Kennedy, Lamb, Maher, Malone, March, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Smith, Telfer, Tibbits, Walsh, Williams, Wilson, Wylle, Young, and Mr. Speaker—52.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1026—An Act to amend Section 1247 of the Penal Code of California, relating to appeals.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1026 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Cogswell, Cronin, Farwell, Flint, Freeman, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Maher, Malone, March, Mendenhall, Mott, Mullally, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Slater, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Young, and Mr. Speaker—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1058—An Act to amend section four thousand one hundred eighty-seven of the Political Code of the State of California, relating to the duties of constables.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1058 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Cogswell, Cronin, Farwell, Flint, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Joel, Judson, Lamb, Lynch, Malone, March, McDonald, McGowen, Mendenhall, Mott, Polsley, Preisker, Randall, Rosendale, Ryan, Sbragia, Slater, Tibbits, Walsh, Wilson, Young, and Mr. Speaker—43.

NOES—Messrs. Gaylord, Griffin of Modesto, Jones, Rogers of Alameda, Telfer, and Williams—6.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1241—An Act declaring a state highway from the Shasta County line through Lassen County to the Modoc County line, and making an appropriation for its improvement and maintenance.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1241 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Gaylord, Griffin of Modesto, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Maher, Malone, March, McGowen, Mendenhall, Mott, Polsley, Preisker, Rogers of Alameda, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Wilson, Wylle, and Young—49.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 411—An Act to repeal article eighteen of chapter three, title three, part three, of the Political Code of the State of California, and to add a new article numbered eighteen to chapter three of title III, part III of the Political Code, relating to the establishment of industrial, technical, and agricultural training in the public schools.

Bill read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE HOUSE.

Pending the announcement of the vote, Mr. Williams moved a call of the House.

Motion carried.

Time, eleven o'clock and thirty minutes A. M.

The Speaker directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Chief Clerk was directed to call the roll.

The roll was called, and the following answered to their names:

Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Feeley, Flint, Gaylord, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, March, McDonald, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of San Francisco, Rogers of Alameda, Rutherford, Ryan, Sbragia, Schmitt, Slater, Smith, Stevenot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—60.

The Chief Clerk announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the House.

FURTHER PROCEEDINGS UNDER CALL OF THE HOUSE DISPENSED WITH.

At eleven o'clock and forty minutes A. M., further proceedings under the call of the House were dispensed with, on motion of Mr. Williams.

The roll of absentees was called, and Senate Bill No. 411 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bliss, Bohnett, Brown, Clark, Cogswell, Cronin, Denegri, Farwell, Flint, Griffin of Modesto, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Malone, McDonald, Mott, Mullally, Preisker, Randall, Rogers of Alameda, Ryan, Sbragia, Schmitt, Stevenot, Telfer, Tibbits, Walsh, and Williams—41.

NOES—Messrs. Bennink, Bishop, Butler, Cattell, Chandler, Gaylord, Guill, Hinshaw, Lynch, Maher, March, Mendenhall, Polsley, Slater, Wilson, Wyllie, and Mr. Speaker—17.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 1016—An Act to provide for the collection, compilation and publication of agricultural and other industrial statistics for the State of California, and making an appropriation therefor.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1016 passed by the following vote:

AYES—Messrs. Beatty, Beckett, Bennink, Bishop, Bliss, Bohnett, Brown, Cattell, Chandler, Clark, Cronin, Farwell, Feeley, Flint, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, March, McGowan, Mendenhall, Mott, Polsley, Preisker, Randall, Rogers

of Alameda, Ryan, Schmitt, Slater, Stevenot, Telfer, Walsh, Wyllie, Young, and Mr. Speaker—45.

NOES—None

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 611—An Act to amend Sections 3, 4, 7, 13, 14, 15 and 16 of an Act entitled "An Act to regulate the practice of pharmacy in the State of California, and to provide a penalty for the violation thereof; and for the appointment of a board to be known as the California State Board of Pharmacy," approved March 20, 1905, as the title of said Act was amended March 21, 1907.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 611 refused passage by the following vote:

AYES—Messrs. Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Flint, Freeman, Gaylord, Guill, Hamilton, Hinshaw, Judson, Kehoe, Kennedy, Lamb, Lynch, Maher, March, Slater, Smith, Stevenot, Walsh, Wilson, Young, and Mr. Speaker—31.

NOES—Messrs. Beatty, Beckett, Bennink, Cunningham, Denegri, Feeley, Harlan, Hayes, Held, Hinkle, Jones, Joel, Lyon of San Francisco, Malone, McDonald, McGowan, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rogers of Alameda, Ryan, Sbragia, Schmitt, Stuckenbruck, Telfer, Walker, Williams, and Wyllie—31.

Bill ordered transmitted to the Senate.

Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, creating a commission to select the location or site for such fairs, exhibitions or expositions, appropriating money to pay the expenses of such commission, and repealing all Acts and parts of Acts in conflict with this Act

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 648 passed by the following vote.

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bishop, Bliss, Bohnett, Brown, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Denegri, Farwell, Feeley, Flint, Freeman, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jones, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowan, Mendenhall, Mott, Mullally, Polsley, Randall, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Wilson, Wyllie, Young, and Mr. Speaker—55.

NOES—Mr. Gaylord—1.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER PRO TEM IN THE CHAIR.

At twelve o'clock M., Hon. H. G. Cattell, Speaker pro tem., in the chair.

Senate Bill No. 262—An Act to amend section thirteen of an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, relating to the practice of medicine and surgery, osteopathy

and other systems or modes of treating the sick or afflicted, and providing penalties for violation thereof and hereof, and for so practicing without having at the time of so doing a valid, unrevoked certificate as provided in said Act.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 262 refused passage by the following vote:

AYES—Messrs. Benedict, Bennink, Bliss, Brown, Butler, Cattell, Clark, Cogswell, Cronin, Farwell, Gaylord, Guill, Hamilton, Held, Hinshaw, Judson, Lamb, Lyon of Los Angeles, McDonald, Mullally, Polesley, Schmitt—22.

NOES—Messrs. Beckett, Bishop, Bohnett, Chandler, Cunningham, Denegri, Feeley, Flint, Freeman, Griffiths, Harlan, Hayes, Hinkle, Jasper, Jones, Joel, Kehoe, Lynch, Lyon of San Francisco, Maher, Malone, March, McGowan, Mendenhall, Mott, Preisker, Randall, Rogers of Alameda, Rutherford, Ryan, Sbragia, Slater, Smith, Sutherland, Telfer, Walker, Wyllie, and Young—38.

Bill ordered transmitted to the Senate.

Senate Bill No. 1027—An Act appropriating money to pay the claim of J. W. Kavanagh against the State of California.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1027 passed by the following vote:

AYES—Messrs. Beckett, Benedict, Bishop, Bliss, Bohnett, Butler, Cattell, Chandler, Clark, Cogswell, Cronin, Farwell, Feeley, Flint, Freeman, Griffiths, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Lynch, Lyon of San Francisco, Malone, March, McDonald, McGowan, Mott, Polesley, Randall, Rogers of Alameda, Rutherford, Ryan, Schmitt, Slater, Smith, Stevenot, Stuckenbruck, Sutherland, Telfer, Walker, Williams, Wyllie, and Young—48.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and thirty minutes P. M., the Assembly was declared at recess until three o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At three o'clock and thirty minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

SENATE MESSAGES—(RESUMED).

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER, I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference on Senate Bill No. 261—An Act to amend an Act entitled "An Act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," approved March 14, 1907, as amended by a certain Act approved March 19, 1909 by amending section six thereof, and by adding a new section to said Act which section shall be numbered 13a relating to the practice of medicine and surgery, osteopathy, and other systems and modes of treating the sick or afflicted, in the State of California and imposing certain duties and obligations upon all persons who shall practice or shall attempt to practice medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and providing penalties for a violation

of any of the provisions of said Act, or of any of the provisions of Section 13a hereby added thereto

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Free Conference on Senate Bill No. 925—An Act to amend section four thousand and forty-one of the Political Code of California, relating to the general, permanent powers of the board of supervisors—of which report a copy is hereto attached.

WALTER N. PARRISH, Secretary of Senate
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed as amended Assembly Bill No. 1326—An Act to amend Sections 593, 598 and 605 of the Civil Code, to repeal Sections 594 and 603 thereof, and to enact Section 603, all relating to religious, social and benevolent corporations—and we respectfully request your honorable body to concur in the Senate amendments to said Assembly bill

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1326?"

Strike out of the title all after the words "An Act", and insert the following: "To amend Sections 593, 598, and 605 of the Civil Code, to repeal Sections 594 and 603 thereof, and to enact Section 603, all relating to religious, social and benevolent corporations".

Also: On page 2, Section 4, strike out lines 1 and 2, and insert in lieu thereof the following: "SEC. 4. It is hereby declared that Section 603 of the Civil Code as heretofore existing is repealed, and a new Section 603 is hereby added to the Civil Code, to read as follows:".

The roll was called, and Senate amendments to Assembly Bill No. 1326 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bishop, Bliss, Bohnett, Brown, Cattell, Clark, Cogswell, Cronin, Cunningham, Freenan, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of Los Angeles, Malone, McGowan, Mendenhall, Mott, Polsley, Rogers of Alameda, Rosendale, Schmitt, Stuckenbruck, Telfer, Tibbits, Williams, Young, and Mr. Speaker—43.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed as amended Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies.

Also Assembly Bill No. 703—An Act to amend Sections 1, 3, 5 and 6 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways and making an appropriation for the purpose of carrying out the objects of this Act", approved March 22, 1905; relating to the definition of terms used in this Act, precautions to be used by the drivers of motor vehicles, the use of highways for races, punishments for violations of this Act and the licensing of chauffeurs and motor vehicle drivers

Also Assembly Bill No. 1574—An Act to amend Section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class.

And we respectfully request your honorable body to concur in the Senate amendments to said Assembly bills.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 357?"

In Section 6, line 3, strike out the words "ascending or descending"

The roll was called, and Senate amendment to Assembly Bill No. 357 was concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Denegri, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hushaw, Jasper, Jones, Kehoe, Kennedy, Lamb, Lynch, Maher, McDonald, McGowen, Mendenhall, Mott, Polsley, Rodgers of San Francisco, Rosendale, Schmitt, Slater, Telfer, Williams, Young, and Mr. Speaker—45.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 703?"

On page 4, Section 2, line 61, strike out the figure "7", and insert in lieu thereof the following: "6".

Also, On page 4, Section 2, lines 54 and 60, strike out all of subdivision 6

Also, On page 4, Section 2, lines 50 to 51, strike out the words "while under the influence of intoxicating liquor; or".

Also: On page 4, Section 2, line 50, strike out the word "of", and insert in lieu thereof the following, "in".

Also: On page 4, Section 2, line 44, strike out the word "badly"

Also: On page 6, Section 3, lines 56 to 67, strike out the whole of subdivision 6

Also, On page 6, Section 4, line 7, strike out the word "deemed".

Also, On page 7, Section 6, line 15, strike out the word "thirty", and insert in lieu thereof the following: "five"

Also, On page 7, Section 4, line 17, strike out the word "provided", and also all of lines 18, 19, 19a, 20, 21, 22, 23, 24, and 25.

Also: On page 7, Section 4, line 17, strike out the semicolon (;), and insert in lieu thereof a period (.)

Also: On page 7, Section 4, line 14, after the word "third", insert the following, "or subsequent".

The roll was called, and Senate amendments to Assembly Bill No. 703 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bliss, Bohnett, Butler, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hamilton, Harlan, Hayes, Held, Jasper, Jones, Judson, Kehoe, Lynch, Lyon of San Francisco, Malone, Mendenhall, Mott, Polsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Stuckenbruck, Telfer, Williams, Wyllie, Young, and Mr. Speaker—46.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1574?"

In counties of the forty-fifth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries and fees, to wit:

1. The county clerk, fifteen hundred dollars per annum, and such fees for services in naturalization proceedings as by the Act of Congress in such case made and provided it is said he may retain, and also such other fees as he may be allowed by the law of this state to retain, and provided, that in such year when a new registration is required he shall receive in addition to his salary the sum of ten cents for each elector registered, which amount shall be allowed by the board of supervisors at the close of registration preceding a general election and paid from the general fund of the county; and provided further, that in counties of this class there shall be and is hereby allowed to the county clerk a deputy, who shall be appointed by the county clerk, who shall be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, three thousand dollars per annum, and fees, commissions and mileage for the service of papers or process served by him in all civil cases from any court, also his necessary expenses for pursuing criminals or transacting any criminal business.

3. The recorder, eighteen hundred dollars per annum, and all fees and commissions allowed by law to the registrar for preparing vital statistics for the State of California, and also the sum of twenty-five dollars per annum for preparing the abstract of mortgages for use of the county assessor as required by law; provided, that in

counties of this class the recorder may appoint a copyist for service in his office, which office of copyist for the county recorder is hereby created, and said copyist shall receive as compensation for his services the sum of nine hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officers are paid.

4 The auditor, nine hundred dollars per annum and five per cent on all amounts found to have been paid out by the county for state aid as per his report as contemplated by Section 4099a of the Political Code of this State or other law providing for such compensation.

5 The treasurer, fifteen hundred dollars per annum; and *provided, further*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him in accordance with law.

6 The tax collector, five hundred dollars per annum and ten per cent on all licenses collected by him as license collector.

7 The assessor, three thousand five hundred dollars per annum and such fees as are now or may hereafter be allowed by law.

8 The district attorney, fifteen hundred dollars per annum.

9 The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum and actual traveling expenses when visiting the schools of his county and also the sum of five dollars per day for his services as secretary of the board of education for the actual time that the board may be in session.

12. The survivor, such fees as are now or may hereafter be allowed by law.

13 Each justice of the peace, the following fees: In civil action before him, for all services required to be performed by him before trial, two dollars.

For a trial and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, four dollars.

In all cases where judgment is rendered by default or confession, for all services, from the filing of the complaint to and including the entry of judgment, three dollars.

For issuing a writ of attachment, to include all affidavits, taking and approving bond and all oaths and certificates necessary thereto, three dollars.

For all services and proceedings in a criminal action or proceeding whether on examination of trial, three dollars; *provided*, that if the defendant plead guilty, only two dollars shall be allowed.

For taking bail, after commitment by another magistrate, fifty cents.

For making transcript of docket, making up and transmitting papers on appeal, including the certificate to the same, two dollars.

For copies of docket or papers in his office, per folio, twenty cents.

For issuing a search warrant, to be paid by the party demanding the same, one dollar.

For celebrating a marriage and returning the certificate to the recorder, three dollars.

For docketing a judgment or any instrument, for the first name, fifty cents; for each additional name, twenty-five cents.

For taking depositions, per folio, twenty cents.

For administering an oath, twenty-five cents, and certificate to same, twenty-five cents; for each certificate, twenty-five cents.

For issuing a commission to take testimony, seventy-five cents.

For all services connected with the posting of estrays, including the transcript for the recorder, three dollars.

For issuing an execution and entering satisfaction of the judgment, fifty cents.

In all cases before justices of the peace when the venue shall be changed the justice before whom the action shall be brought, for all services rendered, including the making up, and transmission of the transcript and papers, shall receive three dollars; and the justice before whom the trial shall take place, shall receive the same fee as if the action had been commenced before him.

14. Each constable shall receive the following fees: for serving all summons in civil cases, for each defendant, including the copy required by law, one dollar.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents; for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For subpoenaing each witness, twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the justice who issued the order, attachment or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents, but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail the actual necessary expenses.

For attending a justice's court and taking charge of a jury and prisoner when required, two dollars for each day of actual attendance upon the court.

For all other services the same fees as are allowed sheriffs for like service.

15. Each member of the board of supervisors four hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex officio road overseer or commissioner not to exceed three hundred dollars in any one year.

16. Each member of the board of education, whether appointed or ex officio, shall receive five dollars per day as compensation for his services while in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board.

Said compensation of the members of said board shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be presented to the board of supervisors, and shall be allowed at the rate above named in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided for is not in addition to that provided in section one thousand seven hundred and seventy of this code.

17. Juror's fees and witnesses' fees in criminal cases shall be as follows:

For attending as a grand juror, for each day's actual attendance per day three dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a trial juror in criminal cases, for each day's actual attendance, per day three dollars and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such juror for said per diem and mileage and the treasurer shall pay the same.

For attending as a witness in criminal cases for each day's actual attendance the sum of two dollars, and fifteen cents per mile for each mile actually traveled in going only, and the judge of said court shall make an order directing the auditor to draw his warrant in favor of such witness for said per diem and mileage, and the treasurer shall pay the same; provided, however, that in criminal cases such per diem and mileage shall only be allowed upon a showing to the court, by the witness, that the same are necessary for the expenses of the witness in attending, and the court shall determine the necessity for the same, and may disallow any fees to a witness unnecessarily subpoenaed.

SEC 2. This Act shall take effect and be in force from and after its passage.

The roll was called, and Senate amendment to Assembly Bill No. 1574 was concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bishop, Bliss, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Coswell, Cronin, Crosby, Denevri, Gaylord, Gerdes, Guil, Hamilton, Hayes, Held, Hinkle, Jasper, Judson, Kennedy, Lamb, Lynch, Malone, McGowen, Mendenhall, Mott, Preisker, Rodgers of San Francisco, Rogers of Alameda, Ryan, Slater, Stuckenbruck, Telfer, Williams, Wyllie, Young, and Mr. Speaker—42.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, with title amended, Assembly Bill No. 836—An Act to add a new section to the Penal Code of California, to be known as section fifteen hundred ninety-seven, relating to authorizing and empowering the State Board of Prison Directors to purchase California-grown hemp, to be used in the manufacture of grain bags, and to fix the price at which such bags shall be sold, and the payment of the expenses and costs of the trial of convicts for crimes committed in the state prison, and to pay the costs of the trial, or escaped convicts, and to pay for the expenses of coroner's

inquests in said prison—and we respectfully request that your honorable body concur in the Senate amendment to said title.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 836?"

Strike out the title and insert the following:

An Act to amend an Act entitled "An Act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders and from falling bricks, rivets, etc.," approved March 6, 1909, and to make the Act apply to buildings more than two stories high in the course of construction.

Also. On page 2, Section 7, strike out all of Section 7, and insert in lieu thereof the following: "This Act shall take effect within sixty days".

The roll was called, and Senate amendments to Assembly Bill No. 836 were concurred in by the following vote:

AYES—Messrs Beatty, Benedict, Bishop, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Cogswell, Cronin, Crosby, Cunningham, Denegri, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Judson, Lamb, Lynch, Lyon of San Francisco, Malone, McGowan, Mendenhall, Mott, Palsley, Preisker, Rodgers of San Francisco, Rogers of Alameda, Ryan, Schmitt, Slater, Stuckenbruck, Tibbits, Wyllie, Young, and Mr. Speaker—46

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 51—An Act to amend Section 1673 of the Civil Code of the State of California, relating to contracts in restraint of trade.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 772—An Act to amend Sections 2, 4, 5, 6, 7, 8, 10, 11, 14 and 16 of an Act entitled "An Act creating a state commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act," approved March 20, 1903, and adding a new section thereto, to be known and designated as Section 16a, relating to voting or ballot machines.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to the following Senate Constitutional Amendments:

Committee Substitute for Senate Constitutional Amendment No. 5—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California, by adding a new section to Article XI thereof to be known and designated as section seven and one half of said Article XI of the Constitution of the State of California, relating to charters of counties and amendments to such charters, and to the surrender thereof.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State of California, amending section eight of article eleven of said Constitution, relating to charters of cities, and amendments thereto.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 406—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Also Assembly Bill No. 892—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees of the Controller's office and the salaries paid to such employees.

Also Assembly Bill No. 1148—An Act to provide for the payment of judgments against school districts.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER SACRAMENTO, March 26, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 197—An Act appropriating money to be expended by and under the direction of the Department of Engineering for the purpose of rectifying the channels of the Sacramento San Joaquin and Feather rivers, and other river channels of the State, and improving the navigability of such streams and for acquiring land for necessary rights of way.

Also Senate Bill No. 382—An Act to amend the Political Code of the State of California by amending Sections 1094, 1097, 1109, 1145 and 1216 of said Political Code, and by adding to said Political Code two new sections to be known and numbered as Section 1106a and Section 1072a of said Political Code, all relating to elections.

Also, Senate Bill No. 747—An Act to amend Section 19 of an Act entitled "An Act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said boards, prescribing the duties of such officers creating a forestry fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this Act, and making an appropriation therefor," approved March 18, 1905, relating to slash burning.

Also Senate Bill No. 1221—An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof and repealing an Act entitled "An Act to regulate the building and occupancy of tenement houses in incorporated towns, incorporated cities, and cities and counties, and to provide penalties for the violation thereof," approved April 16, 1909, Statutes of California, of 1909, page 948.

Also Senate Bill No. 1247—An Act to provide for the formation, government and control of overflowed districts.

Also Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XX, relating to term of office.

Also Senate Bill No. 1286—An Act to amend Section 4239 of the Political Code of the State of California, relating to officers and salaries and fees of officers of counties of the tenth class.

Also, Senate Bill No. 961—An Act controlling the sanitation of oysters and other shellfish grounds and premises where oysters and other shellfish are opened, packed or prepared for the market, and controlling the sale of oysters and other shellfish for food purposes and providing a penalty for the violation thereof.

Also Senate Bill No. 1138—An Act amending an Act to authorize the establishment of the California State Trades and Training School for dependent orphans, half orphans, abandoned children and children committed by court and placed under guardianship of the board of trustees, the purchase of a site, the preparation of plans and specifications for grounds and buildings, and to make the necessary appropriation therefor.

WALTER N. PARRISH, Secretary of Senate
By W. H. WRIGHT, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1406—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regu-

lations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply; and *providing further*, that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed," approved March 23, 1907, by amending the title of said Act, and making said Act applicable to certain cities of the second and one half class.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 1552—An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax.

Also: Assembly Bill No. 828—An Act to amend Section 3493m, of the Political Code, relating to land uncovered by the recession or drainage of the waters of inland lakes

Also: Assembly Bill No. 1182—An Act to amend Section 443 of the Political Code of the State of California and to add a new section thereto, to be numbered 462.

Also: Assembly Bill No. 558—An Act to amend an Act entitled "An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal or other public work," approved March 27, 1897

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No. 199—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into homes and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

Also: Assembly Bill No. 1563—An Act to amend section four thousand two hundred and seventy-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class.

Also: Assembly Bill No. 1479—An Act to add a new section to the Code of Civil Procedure of the State of California, to be known as section one thousand seven hundred and twenty-six a, relating to the payment of the burial expenses of deceased persons.

Also: Assembly Bill No. 760—An Act to amend Sections 4007, 4101 and 4102 of the Political Code, in relation to the duties of county auditors, county treasurers, district attorneys and chairmen of boards of supervisors.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 29—Relative to granting leave to certain members of the Assembly to leave the State of California for a period of more than sixty days.

WALTER N. PARRISH, Secretary of Senate.

Assembly concurrent resolution ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 884—An Act to amend an Act entitled "An Act to define and regulate the business of banking," approved March 1, 1909, by amending Section 21 of Article I thereof

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted Assembly Joint Resolution No. 19—Relative to a proposed amendment to the Constitution of the United States, governing marriage and divorce.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Assembly joint resolution ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day refused passage to Assembly Bill No. 713—An Act to amend section one hundred and thirty-two of the Civil Code, relating to final divorce judgments

Also. Assembly Bill No. 1381—An Act to enable the board of supervisors, town council, board of aldermen, or other legislative body of any city and county, city, or town, to obtain data and information from any corporation, company, or person supplying gas or electricity to such city and county, city, or town, and granting to said board of supervisors, town council, board of aldermen, or other legislative body the right to regulate the rates at which gas and electricity shall be furnished to the inhabitants of such city and county, city or town.

Also. Assembly Bill No. 585—An Act to amend Sections 276 and 279 of the Code of Civil Procedure, relating to the admission and license of attorneys and counselors at law.

Also. Assembly Bill No. 279—An Act to amend Section 2924 of the Civil Code of the State of California, relating to mortgages

Also. Assembly Bill No. 1005—An Act to amend an Act entitled "An Act to provide for health and development supervision in the public schools of California", approved April 15, 1909, by adding thereto a new section, relating to the duties of teachers in schools where no examining staff is employed.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to the following Senate bills

Senate Bill No. 1137—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure, relating to the purposes for which the right of eminent domain may be exercised, and repealing all Acts and parts of Acts in conflict with this Act.

Also. Senate Bill No. 1046—An Act to prevent discrimination in sales of building materials and providing for a penalty for violation thereof.

Also. Senate Bill No. 703—An Act to regulate and license the hunting of wild birds and animals and the fishing for salmon or trout with rod and line and to provide revenue therefrom for game and fish preservation and restoration, and to repeal an Act entitled "An Act to regulate and license the hunting of wild birds and animals and to provide revenue therefrom for game and fish preservation and restoration," approved March 22, 1909, and all Acts and parts of Acts in conflict with this Act.

Also. Senate Bill No. 303—An Act prohibiting the placing or maintaining of signs, mechanical devices, transparencies, pictures or advertisements on or upon property of the State of California, or on or upon property of any city, county and county or county in the State of California, and prohibiting the placing or maintaining of any signs, mechanical devices, transparencies, pictures or advertisements upon property of any person or private corporation, without consent in writing therefor having been first obtained, and providing a penalty for the violation of the provisions of this Act, and declaring such signs, mechanical devices, transparencies, pictures and advertisements to be a public nuisance

Also. Senate Bill No. 492—An Act to amend Sections 2, 3, 4 and 6 of an Act entitled "An Act to define personal property brokers and regulate their charge and business," approved April 16, 1909.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted Assembly Constitutional Amendment No. 46—A resolution to propose to the people of the State of California an amendment to section eighteen of article four of the Constitution of the State of California in relation to the impeachment of state officers and judges

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

Assembly constitutional amendment ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed Assembly Bill No 1305—An Act to amend "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commission of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905

Also: Assembly Bill No. 1581—An Act to amend Section 1725 of the Political Code of the State of California, relating to the formation of high school districts

Also: Assembly Bill No. 1583—An Act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district to a high school district or the exclusion of a school district from a high school district.

Also: Assembly Bill No 1190—An Act to provide for the formation and establishment of boulevard districts, the construction, acquisition, maintenance, control and use of boulevards; defining the term boulevard; providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevards, providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts, and repealing an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, and the Act amendatory thereof, approved April 15, 1906

Also: Assembly Bill No 1333—An Act to amend Section 6260 of the Penal Code, relating to shooting from moving boats.

Also: Assembly Bill No. 1583—An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts

Also: Assembly Bill No. 186—An Act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one and sixteen hundred and sixty-five of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Also: Assembly Bill No 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

Also: Assembly Bill No. 1580—An Act to amend Section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts

Also: Assembly Bill No 1582—An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of union high school districts

Also: Assembly Bill No 1584—An Act to amend Section 1736 of the Political Code of the State of California, relating to the disincorporation of a high school district

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Bills ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 25, 1911

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No 1307—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1367?"

In Section 1, line 11, strike out the word "Kern"

Also: In line 8, after the word "Santa Barbara", insert the following "Kern".

The roll was called, and Senate amendments to Assembly Bill No. 1367 were concurred in by the following vote:

AYES—Messrs Beatty, Benedict, Bliss, Bohnett, Callaghan, Cattell, Chandler, Clark, Cozswell, Cronin, Crosby, Cunningham, Denegri, Flint, Freeman, Gerdes, Griffiths, Hall, Hamilton, Harlan, Held, Hinkle, Jasper, Jones, Judson, Kehoe, Kennedy, Lamb, Lyon of San Francisco, Malone, McGowan, Mott, Polsley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Sbragia, Schmitt, Slater, Stuckenbruck, Wilson, Young, and Mr. Speaker—45.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended, and as a case of urgency, Assembly Bill No 1587—An Act to provide for the levy and collection of taxes for the support of the state government for the sixty-third and sixty-fourth fiscal years—and we respectfully request your honorable body to concur in the Senate amendments to said Assembly Bill

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1587?"

On page 1, Section 1, line 11, of printed bill, after the word "year", insert the following: "and in the event that the taxes so assessed and levied together with all available revenues other than those revenues required by law to be used for special uses, shall not raise said sum of twelve million four hundred four thousand six hundred seventy dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the State for the sixty-third fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as provided for in subdivisions *a, b, c* and *d* of section fourteen of article thirteen of said Constitution, together with all other state revenues, other than those revenues required by law to be used for special uses, and said sum of twelve million four hundred four thousand six hundred seventy dollars, then said State Board of Equalization shall in accordance with the provisions of subdivision *c* of said section fourteen of article thirteen of the Constitution of the State of California, between the first and second Mondays in September of the said sixty-third fiscal year, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred and ten as, after allowing five per cent for delinquencies, will raise for said sixty-third fiscal year the amount of said deficiency.

Also In Section 2, page 2, line 11, of printed bill, after the word "year", insert the following: "and in the event that the taxes so assessed and levied, together with all available revenues other than those revenues required by law to be used for special uses shall not raise said sum of twelve million six hundred fifty seven thousand nine hundred twenty-four dollars, then said above named revenues shall be deemed insufficient to meet the annual expenditures of the State for the sixty-fourth fiscal year, which deficiency is hereby declared to be the difference between the amount of taxes assessed and levied upon the property and in the manner and upon the rates of taxation as provided for in subdivisions *a, b, c* and *d* of section fourteen of article thirteen of said Constitution, together with all other state revenues other than those revenues required by law to be used for special uses, and said sum of twelve million six hundred fifty-seven thousand nine hundred twenty-four dollars, then said State Board of Equalization shall, in accordance with the provisions of subdivision *c* of said section fourteen of article thirteen of the Constitution of the State of California, between the first and second Mondays in September of said sixty-fourth fiscal year, fix such an ad valorem rate of taxation upon each one hundred dollars in value of taxable property, upon all the property in the State of California not exempt from taxation under the law and subject to taxation for state purposes on the seventh day of November in the year one thousand nine hundred and ten as after allowing five per cent for delinquencies, will raise for said sixty-fourth fiscal year, the amount of said deficiency.

Also Add a new section to said Assembly Bill No 1587 to be numbered Section 3, to read as follows:

"SEC 3 The taxes by this Act directed to be levied as provided for in subdivision *c* of section fourteen of article thirteen of the Constitution of the State of California shall for the sixty-third fiscal year be levied upon the assessed valuation of all the property in the State of California subject to taxation as said assessment

thereof was made and returned for said sixty-fourth fiscal year for the purpose of levying and collecting the taxes required to be levied and collected under the provisions of section twenty-two of article four of said Constitution as that section was amended on the eighth day of November in the year one thousand nine hundred and ten, and the taxes by this Act directed to be levied as provided for in subdivision c of section fourteen of article thirteen of the Constitution of the State of California shall, for the sixty-fourth fiscal year, be levied upon the assessed valuation of all property in the State of California subject to taxation as said assessment thereof was made and returned for said sixty-fourth fiscal year for the purpose of levying and collecting the taxes under the provisions of said section twenty-two of article four of said Constitution."

Also. Add a new section to said Assembly Bill No. 1587, to be numbered Section 4, to read as follows:

"SEC. 4. The taxes directed to be levied and collected by this Act in conformity with the provisions of subdivision c of section fourteen of article thirteen of the Constitution of the State of California shall, for each of said fiscal years, be collected and paid over to the State Treasurer in the manner and at the times provided for in title IX, part III, of the Political Code, as said title and part of said code were in force on the seventh day of November in the year one thousand nine hundred and ten in so far as the sections thereof provide for the collection and payment to the State Treasurer of taxes heretofore levied and collected for state purposes."

Also: Add a new section to said Assembly Bill No. 1587, to be numbered Section 5, to read as follows:

"SEC. 5. This Act shall take effect immediately."

Also. Strike out the last line on page 2, of said printed bill, which reads "This Act shall take effect immediately."

The roll was called, and Senate amendments to Assembly Bill No. 1587 were concurred in by the following vote:

AYES—Messrs. Beatty, Benedict, Bennink, Bliss, Bohnett, Brown, Cattell, Clark, Cogswell, Croum, Cunningham, Eliot, Freeman, Gaylord, Gerdes, Griffiths, Harlan, Held, Hinkle, Hinshaw, Jasper, Jones, Judson, Kehoe, Kennedy, Lynch, Lyon of San Francisco, Malone, McGowan, Mendenhall, Mott, Mullally, Polesley, Preisker, Randall, Rogers of Alameda, Rosendale, Ryan, Slater, Smith, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—46.

NOES—None.

Bill ordered to enrollment.

EXPLANATIONS OF VOTE.

The following was sent to the desk and ordered printed in the Journal:
By Mr. Held:

I voted to concur in Senate amendments to Assembly Bill No. 1587 only because it is represented and claimed that without a clause providing for a delinquency in revenues that all appropriations made at this session will be void. I do not concur in this view of the law, but yield to the opinion of those so claiming.

By Mr. Bohnett:

MR. SPEAKER. In voting to concur in the Senate amendments to Assembly Bill No. 1587, I do so in order to protect the appropriations made by the Legislature. I am opposed to an ad valorem tax since the adoption of Constitutional Amendment No. 1 at the last general election, and voted to concur in said amendments under protest.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, March 25, 1911.

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials—and we respectfully request your honorable body to concur in the Senate amendments to said Assembly constitutional amendment.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Constitutional Amendment No. 28?"

On page 1, line 11, after the word "except", insert the following "to the members of the Railroad Commission of the State and officers and employees of said commission and".

Also On page 1, line 13, after the word "commission", insert the following "or any of the officers or employees of the Railroad Commission".

The roll was called, and Senate amendments to Assembly Constitutional Amendment No. 28 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Cattell, Chandler, Clark, Cogswell, Cronin, Cunningham, Farwell, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McGowen, Mendenhall, Mott, Mullally, Polsley, Preisker, Randall, Rosendale, Ryan, Schmitt, Slater, Smith, Stuckenbruck, Telfer, Walsh, Williams, Wilson, Young, and Mr. Speaker—56.

NOES—None.

Assembly constitutional amendment ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted, as amended, Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of text-books in the common schools throughout the State—and we respectfully request your honorable body to concur in the Senate amendments to said Assembly constitutional amendment.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Constitutional Amendment No. 2?"

On page 2, Section 7, line 17, strike out the words "to the", and all of lines 18 and 19, and insert in lieu thereof the following. "and sold at the cost price of printing, publishing and distributing the same".

The roll was called, and Senate amendment to Assembly Constitutional Amendment No. 2 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bliss, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Farwell, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kennedy, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Ryan, Shragia, Schmitt, Slater, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Young, and Mr. Speaker—55.

NOES—None.

Assembly constitutional amendment ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 1177—An Act to provide for the division of municipalities into sewer districts, and for the construction of, or acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such construction of, or acquisition and also for the payment of such bonds—and we respectfully request your honorable body to concur in the Senate amendments to said Assembly bill.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 1177?"

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL NO. 1177.

An Act to provide for the division of municipalities into sewer districts, and for the construction of, or acquisition and maintenance of sewers therein, providing a system of district sewer bonds to pay the cost of such construction of, or acquisition and also for the payment of such bonds

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The legislative body of any city, town or municipal corporation, incorporated under the laws of this State may create from time to time, as hereinafter provided, within such city, town or municipal corporation separate sewer districts whenever in the judgment of such legislative body it may be necessary or convenient for the proper sanitation and drainage of such districts to construct or acquire any sewer or sewers therein, and may designate such districts by distinctive names and numbers and may as hereinafter provided, provide for the incurring of indebtedness to pay for the cost of the construction or acquisition of sewers in such districts.

SEC 2 Whenever the legislative body of any such city, town or municipal corporation shall, by resolution passed by a vote of two thirds of all its members and approved by the executive of such municipality, determine that the public interest or convenience requires the construction of, or acquisition by purchase or otherwise of a sewer or any sewers in any part of the territory of such municipality, said legislative body shall describe in said resolution a district, naming and numbering the same as hereinabove provided, and declare said district to be the district benefited by said work or improvement, or acquisition of such sewer, and may, at any subsequent meeting, by ordinance passed by a vote of two thirds of all of its members, and also approved by the said executive, adopt plans and specifications for the proposed sewer work (if to be constructed), and also describe the territorial district upon which the expense of such proposed sewer work or improvement, or acquisition, shall be chargeable, as hereinafter provided and shall provide therein for a special election to be held in such city, town or municipal corporation. At such election there shall be submitted to the qualified electors of such city, town or municipal corporation, the proposition of incurring indebtedness for the purposes set forth in said resolution, and no question other than the incurring of the indebtedness for such purposes shall be submitted at such special election. The ordinance calling such special election shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the estimated cost of the proposed sewer work, improvement, or sewer system to be acquired, the amount of the principal of the indebtedness to be incurred therefor, and the rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, the manner of holding such election, and the manner of voting for or against the incurring of such indebtedness. In all particulars not recited in such ordinance, such election shall be held as is provided by law for holding general municipal elections in such city, town or municipal corporation. The maximum rate of interest to be paid on such indebtedness shall be six (6%) per centum per annum, payable semi-annually.

SEC 3 Said ordinance shall be published once a day for five days, prior to the date set for such election in some newspaper of general circulation, designated by the legislative body of said city, town or municipal corporation, which newspaper is published once a day for at least six days a week in such municipality or such ordinance shall be published once a week for two weeks prior to the date set for such election, in some newspaper of general circulation designated by said legislative body, and published less than six days a week in such municipality, and one insertion thereof in such last described newspaper each week for two succeeding weeks prior to the date set for such election by the legislative body of said city, town or municipal corporation, shall be a sufficient publication in such newspaper published less than six days a week.

In municipalities where no newspaper is published, such ordinance shall be posted in three public places in the said sewer district for two succeeding weeks prior to date set for such election by the legislative body of said city, town or municipal corporation. No other notice of such election need be given. It shall require the affirmative votes of two thirds of all the aforesaid qualified electors of said city, town or municipal corporation voting at such special election, to authorize the incurring of said indebtedness and the issuance of bonds therefor as provided herein provided, however, if the proposition so submitted at such election fail to receive the requisite number of votes of the aforesaid qualified electors of such city, town or municipal corporation, voting at such election to incur the indebtedness for the purpose specified, the legislative branch of such municipality shall have no power or authority within six months after such election, to pass any ordinance calling another election for incurring any indebtedness for sewer work within any sewer district which has within its boundaries any of the territory of the district in which,

at said election, the requisite number of votes for the issuance of said bonds has not been cast therefor.

SEC 4 All bonds issued under the provisions of this Act shall be issued in the name of the city, town or municipal corporation in which such sewer district has been formed, and shall be payable in the following manner. A part to be determined by the legislative body of the municipality, which part shall not be less than the one fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place within the United States, to be fixed by the legislative body of the city, town or municipal corporation issuing the said bonds, and designated in such bonds together with the interest on all sums unpaid at such date, until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denominations as the legislative body of the municipality may determine, except that no bonds shall be of a less denomination than one hundred dollars, nor of a greater denomination than one thousand dollars, and shall be payable on the day, and at the place fixed in such bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per cent per annum, and shall be payable semi-annually, and said bonds shall be signed by any officer of said city, town or municipal corporation designated for that purpose by the city council, board of trustees or other legislative body of such city, town or municipal corporation, by resolution adopted by a two thirds vote of all of its members, and shall also be signed by the treasurer thereof, and shall be countersigned by the clerk of such city, town or municipal corporation. The coupons of said bonds shall be numbered consecutively and signed by the treasurer.

In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

SEC 5 The legislative body of the city, town or municipal corporation within whose territory such sewer district has been created as herein provided, may issue and sell said bonds at not less than their par value, and the proceeds of the sale of such bonds shall be placed in the municipal treasury to the credit of the proper sewer district fund and shall be applied exclusively to the purposes and objects mentioned in the said ordinance.

SEC 6 Before the legislative body of such city, town or municipal corporation shall award the contract for doing any sewer work or improvement, the expense of which is to be paid out of the proceeds of sales of the bonds issued in accordance with the provisions of this Act, said legislative body of said city, town or municipal corporation shall cause notice with specifications to be posted conspicuously for five days on or near the chamber door of said legislative body, inviting sealed proposals or bids for doing said sewer work or improvement, and shall also cause notice of said work inviting said proposals and referring to the specifications posted or on file, to be published for two consecutive insertions in a daily, semi-weekly or weekly newspaper, published and circulated in said city, town or municipal corporation, designated by said legislative body for that purpose, and in case there is no newspaper published in said city, town or municipal corporation, then it shall only be posted as hereinbefore provided. All proposals or bids offered shall be accompanied by a check, payable to the order of the executive officer of said city, town or municipal corporation, certified by a responsible bank for an amount which shall be not less than ten (10%) per cent of the aggregate of the proposal, or by a bond for the said amount, and so payable, signed by the bidder and by two sureties who shall justify before an officer competent to administer an oath, in double such amount, and over and above all statutory exemptions. Said proposals or bids shall be delivered to the clerk of said legislative body, and said legislative body shall in open session examine and publicly declare the same. Said legislative body may reject any or all proposals or bids should it deem this for the public good, and shall reject all proposals or bids other than the lowest proposal or bid of any responsible bidder, and may award the contract for said work or improvement to the lowest responsible bidder at the price named in his bid, which award shall be approved by the executive officer of said city, town or municipal corporation, or a three-fourths vote of the legislative body of said city, town or municipal corporation. If not approved by said executive officer or a three-fourths vote of said legislative body, without further proceedings the said legislative body may readvertise for proposals or bids for the performance of the work as in the first instance, and thereafter proceed in the manner in this section provided, and shall thereupon return to the proper parties the respective checks and bonds corresponding to the bid so rejected. But the checks accompanying such accepted proposals or bids shall be held by the clerk of said city, town or municipal corporation, until the contract for doing said work has been entered into by said lowest bidder. But if said bidder fails, neglects or refuses to enter into the contract to perform said work within ten days after said contract shall have been awarded, then the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to said city, town or municipal corporation. The said legislative body shall have the right to require such bonds as they may deem adequate from the bidder to whom the contract for said work or improvement is

awarded, to insure the faithful performance of said contract. Such officer of said city, town or municipal corporation as the legislative body thereof shall designate, is authorized, in his official capacity, to make all written contracts and to receive all bonds authorized by this Act, and is authorized to fix the time for the commencement, which shall not be more than fifteen days from the date of the contract, and for the completion of the work under all contracts entered into by him, which work shall be prosecuted with diligence from day to day until completion, and he may extend the time so fixed from time to time under the direction of said legislative body of said city, town or municipal corporation, *provided, however*, that nothing herein contained shall be construed as prohibiting such city, town or municipal corporation itself from constructing or completing such sewer or improvement, and buying the material, and employing the labor necessary therefor; *provided, however*, that this section shall not apply where sewer systems, or any part of a sewer system, already constructed has been, or is to be acquired under this act.

And provided, further, that in cities, towns and municipal corporations operating under a charter heretofore or hereafter framed under Section 8, Article XI of the Constitution of the State of California, and providing for a board or department of public works, all the things required in this section to be done and performed by the legislative body of the municipality shall be done and performed by the board or department of public works of such city, town or municipal corporation, and in case such charter also prescribes the manner of letting and entering into contracts for the furnishing of labor, materials or supplies for the construction or completion of public work or improvements, all contracts for the construction or completion of sewer work or improvement shall be let and entered into in conformity with the provisions of such charter.

SEC 7. The legislative body of said city, town or municipal corporation shall, at the time of fixing the general tax levy, and in the manner for such general tax levy provided, levy and collect each year upon the property situated within such sewer district formed as hereinbefore set forth, and upon such property only, and until such bonds are paid or until there shall be a sum in the treasury of such city, town or municipal corporation set apart for that purpose, sufficient to meet all sums coming due for the principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds, and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy; *provided, however*, that if the maturity of the indebtedness created by the issue of said bonds or any part thereof, be made to begin more than one year after the date of the issuance of such bonds such tax shall be levied and collected at the time and in the manner aforesaid, annually, each year, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, on or before the payments herein provided for, shall become due.

The taxes herein required to be levied and collected shall be in addition to all other taxes levied for the municipal purposes, and shall be collected at the time, and in the manner, as other municipal taxes are collected, and shall be used for no other purpose than the payment of the sum or sums of money due on said bonds and the accruing interest thereon.

SEC 8. It shall be the duty of the legislative body of every city, town or municipal corporation, wherein sewer work or improvement is being made or acquired under the provisions of this Act, to make all needful rules and regulations for carrying out and maintaining such sewer work or improvement, to appoint all needful agents, superintendents and engineers to properly look after the construction and operation of such sewers, *provided*, that in cities, towns and municipal corporations operating under a charter heretofore or hereafter framed under Section 8 of Article XI of the Constitution of the State of California and having a board or department of public works, all the matters and things required in this section to be done and performed by the legislative body of the municipality shall be done and performed by the board or department of public works of such city, town or municipal corporation.

SEC 9 This Act shall in no wise affect any other Act by the provisions of which sewer work or improvement may be done within or by any city, town or municipal corporation, but it is intended to and does provide an alternate system of proceedings for sewer work and improvements, and it shall be within the discretionary powers of the legislative body of any city, town or municipal corporation to proceed in making such improvements either under the provisions of this Act, or under the provisions of any other Act. But when any proceedings are commenced under this Act the provisions of this Act and such amendments thereto as may hereafter be adopted, shall thereafter apply to all work done under such proceedings until the completion thereof. If, after certain sewer work or improvement has been done or sewers acquired under provisions of this Act, the legislative body of any city, town or municipal corporation shall deem it necessary or convenient to construct or acquire any additional sewer or sewers, it shall be within the discretionary powers of the legislative body of any city, town or municipal corporation to proceed in making such improvement either under the provisions of this Act or under the provisions of any other Act relative thereto. But any provisions contained in any other Acts in conflict with the provisions hereof shall be void as to, and of no effect upon, proceedings commenced under the provisions of this Act, except as herein provided.

The word "sewer" as used in this Act shall be deemed to, and is hereby declared to, include sewers for sanitary or drainage purposes, drains or conduits for surface or storm waters, and the outlets therefor.

SEC 10 This Act shall take effect immediately.

The roll was called, and Senate amendment to Assembly Bill No. 1177 was concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Callaghan, Cattell, Chandler, Clark, Cronin, Cunningham, Farwell, Flint, Freeman, Gaylord, Gerdes, Griffiths, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lyon of San Francisco, Maher, March, McGowen, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Ryan, Schmitt, Slater, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—53

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 1495—An Act to amend section one thousand three hundred and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons.

Also: Assembly Bill No. 516—An Act to repeal Section 364 of the Political Code, relating to the Board of Examiners.

And respectfully requests your honorable body to concur in the amendments.

WALTER N. PARRISH, Secretary of Senate.

By W. H. WRIGHT, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1495?"

On page 3, Section 8, line 72, strike out the word "issue", and insert in lieu thereof the following: "heir or heirs".

Also: On page 4, Section 2, strike out all of Section 2.

The roll was called, and Senate amendments to Assembly Bill No. 1495 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Farwell, Flint, Freeman, Gaylord, Gerdes, Guill, Hall, Hamilton, Hayes, Held, Hinkle, Hinshaw, Jasper, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mendenhall, Polsley, Randall, Rogers of Alameda, Rosendale, Ryan, Slater, Stuckenbruck, Telfer, Tibbits, Walker, Walsh, Wilson, Wyllie, Young, and Mr. Speaker—50.

NOES—None.

Bill ordered to enrollment.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 516?"

Strike out of Section 1, lines 2, 3, 4 and 5, page 1, the words and figures "and there is hereby substituted to take the place thereof in such Code a new section to read as follows:

"364 The State Board of Control shall consist of three members to be appointed by the Governor.", and inserting in lieu thereof the following: a period

Also: Strike out after the word "Examiners", on line 3 of title, the "comma", and insert a "period"

Also: Strike out after the word "Examiners", on line 3 of title, the following: "and to substitute therefor a new Section 364, relating to the State Board of Control".

The roll was called, and Senate amendments to Assembly Bill No. 516 were concurred in by the following vote:

AYES—Messrs. Beatty, Beckett, Benedict, Bennink, Brown, Butler, Callaghan, Cattell, Cronin, Crosby, Cunningham, Flint, Freeman, Gerdes, Guill, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, McGowen, Mendenhall, Nolan, Polsley, Randall, Rogers of Alameda, Rosendale, Ryan, Smith, Stevenot, Stucken-

bruck, Sutherland, Telfer, Tibbits, Walker, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—52.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 26, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 1077—An Act to amend an Act entitled "An Act to amend section fourteen hundred and forty-four of the Code of Civil Procedure of the State of California, relating to appraisement of estates and pay of appraisers"—and respectfully requests your honorable body to concur in the amendments.

WALTER N. PARRISH, Secretary of Senate.
By W. H. WRIGHT, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1077?"

On page 1, Section 1, line 4, after the word "person", insert the following: ", one of whom must be one of the inheritance tax appraisers provided for by law".

Also: On page 1, Section 1, line 10, after the word "appraisers", insert the following: ", who need not be the collateral tax appraiser;".

The roll was called, and Senate amendments to Assembly Bill No. 1077 were concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bliss, Brown, Butler, Callaghan, Cattell, Chandler, Clark, Cronin, Crosby, Freeman, Gaylord, Gerdes, Guill, Hamilton, Harlan, Hayes, Held, Hinkle, Hinshaw, Jasper, Jones, Joel, Judson, Kehoe, Kennedy, Lamb, Maher, McGowen, Mendenhall, Mott, Polsley, Randall, Rogers of Alameda, Rosendale, Ryan, Sternot, Telfer, Tibbits, Walsh, Williams, Wilson, Wyllie, Young, and Mr. Speaker—47.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, with the title amended, Assembly Bill No. 803—An Act to amend Section 594 of the Political Code relating to the classification of insurance and the capital stock insurance companies are required to have—and we respectfully request your honorable body to concur in the Senate amendment to the title of said Assembly bill.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 803?"

On page 1, strike out from the title, the first three words following the words, "An Act".

The roll was called, and Senate amendment to Assembly Bill No. 803 was concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Benedict, Bennink, Bohnett, Brown, Butler, Callaghan, Chandler, Clark, Cronin, Crosby, Cunningham, Flint, Freeman, Gaylord, Gerdes, Hall, Hamilton, Harlan, Hayes, Held, Hinkle, Jasper, Jones, Joel, Judson, Kehoe, Lamb, Lynch, Lyon of San Francisco, Maher, Malone, McDonald, McGowen, Mendenhall, Mott, Randall, Rogers of Alameda, Smith, Stevenot, Telfer, Tibbits, Wilson, Young, and Mr. Speaker—46.

NOES—None.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof: for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties

for the violation thereof—and we respectfully request your honorable body to concur in the Senate amendments to said Assembly Bill.

WALTER N. PARRISH, Secretary of Senate.

By FRANK MATTISON, Assistant Secretary.

The question being put, "Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1331?"

Strike out the whole of Section 1.

Also: In Section 2, at the end thereof, strike out the "period" and add "*and provided that nothing in this Act contained shall in any manner apply to or be construed to have reference to green or fresh fruits or green or fresh vegetables*".

Also Strike out the whole of Section 5

Also Strike out all of Section 10, and in lieu thereof insert the following:

"All nuts, farm produce, dried fruits, raisins, and all produce coming under the provisions of this Act, when sold by weight shall be sold only by and in terms of standard avoirdupois pounds and ounces and shall not be sold for a greater weight than the true net weight thereof."

Also: In Section 11, line 1, after the word "goods", insert "other than fresh or green fruits".

Also: In Section 11, add a period after the word "number", on line 4, and strike out all of lines 5, 6 and 7.

Also Change the numbering of the sections so as to conform to the striking out of Section 1, and Section 5

The roll was called, and Senate amendments to Assembly Bill No. 1331 were concurred in by the following vote:

AYES—Messrs Beatty, Beckett, Bennink, Brown, Cattell, Chandler, Clark, Cronin, Cunningham, Denegri, Feeley, Flint, Gaylord, Hamilton, Harlan, Hayes, Held, Jasper, Joel, Judson, Kennedy, Lamb, Lyon of San Francisco, Maher, McGowan, Randall, Rogers of Alamada, Rosendale, Rutherford, Ryan, Sbragia, Slater, Smith, Stevenot, Stuckenbruck, Telfer, Tibbits, Walsh, Williams, Wilson, and Wyllie—41.
NOES—Messrs. Callaghan, Cogswell, Crosby, Freeman, Griffiths, Hinchshaw, Kehoe, Lynch, Malone, March, McDonald, Mendenhall, Mott, Walker, and Mr. Speaker—15.

Bill ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to the following Senate bills:

Senate Bill No. 648—An Act to form agricultural districts, to provide for the formation, organization and powers of agricultural associations therein, and for the management and control of the same, for the holding of agricultural fairs, exhibitions and displays, and making an appropriation therefor, and repealing all Acts in conflict herewith.

Also: Senate Bill No. 412—An Act to amend an Act entitled "An Act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 20, 1905, and all Acts and laws amendatory thereof and supplementary thereto, by adding a new section thereto, relating to the disposition of the proceeds of the license tax collected under the provisions thereof, and defining the duties of certain officers in relation thereto

Also: Senate Bill No. 413—An Act to amend Section 25 of an Act entitled "An Act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this Act and for suits to quiet title against claims of liens arising hereunder to repeal an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises,' approved March 23, 1893, and all amendments thereto, and all Acts and parts of Acts in conflict with this Act", approved March 20, 1905, relating to the disposition of proceeds of the tax levied under the same, and defining the duties of certain officers in relation thereto

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 28—An Act to add a new section to the Political Code to be numbered 4085½, authorizing the board of supervisors of the several counties of this State to declare unnavigable streams highways for the purpose of fishing, and providing for the use of the same.

Assembly Bill No. 162—An Act to amend an Act entitled "An Act to create a firemen's relief, health, life insurance and pension fund, in the several counties, cities and counties, cities and towns of the State," approved March 20, 1905.

Assembly Bill No. 1293—An Act to amend section seventeen hundred and ninety-three of the Political Code of the State of California, relating to holders of certificates eligible to teach.

Assembly Bill No. 515—An Act to repeal Article XVIII of Chapter III of Title I of Part III of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the Board of Examiners, and to enact a new Article XVIII of Chapter III of Title I of Part III of said Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to and creating a state board of control and department of accounting therein; providing for the organization of such board; defining its powers and duties; prescribing the number and fixing the salaries of the members and employees thereof and of the department of accounting therein, and to include in such Article XVIII, new sections to be known and numbered respectively as Sections 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690 and 691.

Assembly Bill No. 1329—An Act to add four new sections to the Political Code of the State of California to be numbered and known as Sections 3224, 3225, 3226 and 3227, relating to weights and measures.

Assembly Bill No. 641—An Act to appropriate money to protect the banks of Mad River from erosion by means of brush and rock work along the banks thereof.

Assembly Bill No. 42—An Act to provide for the continuation of the construction of the highway known as Kings River Highway, and to make an appropriation therefor.

Assembly Bill No. 76—An Act authorizing and directing the board of managers of the Napa State Hospital to construct and restore the principal tower of the buildings at the Napa State Hospital, damaged by the earthquake of April 18, 1906, and install a clock therein, and making an appropriation therefor.

Assembly Bill No. 79—An Act making appropriation for the installation of irrigating pipe lines at the Napa State Hospital.

Assembly Bill No. 86—An Act to provide for certain necessary improvements to the grounds and appurtenances of the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 94—An Act making an appropriation to repair and renovate the cottages of Company C, at the Veterans' Home of California, located at Yountville, Napa County, California.

Assembly Bill No. 92—An Act to provide for the painting inside and outside, of the buildings of the Veterans' Home of California, located at Yountville, Napa County, California, and to make an appropriation therefor.

Assembly Bill No. 111—An Act to amend Section 4242 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the thirteenth class.

Assembly Bill No. 167—An Act making an appropriation for the equipment, support and maintenance of the Branch Agricultural Experiment Station in Imperial County.

Assembly Bill No. 519—An Act to establish a state highway from the town of Folsom, in Sacramento County, California, to connect with the western terminus of Lake Tahoe wagon road, a state highway, at Smith's Flat, in the county of El Dorado, California, via Shingle Springs, El Dorado and the city of Placerville; to define its course, to provide for its supervision, location, survey, construction, repair and maintenance and to make an appropriation therefor.

Assembly Bill No. 386—An Act to provide for the completion of septic tank and the relaying of mains and laterals leading thereto and therefrom at the Veterans' Home of California, located at Yountville, Napa County, and making an appropriation therefor.

Assembly Bill No. 549—An Act to provide for further developing and using the sources of water supply on the grounds of the California Institution for the Deaf and the Blind at Berkeley, repairing the reservoirs thereon, and improving the plumbing in the buildings of said institution, and to make an appropriation therefor.

Assembly Bill No. 550—An Act to provide for the erection and equipment of a building at the California Institution for the Deaf and the Blind at Berkeley, to be used for instruction in manual and industrial arts, and to make an appropriation therefor.

Assembly Bill No. 767—An Act authorizing and directing the directors of the State Agricultural Society to complete the construction of the building on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, known as the Manufacturers' building, and making an appropriation therefor.

Assembly Bill No. 768—An Act providing for the erection of a grand stand on the state fair grounds at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor.

Assembly Bill No. 789—An Act creating and establishing a commission for investigating and gathering data and information concerning the subjects of forestry, water, the use of water, water power, electricity, electrical and other power, mines and mining, mineral and other lands, dredging, reclamation and irrigation, and for revising, systematizing and reforming the laws of this State upon, concerning, regarding or appertaining to these said subjects; providing for the appointment of said commission to be known as the "Conservation Commission of the State of California"; prescribing the powers and duties of said commission and its members and providing for the expenses of said commission and appropriating money therefor.

Assembly Bill No. 771—An Act authorizing and directing the directors of the State Agricultural Society to construct on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, a dairy building and dairy barns, providing for their equipment and making an appropriation therefor.

Assembly Bill No. 780—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31st, 1897, by amending Section 59 of said Act, relative to the levying of assessments.

Assembly Bill No. 795—An Act to establish free labor bureaus in the cities of San Francisco and Los Angeles under the control and management of the State Labor Commissioner, and providing for the appointment of inspectors of factories and workshops, and making an appropriation for the expenses thereof.

Assembly Bill No. 846—An Act to amend section one of an Act entitled "An Act concerning trespassing of animals upon private lands and the recovery of damages resulting therefrom," approved March twenty-third, 1907.

Assembly Bill No. 908—An Act conveying certain tide lands and lands lying under inland navigable waters situate in the bay of San Diego to the city of San Diego in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof.

Assembly Bill No. 1011—An Act to add a new section to the Political Code to be numbered 4264a, relating to and fixing the compensation of grand and trial jurors in the counties of the thirty-fifth class.

Assembly Bill No. 1556—An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers of the eighteenth class.

Assembly Bill No. 1550—An Act to amend Section Number 4249 of the Political Code of the State of California, relating to county officers, and their salaries and deputies; to township officers and their compensation; and to the compensation of jurors and grand jurors in counties of the twentieth class.

Assembly Bill No. 1540—An Act making an appropriation to assist in the erection of a monument to the memory of the pioneers of California, near Donner Lake, Nevada County, State of California, and providing for the payment thereof.

Assembly Bill No. 1536—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

Assembly Bill No. 1392—An Act authorizing and directing the Commissioner of the Bureau of Labor Statistics to appoint an assistant deputy to perform the duties imposed upon said commissioner under Section 12 of an Act entitled "An Act to establish and support the Bureau of Labor Statistics", approved March 3, 1883, and the several Acts amendatory thereof; prescribing his duties; providing for his compensation, and making an appropriation therefor.

Assembly Bill No. 1157—An Act to amend Section 4234 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifth class.

Assembly Bill No. 1154—An Act to provide for nurses and for medical attendance for the inmates of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County, and appropriate money therefor.

Assembly Bill No. 1153—An Act to provide for improvements and repairs to the buildings and grounds of the Woman's Relief Corps Home, located at Evergreen, Santa Clara County.

Assembly Bill No. 1093—An Act to amend Section 4254 of the Political Code of California, relating to salaries of officers of counties of the twenty-fifth class.

Assembly Bill No. 1058—An Act to amend Section 2300 of the Political Code of the State of California, relating to the State Library Fund.

Assembly Bill No. 81—An Act to provide for the building, equipping and purchasing of machinery for an ice and cold storage plant on the grounds of the Napa State Hospital, and to make appropriation for the same.

Assembly Bill No. 1365—An Act relating to lakes and streams, the waters of which contain minerals in commercial quantities; withdrawing state lands within the meander lines thereof from sale, prescribing conditions for taking such minerals from said waters and lands, and providing for the leasing of lands uncovered by the recession of the waters of such lakes and streams.

Assembly Bill No. 1322—An Act to repeal Section 980 of the Code of Civil Procedure of the State of California relating to powers of Superior Courts on appeal.

Assembly Bill No. 1321—An Act to amend Section 977 of the Code of Civil Procedure of the State of California relating to the transmission of papers to appellate courts.

Assembly Bill No. 1320—An Act to amend Section 976 of the Code of Civil Procedure of the State of California relating to appeals to Superior Courts.

Assembly Bill No. 1319—An Act to amend Section 974 of the Code of Civil Procedure of the State of California, and to repeal Section 975 thereof, both relating to appeals from judgment of justices' or police courts.

Assembly Bill No. 1204—An Act to repeal sections eleven hundred eighty-six, eleven hundred eighty-seven, eleven hundred eighty-nine, eleven hundred ninety, eleven hundred ninety-three, eleven hundred ninety-four, thirteen hundred fifty-seven, thirteen hundred fifty-eight, thirteen hundred sixty, thirteen hundred sixty-one, thirteen hundred sixty-two, thirteen hundred sixty-three, thirteen hundred sixty-four, thirteen hundred sixty-five, thirteen hundred sixty-six, thirteen hundred sixty-seven, thirteen hundred sixty-eight, thirteen hundred sixty-nine, thirteen hundred seventy, thirteen hundred seventy-one, thirteen hundred seventy-two, thirteen hundred seventy-three, thirteen hundred seventy-four and thirteen hundred seventy-five, of the Political Code of the State of California, relating to elections.

Assembly Bill No. 1203—An Act to amend section ten hundred seventy-nine of the Political Code of the State of California, relating to expenditures in respect to elections.

Assembly Bill No. 1201—An Act to amend section ten hundred forty-four of the Political Code of the State of California, relating to conduct of municipal elections.

Assembly Bill No. 1116—An Act to amend section twelve hundred and ten of the Political Code of the State of California, relating to sample election ballots.

Assembly Bill No. 1114—An Act to amend section eleven hundred forty-two of the Political Code of the State of California, relating to boards of election.

Assembly Bill No. 1113—An Act to amend section eleven hundred twenty of the Political Code of the State of California, relating to qualifications of voters.

Assembly Bill No. 1112—An Act to repeal section eleven hundred nineteen of the Political Code of the State of California, relating to registration of voters at primary elections.

Assembly Bill No. 1111—An Act to repeal section eleven hundred eighteen of the Political Code of the State of California, relating to qualification and registration of voters at primary elections.

Assembly Bill No. 1110—An Act to amend sections eleven hundred thirteen, eleven hundred fifteen and eleven hundred seventeen of the Political Code of the State of California, relating to registration of electors.

Assembly Bill No. 1109—An Act to amend sections eleven hundred five, eleven hundred eight and eleven hundred nine of the Political Code of the State of California, relating to registration of voters.

Assembly Bill No. 1108—An Act to amend sections ten hundred ninety-five and ten hundred ninety-six of the Political Code of the State of California, relating to registration of electors.

Assembly Bill No. 885—An Act to amend Sections 2, 3, 13, and 21, of an Act entitled "An Act for the preservation of the public health of the people of the State of California, and empowering the State Board of Health to enforce its provisions, and providing penalties for the violation thereof," approved March 23, 1907.

Assembly Bill No. 830—An Act regulating the extraction of minerals from the waters of any stream or lake and prohibiting the extraction of minerals from said waters except under lease from or express permission of the State for a period not exceeding twenty-five years.

Assembly Bill No. 788—An Act to amend Section 1410 of the Civil Code of the State of California, relating to the rights to water which may be acquired by appropriation.

Assembly Bill No. 795—An Act regulating and limiting the appropriation of water for generating electricity or electrical or other power; fixing the terms and conditions and providing the manner and procedure upon which water for generating electricity or electrical or other power may be appropriated and providing for the renewal of licenses granted hereunder, providing for the issuing of licenses for

the use of water for generating electricity or electrical or other power and limiting rights under such licenses, prohibiting the appropriation of water or the use of water for generating electricity or electrical or other power for a longer period than twenty-five years; limiting the right to the use of water appropriated for generating electricity or electrical or other power to the specific purposes for which it is appropriated; declaring certain water to be unappropriated; providing for the granting of licenses to divert and store surplus and flood waters for generating electricity, or electrical or other power and declaring what is surplus water; reserving to the State the right to regulate and fix the rates of compensation for which electricity or electrical or other power generated by water appropriated may be sold, rented or distributed; reserving to the State the right to impose charges for the use of water appropriated for electricity or electrical or other power and fixing fees and charges, preventing the combination or formation of any unlawful trust by appropriators of water or the use of water for generating electricity or electrical or other power and providing a penalty therefor; creating and establishing a state board of control; providing the powers and duties of said Board of Control and fixing their compensation; compelling persons, firms, associations and corporations supplying electricity or electrical or other power generated by the use of appropriated water to keep their plants and systems in repair and requiring an annual report from them to said Board of Control; providing for the appointment and compensation of employees and assistants to said Board of Control; limiting the expenses of said Board of Control and providing for the payment thereof, fixing the place of business of said Board of Control; declaring the division or use of water for generating electricity, or electrical or other power, otherwise than provided in this Act, to be a misdemeanor and providing a penalty therefor, and also providing penalties for other violations of this Act; repealing all Acts and parts of Acts in conflict with this Act.

Assembly Bill No. 15—An Act to amend Section 1861 of the Civil Code, relating to lien of hotel keepers on property of guests for charges.

Assembly Bill No. 961—An Act to amend an Act entitled "An Act to create for the State of California a department of engineering, to provide for the appointment of the officers and employees thereof, defining its powers and prescribing the duties of said department, its officers and employees, to provide the compensation of such officers and employees, to make an appropriation for the salaries and other expenses for the remainder of the fifty-eighth fiscal year and making certain acts a felony, and repealing an Act entitled 'An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation,' approved February ninth, nineteen hundred, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled 'An Act to create a department of highways for the State of California, to define its duties and powers, to provide for the appointment of officers and employees thereof, and to provide for the compensation of said officers and employees, and for the additional expenses of said department, and to make an appropriation therefor for the remainder of the forty-eighth fiscal year,' approved April first, eighteen hundred and ninety-seven, also repealing an Act entitled 'An Act providing for the appointment of an auditing board to the Commissioner of Public Works, authorizing him and them to perform certain duties relating to drainage, to purchase machinery, tools, dredges and appliances therefor, to improve and rectify water channels, to erect works necessary and incidental to said drainage, to condemn land and property for the purposes aforesaid, making certain acts a felony, and making an appropriation of money for the purposes of this Act,' approved March seventeenth, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof, also repealing an Act entitled 'An Act to provide for the appointment, duties and compensation of a Débris Commissioner, and to make an appropriation to be expended under his direction in the discharge of his duties as such commissioner,' approved March twenty-fourth, eighteen hundred and ninety-three, and all Acts or parts of Acts amendatory thereof; also repealing an Act entitled, "An Act to create the office of Lake Tahoe Wagon Road Commissioner, providing the term of office and compensation of such commissioner, defining his duties, and making an appropriation for the salary and expenditures provided for and authorized by this Act," approved April first, eighteen hundred ninety-seven, and all Acts or parts of Acts amendatory thereof," approved March eleventh, nineteen hundred and seven, and all Acts or parts of Acts amendatory thereof, by amending Sections 1, 14, 2, 3, 7, 9, 11, 17, and 19 thereof and by adding a new section thereto to be numbered section 6a, relating to the officers and employees of the department of engineering, their powers, duties and salaries.

Assembly Bill No. 1571—An Act providing that one half of the cost and expense of the maintenance and of the salaries of officers, firemen and crew of the fire boats "David Scannell" and "Dennis Sullivan" shall be borne and paid by the State of California out of the General Fund in the state treasury and making an appropriation therefor.

Assembly Bill No. 1074—An Act to amend Section 4243 of the Political Code of the State of California, providing for the salaries and fees of jurors and public officers in counties of the fourteenth class.

Assembly Bill No. 769—An Act authorizing and directing the directors of the State Agricultural Society to plow, check and plant the infield, grade and gravel

walks and drives, park the grounds, improve the system of fire protection, and construct public conveniences on the state fair grounds, at Agricultural Park, near the city of Sacramento, State of California, and making an appropriation therefor

And were presented to the Governor March 27th, at three o'clock P M

RANDALL, Chairman.

ON AGRICULTURE, FRUIT AND VINE INTERESTS

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Agriculture, Fruit and Vine Interests, to whom was referred Assembly Bills Nos. 1454, 223, 1124, and 680, have had the same under consideration, and respectfully report the same back, without recommendation.

JUDSON, Chairman

ON STATE HOSPITALS AND ASYLUMS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on State Hospitals and Asylums, to whom was referred Assembly Bills Nos. 101, 107, 105, 106, 273, 274, 206, 186, 182, 181, 179, 180, 690, 189, 12, 230, 187, 1498, 655, and 820, have had the same under consideration, and respectfully report the same back, without recommendation.

GERDES, Chairman.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bills Nos. 242, 1172, and 1287, have had the same under consideration, and respectfully report the same back, without recommendation.

KEHOE, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Senate Bill No. 1066—An Act to add a new section to the Penal Code of the State of California to be numbered section three hundred twenty-seven, relating to gift enterprises—respectfully report the same back without recommendation.

KEHOE, Chairman.

ON SWAMP, OVERFLOWED LANDS, LEVEES AND RIVER IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Swamp, Overflowed Lands, Levees and River Improvements, to whom was referred Assembly Bills Nos. 572, 475, and 1131, have had the same under consideration, and respectfully report the same back, without recommendation.

LYNCH, Chairman.

ON CORPORATIONS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bills Nos. 71, 72, 249, 434, 435, 436, 437, 671, 672, 733, 734, 761, 762, 861, 1036, and 1055

Also: Senate Bill No. 588.

Have had the same under consideration, and respectfully report the same back, without recommendation.

JOEL, Chairman.

ON CONSTITUTIONAL AMENDMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendments Nos. 5, 9, 11, 12, 14, 15, 17, 18, 21, 22, 27, 29, 30, 31, 32, 37, 38, 40, 41, 42, 43, 44, 45, 47, and 49.

Also: Assembly Concurrent Resolution No. 16.

Also: Assembly Bill No. 1158.

Have had the same under consideration, and respectfully report the same back, without recommendation.

SUTHERLAND, Chairman.

ON COMMERCE AND NAVIGATION.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Commerce and Navigation, to whom was referred Assembly Bills Nos. 282, 394, 686, 688, 815, 863, 834, 1361, and 1549, have had the same under consideration, and respectfully report the same back, without recommendation.

SCHMITT, Chairman.

ON PUBLIC LANDS AND FORESTRY.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911

MR. SPEAKER: Your Committee on Public Lands and Forestry, to whom was referred Senate Bill No. 891.

Also Senate Bill No. 924

Have had the same under consideration, and respectfully report the same back, without recommendation.

FLINT, Chairman.

ON MANUFACTURES AND INTERNAL IMPROVEMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Manufactures and Internal Improvements, to whom was referred Assembly Bills Nos. 976 and 978, have had the same under consideration, and respectfully report the same back, without recommendation

CUNNINGHAM, Chairman.

ON COUNTY AND TOWNSHIP GOVERNMENTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER Your Committee on County and Township Governments, to whom was referred Senate Bills Nos. 193, 489, 118, 237, and 757.

Also: Assembly Bills Nos. 109, 139, 177, 188, 192, 319, 320, 392, 410, 485, 542, 638, 645, 649, 647, 651, 652, 664, 605, 677, 845, 860, 875, 960, 967, 973, 974, 1025, 1028, 1060, 1306, 1356, 1359, 1363, 1364, 1468, 1512, 1532, and 1577

Have had the same under consideration, and respectfully report the same back, without recommendation.

ROGERS of Alameda, Chairman.

ON LIVE STOCK, DAIRIES AND DAIRY PRODUCTS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911

MR. SPEAKER Your Committee on Live Stock, Dairies and Dairy Products, to whom was referred Assembly Bill No. 1506—An Act to amend the Penal Code of the State of California by adding thereto a section to be numbered 402f, relating to the keeping and owning of dogs and other animals that kill or injure sheep.

Also: Assembly Bill No. 814—An Act to provide for the preparation and distribution of serums or vaccines for the prevention of the disease known as cholera in hogs in the State of California, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Also: Assembly Bill No. 1362—An Act to amend section four thousand and twenty-three of the Political Code, relating to the qualifications of county live stock inspectors.

Also: Senate Bill No. 546—An Act to provide for the reporting to the State Veterinarian of all bovine animals within this State which are tested with tuberculin for the purpose of determining if such animals are affected with tuberculosis; providing that all neat cattle used for breeding purposes in this State shall not be sold or given away if tuberculosis in such animals is clearly diagnosed by the tuberculin test, or by physical examination, or both; providing for the branding of any of such cattle in which tuberculosis is clearly diagnosed by physical examination, or by the tuberculin test, or both; providing that when tuberculin is sold or given away or used within this State for the purpose of diagnosing tuberculosis in neat cattle a report of such sale, gift or use of such tuberculin shall be made to the State Veterinarian; and providing for penalties for violations of this Act

Also: Senate Bill No. 548—An Act to provide for the reporting to the State Veterinarian of all mallein, or any other biological agent used within this State for the purpose of determining whether any horse, mule or ass is affected with glanders and providing for penalties for violations of this Act.

Have had the same under consideration, and respectfully report the same back, without recommendation.

HAMILTON, Chairman

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bills Nos. 14, 19, 32, 35, 49, 73, 75, 77, 80, 84, 87, 93, 96, 112, 114, 115, 117, 122, 124, 128, 148, 154, 155, 157, 158, 161, 173, 203, 204, 205, 211, 216, 220, 228, 233, 235, 236, 238, 266, 271, 280, 285, 316, 321, 359, 479, 565, 567, 582, 583, 586, 588, 596, 609, 610, 617, 668, 692, 695, 709, 738, 770, 772, 773, 774, 837, 847, 850, 893, 924, 956, 1004, 1007, 1026, 1027, 1037, 1049, 1052, 1076, 1129, 1139, 1140, 1145, 1147, 1151, 1164, 1170, 1187, 1283, 1292, 1308, 1315, 1338, 1368, 1390, 1393, 1405, 1438, 1561, and 1573.

Also: Senate Bills Nos. 33, 108, 258, 279, 295, 381, 443, 444, 963, 1021, and 1035.
Also: Senate Concurrent Resolution No. 16.
Have had the same under consideration, and respectfully report the same back, without recommendation.

COGSWELL, Chairman.

ON INSURANCE AND INSURANCE LAWS.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Insurance and Insurance Laws, to whom was referred Assembly Bills Nos. 237, 356, 358, 403, 933, 934, 935, 936, 937, 938, 954, 969, 983, 995, 1355, 1369, 1451, 1487, and 1488.

Also: Senate Bill No. 617.

Have had the same under consideration, and respectfully report the same back, without recommendation.

CALLAGHAN, Chairman.

ON PUBLIC BUILDINGS AND GROUNDS

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bills Nos. 1378, 551, 697, 1138, 44, 184, and 286, have had the same under consideration, and respectfully report the same back, without recommendation.

HINKLE, Chairman.

APPROVAL OF JOURNALS.

On motion of Mr. Bohnett the journals of Saturday, March 25, and Sunday, March 26, were approved as corrected by the Minute Clerk.

RECESS.

At six o'clock P. M., the Assembly was declared at recess until eight o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At eight o'clock and thirty minutes P. M. the Assembly reconvened. Speaker Hewitt in the chair.

SENATE MESSAGES—(RESUMED).

The following messages from the Senate were taken up and read:

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 656—An Act to regulate the registration and operation of motor vehicles, the registration of chauffeurs, to provide for the disposition of the revenue resulting from fees of registration, to make an appropriation for the purpose of carrying out the provisions of this Act, and to repeal an Act entitled "An Act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this Act," approved March 22, 1905, and all amendments thereto, together with all Acts or parts of Acts inconsistent or in conflict with the provisions of this Act.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in the Assembly Amendments to Senate Bill No. 1281—An Act to amend section 2712 of the Political Code, relating to the payment by the board of supervisors out of the general fund for road repairs.

WALTER N. PARRISH, Secretary of Senate.
By FRANK MATTISON, Assistant Secretary.

ANNOUNCEMENT.

The Speaker announced the apointment of committees to prepare arguments for and against the adoption of proposed Assembly constitutional amendments and proposed Senate constitutional amendments in accordance with the provisions of an Act entitled "An Act providing for the calling of a special election to be held on Tuesday, October 10, 1911, and for the submission thereat to the qualified electors of the State all amendments to the Constitution of the State of California, proposed by the Legislature at its thirty-ninth session, commencing on the second day of January, 1911, prescribing and providing for the publication of said proposed amendments, and providing for the manner of holding and conducting such election and for the canvassing and return of the votes cast thereat," approved March 27, 1911, said proposed amendments to be voted upon at the special election to be held throughout the State of California, on Tuesday, the tenth day of October, 1911.

Senate Constitutional Amendment No. 8: Mr. Cattell, author of Assembly Constitutional Amendment No. 1, identical with Senate Constitutional Amendment No. 8.

Assembly Constitutional Amendment No. 2: Mr. Held, author, and Mr. Telfer; no minority vote.

Assembly Constitutional Amendment No. 6: Mr. Sutherland, author, for majority; Mr. Freeman, for minority; identical with Senate Constitutional Amendment No. 12. Senator Burnett, author.

Senate Constitutional Amendment No. 22: Mr. Clark, author of Assembly Constitutional Amendment No. 20, identical with Senate Constitutional Amendment No. 22.

Senate Constitutional Amendment No. 23: Mr. Clark, author of Assembly Constitutional Amendment No. 22, identical with Senate Constitutional Amendment No. 23.

Assembly Constitutional Amendment No. 25: Mr. Young, author; Mr. Guill, for majority; no minority vote.

Assembly Constitutional Amendment No. 26: Mr. Bohnett, author; Mr. Beatty, for majority; Mr. Brown, for minority.

Assembly Constitutional Amendment No. 28: Mr. Jones, author; Mr. Joel, for majority; no minority vote.

Assembly Constitutional Amendment No. 33: Mr. Bohnett, author, for majority; Mr. Rimlinger, for minority; identical with Senate Constitutional Amendment No. 34. Senator Boynton, author.

Senate Constitutional Amendment No. 47: Mr. Sutherland, author of Assembly Constitutional Amendment No. 39, identical with Senate Constitutional Amendment No. 47.

Senate Constitutional Amendment No. 5: Mr. Benedict, author of Assembly Constitutional Amendment No. 40, identical with Senate Constitutional Amendment No. 5.

Assembly Constitutional Amendment No. 46: Mr. Brown, author; Mr. Butler, for majority; no minority vote.

Assembly Constitutional Amendment No. 48: Mr. Randall, author; Mr. Bennink, for majority; no minority vote.

Assembly Constitutional Amendment No. 50: Mr. Sutherland, author; identical with Senate Constitutional Amendment No. 53, Senator Burnett, author.

RESOLUTIONS—(RESUMED).

The following resolutions were offered:

By Mr. Rogers of Alameda:

WHEREAS, L. B. Mallory, Chief Clerk of this Assembly, has rendered able, efficient, conscientious, and painstaking service during the thirty-ninth session of the Legislature of the State of California, and

WHEREAS, His attention to every detail of the work of this most important position has materially aided, and expedited the work of this session, therefore, be it

Resolved, That the thanks of this Assembly be, and the same are hereby, tendered him for his valuable and faithful services.

Resolution read, and on motion adopted.

By Mr. Rutherford:

WHEREAS, T. G. Walker, assistant Chief Clerk, has rendered most conscientious, able, and efficient service during this session; and

WHEREAS, By his uniform courtesy, and obliging manners, he has aided the members so much in their work during the session; therefore, be it

Resolved, That the thanks of this Assembly be tendered him for his able and faithful service.

Resolution read, and on motion adopted.

By Mr. Brown:

Resolved, That the thanks of this Assembly be tendered to the representatives of the press, representing their respective papers on the Assembly floor, for the impartial manner in which they have reported the proceedings of the Assembly

Resolved, That this resolution be spread upon the Journal of this day's proceedings of the Assembly.

Resolution read, and on motion adopted.

By Mr. Bohnett:

Resolved, That the Speaker appoint a committee of three to wait upon his Excellency Governor Hiram W. Johnson, and inform him that the Assembly is ready to adjourn, and await his further pleasure.

Resolution read, and on motion adopted.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker announced the appointment of the following committee to wait upon the Governor: Messrs. Bohnett, Young, and Rogers of San Francisco.

RESOLUTION—(RESUMED).

The following resolution was offered:

By Mr. Kehoe:

Resolved, That a committee of three be appointed by the Speaker to wait upon the Senate and inform that body that the Assembly is ready to adjourn, and ask if the Senate has any further communication to make to the Assembly.

Resolution read, and on motion adopted.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker announced the appointment of the following committee to wait upon the Senate: Messrs. Kehoe, March, and Cronin.

RESOLUTIONS—(RESUMED).

The following resolutions were offered:

By Mr. Brown:

Resolved, That the thanks of the Assembly are hereby tendered to the Hon. A. H. Hewitt, Speaker of the Assembly, for the uniform courtesy, ability, and impartiality

with which he has presided over its deliberations during the thirty-ninth session of the Legislature.

Resolution read, and on motion adopted.

By Mr. Held:

Resolved, That the thanks of the Assembly are hereby tendered to the File Clerks, viz.: W. C. Guirey, C. W. Thomas, Jr., C. E. Bowlen, and A. A. Leonard for the efficient and faithful manner in which they have discharged their duties during the thirty-ninth session of the California Legislature.

Resolution read, and on motion adopted.

By Mr. Cogswell:

Resolved, That this Assembly hereby extends its thanks to the Hon. H. G. Cattell for the uniform courtesy with which he has presided over the Assembly as Speaker pro tem, and that we heartily appreciate his able, fair, and just rulings when presiding as Speaker.

Resolution read, and on motion adopted.

By Mr. Cattell:

Resolved, That the Assembly extend to the Reverend Frank K. Baker its appreciation and thanks for the efficient manner in which he has performed the duties of his office.

Resolution read, and on motion adopted.

By Mr. Brown:

Resolved, That the thanks of the Assembly are hereby tendered to Chief Clerk L. B. Mallory and his assistants for the painstaking and efficient manner in which they have conducted the business of the Assembly during the session.

REPORT OF SELECT COMMITTEE.

The committee appointed to wait upon the Governor appeared before the bar of the House, and presented his Excellency Hiram W. Johnson, Governor of California.

ADDRESS OF THE GOVERNOR.

The Governor, invited to the chair, addressed the Assembly in a few appropriate remarks, thanking the members of the Assembly for the faithful performance of their work, and congratulating them upon the successful manner in which they had completed the work of the thirty-ninth session of the Legislature.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, EXECUTIVE OFFICE,
SACRAMENTO, March 27, 1911.

To the Legislature of the State of California:

In saying good-bye to you at the close of the thirty-ninth session of the Legislature of the State of California, I extend not alone to you, but to the people of the State of California, my congratulations. Never before has such wondrous work been so well performed by any Legislature: never has been evinced in the history of our State such a steadfastness of purpose and such fidelity to promises made to the people. No pledge given to the people of the State has by this Legislature been broken. Not a single promise is to-night left unfulfilled. It is for this reason that I congratulate the people of the State of California on the Legislature whose session is now at an end, and so far as I can represent the people of the State of California, I extend to you their heartfelt thanks.

You may all be justly proud of the past eighty-five days, and of the tremendous strides that have been made governmentally during that period. But few now realize the transcendent importance of the work you have done. The record seems an impossible one. I recall to you some of the measures you have enacted, and the astounding accomplishment may be seen as they are grouped together:

1 The railroad bill, giving to the Railroad Commission power and authority to stand as a bulwark between the people and the transportation companies, together with a cognate constitutional amendment which will remove, it is hoped, the fear of judicial interpretation of the Commission's authority and acts.

2. The initiative, referendum and recall, by acts which have now become laws, granted to municipalities and to counties, and by constitutional amendment to be passed upon by the people, to be accorded to the State as well if the people desire it.

3. The reform of the Australian ballot, by which that ballot has been returned to its original purity.

4. A non-partisan judiciary, secured by a reform of the ballot, and the like non-partisan character of officials having in charge matters of education.

5. The direct primary law, cementing the power of the people in the matter of nominations and permitting the people what so long they have desired, practically an election of United States Senators by direct vote, and this in the most advanced form, known as the Oregon plan.

6. The employers' liability law, designed to permit without unreasonable delay, a fair recovery by the employee for injuries sustained, without injustice to the employer.

7. Conservation acts for the preservation of the natural resources of the State for all the people and for future generations.

8. A reformatory for first offenders, that humanity may enter into the treatment of the erring young and those who for the first time have been guilty of infractions of the law.

9. An eight-hour law for women, whereby our women are secured what in their weakness they have been unable to obtain and what men long since obtained for men.

10. The prison bill, under the beneficent terms of which those convicted of crime may learn useful trades and under which the State will so profit financially that ultimately the prisons now costing the State more than half a million dollars annually, will maintain themselves.

11. Local option, that every community may for itself determine whether or not it desires in its midst the liquor traffic.

12. County home rule, bestowing upon the counties of the State what has always been their right, the government of themselves.

13. The Board of Control, by which the superannuated system of the State Board of Examiners will be abolished, and under which a healthy supervision of the state institutions may be exercised and proper methods of accounting on a business basis may be installed.

14. The highway act, for good roads in the State of California, their maintenance and construction, and the expenditure of eighteen millions of dollars in a uniform system of good roads.

15. The various acts for the reform of criminal procedure, by which many of the technicalities heretofore prevailing, particularly in reference to examinations of grand jurors and the like, will hereafter be eliminated.

16. The weights and measures bill, designed to correct the evils now existing in weights and measures in the State of California, evils which according to the Federal authorities, extend even to the existence to-day in our great cities of more than 33 1/4 per cent in fraudulent scales.

17. The constitutional amendment, designed to permit control of public utilities throughout the State.

18. The pure food bills, by which misrepresentation may be prevented in the sale of foods.

19. The various bills reorganizing existing commissions so that greater economy and efficiency may be obtained.

20. The race track bill, by which oral betting, which superseded the former method of betting, may be prevented.

21. The improvement of Monterey harbor, so that by the expenditure of two hundred thousand dollars by the State the United States in that work will expend four hundred thousand dollars.

I have not by any means in this list completed the good or the great things you have done, but what a record of achievement is there. No such record has ever before been presented by any Legislature. You have performed your task; you have kept the faith. By the thinking, unselfish, patriotic people of California, the thirty-ninth session of the Legislature will ever be held in grateful remembrance.

HIRAM W. JOHNSON,
Governor.

RESOLUTIONS—(RESUMED).

The following resolution was offered:

By Mr. Coghlan:

Resolved, That this Assembly thank for his uniform courtesy, kindness, and justice in all his dealings with this House and its members the Hon. H. S. Benedict of the city of Los Angeles.

Resolution read, and on motion adopted.

REPORT OF STANDING COMMITTEE—(RESUMED).

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled

Assembly Concurrent Resolution No. 28—Relative to adjournment *sine die*

Assembly Bill No. 351—An Act to amend Sections 1, 2, 3, and 6 of an Act entitled "An Act to create a state board of charities and corrections, prescribing its duties and powers and appropriating money therefor," approved March 25, 1903, and to add two new sections thereto to be numbered Sections 5 and 6 and to renumber Sections 5, 6, 7, and 8 of said Act, all relating to the State Board of Charities and Corrections.

Assembly Bill No. 1385—An Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, and to repeal an Act entitled an Act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States Senator, approved March 24, 1909.

Assembly Bill No. 1323—An Act to amend Section 92 of the Code of Civil Procedure of the State of California, relating to certificates, transcripts, and other papers in cases certified to the Superior Court

Assembly Bill No. 1117—An Act to amend section twelve hundred eighty-five of the Political Code of the State of California, relating to returns of election of district officers

Assembly Bill No. 108—An Act to add a new section to the Penal Code of the State of California to be known as Section 532a, relating to false statements regarding financial condition or liabilities of any person seeking credit for the purpose of obtaining the same, and providing the penalty therefor.

Assembly Bill No. 1106—An Act to provide for the licensing and regulation of hospitals and special hospital nurses in the State of California.

Assembly Bill No. 36—An Act to provide for the survey, location and construction of a state highway from the town of Mariposa through Bear Creek, Missouri Gulch and Stockton Creek to the Yosemite Valley railroad at Bear Creek Station in Mariposa County, California, and making an appropriation therefor

Assembly Bill No. 164—An Act making an appropriation of one hundred thousand dollars, being an additional appropriation for the purpose of carrying out the provisions of an Act entitled "An Act to provide for the building, equipping and furnishing of an armory to be used for the National Guard and National Guard purposes, in the city of Los Angeles, and to make an appropriation therefor," approved March 25, 1909

Assembly Bill No. 202—An Act to add a new section to Title II, Part III of the Penal Code of California, to be numbered Section 1616 and relating to the care of female prisoners in county jails

Assembly Bill No. 221—An Act to provide for experiment and research work in viticulture, directing publication of the results of experiments and investigations, making an appropriation therefor and prescribing the duties of the Controller and Treasurer in relation thereto.

Assembly Bill No. 222—An Act to provide for the improvement of the cereal crops of California, and appropriate money therefor.

Assembly Bill No. 225—An Act providing for the investigation of the nature and means of control of destructive diseases of cultivated plants in those portions of the State not benefited by the Southern California Pathological Laboratory, and making an appropriation therefor.

Assembly Bill No. 287—An Act to provide for the purchase by the State of California of the armory building and wharf located on the bay of San Diego, and making an appropriation therefor

Assembly Bill No. 361—An Act fixing the salaries of the judges of the Superior Court of the State of California, in and for the county of Kern, and providing for the payment thereof

Assembly Bill No. 540—An Act appropriating the sum of twenty-five thousand dollars for the purpose of improving the grounds of the State Capitol at Sacramento

Assembly Bill No. 682—An Act providing for the organization and management of mutual fire insurance corporations and associations and defining the same, and regulating the transaction of the business of mutual fire insurance in the State of California, and repealing an Act entitled "An Act providing for the organization and management of mutual fire insurance companies," approved March 19, 1907.

Assembly Bill No. 657—An Act making an appropriation to pay the claim of the San Diego Union Company.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21st, 1872, by adding a section thereto, to be desig-

nated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Assembly Bill No. 758—An Act to provide for maintenance of county highways improved under bond issues in the counties of the State and empowering the boards of supervisors to levy taxes therefor.

Assembly Bill No. 791—An Act to provide for the disposition of lands abandoned or closed up as public streets, authorizing the execution of deeds therefor by officers of municipalities and providing for the acceptance of deeds for new streets opened in lieu of such abandoned streets.

Assembly Bill No. 802—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known and numbered as Section 4043a, relating to indexes of county records.

Assembly Bill No. 817—An Act to amend the Civil Code of the State of California by adding a new section thereto to be numbered and known as section three hundred and fifty-nine a, relating to the issuance of preferred stock by corporations.

Assembly Bill No. 980—An Act to amend Section 384 of the Penal Code, relating to forest fires.

Assembly Bill No. 921—An Act to provide an appropriation for the equipment of an instruction and training building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Assembly Bill No. 996—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Assembly Bill No. 1029—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a national encampment of the Grand Army of the Republic in this State, to be held in 1912.

Assembly Bill No. 1030—An Act regulating the hours of labor of conductors, engineers, firemen, brakemen, train dispatchers and telegraph operators employed by any corporation or receiver operating a line of railway in whole or in part in the State of California, and prescribing penalties for violation of this Act.

Assembly Bill No. 1083—An Act to amend section four thousand two hundred and ninety of the Political Code of the State of California, relating to fees and salaries of county officers.

Assembly Bill No. 779—An Act appropriating ten thousand dollars for the investigation and eradication of thrip and similar diseases infesting the horticultural industry of Santa Clara and adjoining counties.

Assembly Bill No. 643—An Act to amend Section 2 of an Act entitled "An Act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs and expenses incurred by reason of taking them up, and repealing all other Acts, or parts of Acts now in force relating to estrays, approved March 23, 1901."

Assembly Bill No. 1073—An Act to amend Section 1 of an Act entitled "An Act to provide for the transfer to the State of California by owners of patented lands therein of the right to preserve and protect wild game on such patented lands; to define the duties of the State Board of Fish Commissioners in relation to the control of such rights, and to declare the hunting of wild game within the exterior boundaries of the land to which right attaches, a misdemeanor," approved March 21, 1907.

Assembly Bill No. 1203—An Act to amend section eleven hundred eighty-eight of the Political Code of the State of California, relating to nomination of candidates otherwise than by primary elections.

Assembly Bill No. 1317—An Act to amend Section 4252 of the Political Code of the State of California, relating to county and township governments and the compensation of the county and township officers of counties of the twenty-third class.

Assembly Bill No. 1400—An Act making an appropriation to pay the claim of J. Harry Russell.

Assembly Bill No. 368—An Act to repeal Sections 1634, 1635, 1636, 1637, 1638, 1639, 1640 and 1641 of the Political Code of the State of California, relating to the taking of the school census.

Assembly Bill No. 1538—An Act to amend an Act entitled "An Act to prevent the taking of fish by means of weirs, dams, nets, traps, or seines in certain tide water on the coast of Mendocino County," approved March 25, 1909.

Assembly Bill No. 1375—An Act to create a reclamation district to be called "Reclamation District Number 881," and providing for the control and management thereof.

Assembly Bill No. 368—An Act to repeal Sections 1634, 1635, 1636, 1637, 1638, 1639, 1640 and 1641 of the Political Code of the State of California, relating to the taking of the school census.

Assembly Bill No. 982—An Act to establish the Alpine state highway; to define its course, to provide for its supervision, construction, repair and maintenance, and to make an appropriation therefor.

Assembly Bill No. 1107—An Act to amend an Act entitled "An Act to provide for the protection and preservation of shade and ornamental trees growing and to be grown upon the roads, highways, grounds and property within the State of California, and for the planting, care, protection and preservation of shade and orna-

mental trees, hedges, lawns, shrubs and flowers growing and to be grown in and upon such roads, highways, grounds and property; and to create county boards of forestry for such purposes, and to prescribe the duties and powers of such boards, and to authorize such board to appoint county foresters; and to prescribe the duties and fix the compensation of county foresters; and to empower such boards to enforce all laws and adopt and enforce any and all lawful and reasonable rules for the protection, planting, regulation, preservation, care and control of such shade and ornamental trees, hedges, lawns, shrubs and flowers," approved April 28, 1909

And were presented to the Governor March 27th, at six o'clock P. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 1188—An Act to provide for retirement salaries for public school teachers of this State, and to provide for the revenue therefor.

Assembly Bill No. 913—An Act to amend section seventeen hundred and twenty-three of the Code of Civil Procedure of California, relating to the disposition of life estates, homesteads, community property or property held by joint tenants on owner's death in certain cases

Assembly Bill No. 1143—An Act appropriating money to be used in the purchase of pianos, furniture and sewing machines for the girls' cottage of the Whittier State School.

Assembly Bill No. 82—An Act to provide for the building, equipping and purchasing of machinery for a laundry building at the Napa State Hospital, and to make appropriation for the same.

Assembly Bill No. 494—An Act to amend section four hundred and eighty-five of the Civil Code, relating to railroad corporations.

Assembly Bill No. 988—An Act making an appropriation to pay the deficiency in the appropriation for traveling expenses and per diem of officers on detail duty, National Guard, for the fifty-eighth, fifty-ninth and sixtieth fiscal years.

Assembly Constitutional Amendment No. 33—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by amending section fourteen of article six thereof, relating to the election and compensation of a clerk of the Supreme Court, also relating to county clerks being ex officio clerks of courts of record, and also relating to appointments by the Superior Courts of court commissioners, and also by amending section twenty-one of said article six of the said Constitution, relating to the appointment by the Supreme Court of a reporter and assistant reporters and the appointment by the District Courts of Appeal of its clerks, and also relating to the duties and compensation of such officers

Assembly Bill No. 1115—An Act to amend section eleven hundred ninety-two of the Political Code of the State of California, relating to the filing of certificates of nomination

Assembly Bill No. 1085—An Act making an appropriation to pay the claim of John Lubben, against the State of California.

Assembly Bill No. 882—An Act to amend Sections 20 and 22 of an Act entitled "An Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor," approved March 11, 1907.

Assembly Bill No. 1295—An Act to amend Section 4273 of the Political Code of the State of California relating to the salaries and fees of the county officers of the forty-fourth class.

Assembly Bill No. 571—An Act to amend section fifteen hundred and seventy-six of the Political Code of the State of California, relating to school districts in incorporated cities and towns, and the annexation thereto of the remainder or any part of the remainder of the district or districts from which such city or incorporated town was organized.

And were presented to the Governor, March 27th, at eleven o'clock and thirty minutes P. M.

RANDALL, Chairman.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled

Assembly Bill No. 922—An Act to provide an appropriation for grading, terracing building drives, paths, laying gas, water and sewer mains, planting and improving the grounds of the Santa Barbara State Normal School of Manual Arts and Home Economics site

Assembly Bill No. 923—An Act to provide appropriation for the equipment of a gymnasium building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics

Assembly Bill No. 925—An Act to provide an appropriation for the equipment of a reception and lunch room building for the use of the Santa Barbara State Normal School of Manual Arts and Home Economics.

Assembly Bill No. 1287—An Act to authorize the State of California to convey to the county of Sacramento the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the north line of section 17, said point being the northwest corner of the property deeded to the board of supervisors of Sacramento County by James Lansing on April 8, 1869, and recorded in Book 51 of Deeds, page 633, on file in the office of the County Recorder of Sacramento County, and described as "The west 17 chains of the east 22 chains of the north $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. 1 D B & M., and running thence from said point of beginning south 224 6 feet, thence S. 40° 56' W. 201 6 feet, thence S. 89° 22' W. 327 3 feet to the east line of the Wright & Kimbrough subdivision No. 14; thence north 380 5 feet along said east line to the northeast corner of said subdivision on the north line of section 17, thence east 464 2 feet along said section line to the place of beginning, containing 378 acres. All the above described property lying in section 17, T. 8 N., R. 5 E., M. 1 D B & M., and in Sacramento County, California; in consideration of the county of Sacramento conveying to the State of California the following described real property, to wit: All that real property situated in the county of Sacramento, State of California, and described as beginning at a point on the property line between the County Hospital grounds and the Elmhurst subdivision, said point being in section 17, T. 8 N., R. 5 E., M. 1 D B & M., distant S. 0° 27' W. 215 7 feet from the north line of said section 17 at a distance of 330 feet west from the northeast corner thereof and running thence N. 71° 06' W. 621 2 feet, thence S. 89° 22' W. 178 3 feet, thence S. 84° 52' W. 54 7 feet; thence S. 80° 56' W. 65 3 feet, thence S. 73° 08' W. 56 3 feet; thence S. 63° 48' W. 64 feet, thence S. 57° 52' W. 42 6 feet; thence S. 55° 29' W. 69 7 feet, thence S. 49° 37' W. 119 7 feet, thence S. 40° 56' W. 15 6 feet to the property line between the County Hospital property and the property of the State Agricultural Society at a distance of 224 6 feet south along said property line from the northwest corner of the tract of land deeded by James Lansing to the Board of Supervisors of Sacramento County on April 8, 1869, and recorded in Book 51 of Deeds, page 633, on file in the office of the county recorder of Sacramento County, and described as "The west 17 chains of the east 22 chains of the north $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of section 17, T. 8 N., R. 5 E., M. 1 D B & M." thence south 438 feet along the west line of said tract to the southwest corner thereof, thence east 1183 feet along the south line of said tract to the southeast corner thereof, thence north 467 feet along the east line of said tract to the point of beginning, containing 16 12 acres. All the above described land lying in section 17, T. 8 N., R. 5 E., M. 1 D B & M., and in Sacramento County, California; the purpose of this Act being to perfect of record the title of the county of Sacramento to the real property first above described and to perfect of record the title of the State of California to the real property last above described.

Assembly Bill No. 1445—An Act to provide for the dissemination of knowledge regarding the various propositions and constitutional amendments which are to be submitted to the people of the State of California and for the distribution of copies of said propositions and amendments to various institutions of learning throughout the State.

Assembly Bill No. 626—An Act allowing certain pensions and providing for the payment of the same, of employees of twenty-one years and upwards of service by the state hospitals of the State, who shall have arrived at the age of sixty years, constituting a state hospital employees pension board and making state appropriation to pay the pensions provided for in this Act.

Assembly Bill No. 265—An Act to add a new section to the Penal Code to be numbered three hundred and seventy-four (*a*), relating to the dumping of garbage or other refuse upon the navigable waters of the State of California or upon the waters of the Pacific Ocean.

Assembly Bill No. 367—An Act to amend an Act entitled "An Act to amend section eighteen hundred and fifty-eight of the Political Code, relating to the apportionment of school funds."

Assembly Bill No. 700—An Act to prevent fishing or the taking of fish by means of weirs, dams, nets, traps or seines in the Moquelumne River.

Assembly Bill No. 714—An Act to provide for the work of exterminating and preventing the multiplication of anopheles and other species of mosquitoes, for the assessment of the cost and expense of such work upon the lands in the district benefited thereby, and for the condemnation of lands and property necessary for the purpose.

Assembly Bill No. 1034—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered section one thousand, five hundred and forty-three *a*, providing for the payment of interest on unpaid orders or demands against any school district.

Assembly Bill No. 7100—An Act to amend Section 3051 of the Civil Code of the State of California.

Assembly Bill No. 1122—An Act to amend section fourteen of an Act entitled "An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts, and the assessment of property therein to pay the expense of such improvement," approved March 24th, 1903.

Assembly Bill No. 1383—An Act to provide for the sanitation of public plunge baths in the State of California.

Assembly Bill No. 1469—An Act relating to the liability of common carriers by railroad in this State for injuries or death sustained by their employees.

Assembly Bill No. 1505—An Act to provide for the erection of a memorial monument to Abraham Lincoln, appointing a commission therefor and providing an appropriation to carry the Act into effect.

Assembly Bill No. 1508—An Act to enable counties to join with incorporated cities and towns within such counties in the joint construction of public buildings to be used jointly for county and municipal purposes.

Assembly Bill No. 1534—An Act to add a new section to the Civil Code, to be known as Section 653c thereof, relating to the terms of office of directors in non-profit cooperative corporations, and permitting such corporations to so classify their directors that all need not be elected at any one time.

Assembly Bill No. 1558—An Act to amend section two hundred and twenty-four of the Civil Code of the State of California, relating to the adoption of children and the consent necessary thereto.

Assembly Bill No. 1473—An Act authorizing and empowering Reclamation District No. 818 to contract for, and to construct and maintain, jointly, or in connection with any person, firm, corporation, reclamation district, levee district, drainage district, public agency or municipal corporation, joint levees or other joint works of reclamation.

Assembly Bill No. 47—An Act to make an appropriation for the maintenance of the state highway from Emigrant Gap, Placer County, to the west end of Donner Lake, Nevada County.

Assembly Bill No. 675—An Act providing for the acquisition of a site for an armory and state arsenal for the National Guard, at the city of Sacramento, California, providing for the appointment of a commission to select and acquire by donation said site, and providing for the erection of an armory and arsenal on said site, and appropriating money therefor.

Assembly Bill No. 831—An Act making an appropriation for the collection, establishment, installation and maintenance of a permanent exhibit of the resources and industries of the State of California in the exposition building at Los Angeles, California.

Assembly Bill No. 870—An Act to add a new section to the Penal Code of the State of California, to be numbered Section 330a, relating to gambling by the use of slot machines or card dice, or other dice having more than six faces or bases each.

Assembly Bill No. 876—An Act to appropriate the sum of eight thousand and ninety-one dollars, for the use and benefit of the University of California, to supply a deficiency in the appropriation for printing at the State Printing Office for the fiscal years 1908 and 1909.

Assembly Bill No. 997—An Act to amend an Act entitled "An Act to amend section one of an Act entitled 'An Act requiring the payment into the state treasury of all moneys belonging to the State received by the various state institutions, commissions and officers, and directing the disposition of the same,' approved March seventeenth, eighteen hundred and ninety-nine," approved March 20, 1905, relating to state moneys.

Assembly Bill No. 1176—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Assembly Bill No. 1194—An Act to amend Section 4259 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the thirtieth class.

Assembly Bill No. 1199—An Act to add a new section to the Political Code of the State of California, to be numbered 2636, providing for the naming of highways and avenues.

Assembly Bill No. 1288—An Act making an appropriation to pay assessments which may be levied against the Sutter Fort property by the city of Sacramento for street work.

Assembly Bill No. 1289—An Act amending section two of an Act entitled "An Act authorizing the board of Sutter's Fort trustees to appoint a gardener for the purpose of caring for the grounds around Sutter's Fort and providing for the compensation of such gardener," approved March 21, 1907.

Assembly Bill No. 1313—An Act to appropriate the sum of one hundred and twenty-five dollars to pay the claim of A. S. Mann.

Assembly Bill No. 1471—An Act to amend Section Number 1632 of the Code of

Civil Procedure of the State of California, relating to the settlement of accounts of executors and administrators, and filing of vouchers for expenditures.

Assembly Bill No. 1539—An Act to provide for the survey, location and construction of a state highway from a point known as the Oregon House, in the county of Yuba, thence to the old town of Greenville, in Yuba County, thence to the North Yuba River, at a point just above the confluence of Woodville Creek with said North Yuba River, thence following the right hand or north bank of the North Yuba River to the town of Goodyear Bar, in Sierra County, and making an appropriation therefor.

Assembly Bill No. 1544—An Act to amend Sections 409, 412, 413, 414, 415, and 416 of the Political Code and to repeal Sections 415a, 417, 418, 419, 419a, 420, 421, 422, and 423 of said code, relating to the duties and salaries of the Secretary of State and his appointees and their duties and salaries.

Assembly Bill No. 712—An Act making an appropriation to pay for street work fronting the property of the State Normal School at San Jose.

Assembly Bill No. 69—An Act to amend an Act for preventing the manufacture, sale or transportation of adulterated, mislabeled or misbranded foods and liquors and regulating the traffic therein, providing penalties, establishing a state laboratory for foods, liquors and drugs and making an appropriation therefor, approved March 11, 1907.

Assembly Bill No. 1545—An Act to amend the Political Code of the State of California by adding a new section thereto to be designated and known as Section 4056b, relating to the power of boards of supervisors and giving such boards authority to levy a special tax for the purpose of raising funds for making exhibits at domestic or foreign expositions.

And were presented to the Governor, March 27th, at six o'clock P. M.

RANDALL, Chairman

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1911

MR. SPEAKER, Your Committee on Engrossment and Enrollment beg leave to report that the following bills have been correctly enrolled:

Assembly Bill No. 1339—An Act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities, and upon property and rights of way owned by municipalities, and for establishing and changing the grades of any such streets, avenues, lanes, alleys, courts, places and sidewalks, and providing for the issuance and payment of street improvement bonds to represent certain assessments for the cost thereof and providing a method for the payment of such bonds.

Assembly Bill No. 1307—An Act to amend Section 2643 of the Political Code, relating to the powers of boards of supervisors relating to roads.

Assembly Bill No. 1179—An Act to amend section twenty-nine hundred and sixty-nine of the Civil Code of the State of California, relating to limitation of rights of officers to levy on mortgaged personal property.

Assembly Bill No. 1567—An Act to amend Section 4244 of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fifteenth class.

Assembly Bill No. 200—An Act to establish the California State Reformatory; to provide for purchase of land therefor; and the construction of buildings and other improvements in connection therewith, to provide for the commitment and transfer of prisoners thereto and therefrom; to provide for the equipment, conduct and management thereof, and to make an appropriation therefor.

Assembly Bill No. 600—An Act to provide for the survey and construction of a state highway from Saratoga Gap, on the line between the counties of Santa Clara and Santa Cruz into the California Redwood Park in Santa Cruz County, and making an appropriation therefor.

Assembly Bill No. 1165—An Act to make an appropriation for the general improvement of the Lake Tahoe wagon road, a state highway.

Assembly Bill No. 1478—An Act to amend Section 4144 of the Political Code of the State of California, relative to the burial of bodies by coroners and the defrayal of the expense thereof.

Assembly Bill No. 1568—An Act to amend section four thousand two hundred and sixty-nine of the Political Code of the State of California, relating to salaries and fees of officers in counties of the fortieth class.

Assembly Bill No. 1569—An Act to amend section four thousand two hundred and seventy of the Political Code of the State of California relating to salaries and fees of officers in counties of the forty-first class.

Assembly Bill No. 1586—An Act making appropriations for the support of the government of the State of California for the sixty-third and sixty-fourth fiscal years.

Assembly Bill No. 1331—An Act to regulate and provide for the marking and labeling of containers, so as to show the correct numerical count, and net weight and net measure of the contents thereof; for a rule of evidence and the construction of contracts concerning weights and measures, and for penalties for the violation thereof.

Assembly Bill No. 1495—An Act to amend section one thousand three hundred

and eighty-six of the Civil Code of the State of California, relating to the succession and distribution of property of deceased persons.

Assembly Bill No. 803—An Act entitled an Act to amend Section 594 of the Political Code, relating to the classification of insurance and the capital stock insurance companies are required to have.

Assembly Bill No. 1583—An Act to amend Section 1722 of the Political Code of the State of California, relating to petitions for the formation of high school districts.

Assembly Bill No. 1581—An Act to amend Section 1725 of the Political Code of the State of California, relating to the formation of high school districts.

Assembly Bill No. 1305—An Act to amend "An Act regulating the employment and hours of labor of children, prohibiting the employment of minors under certain ages, prohibiting the employment of certain illiterate minors, providing for the enforcement hereof by the Commissioner of the Bureau of Labor Statistics, and providing penalties for the violation hereof," approved February 20, 1905.

Assembly Bill No. 1333—An Act to amend Section 626 of the Penal Code, relating to shooting from moving boats.

Assembly Bill No. 1585—An Act to amend Section 1734 of the Political Code of the State of California, relating to the admission of a school district to a high school district or the exclusion of a school district from a high school district.

Assembly Bill No. 1580—An Act to amend Section 1728 of the Political Code of the State of California, relating to the formation of joint union high school districts.

Assembly Bill No. 1582—An Act to amend Section 1727 of the Political Code of the State of California, relating to the formation of union high school districts.

Assembly Bill No. 1552—An Act to amend Section 1817 of the Political Code of the State of California, relating to county school tax.

Assembly Bill No. 1584—An Act to amend Section 1736 of the Political Code of the State of California, relating to the disincorporation of a high school district.

Assembly Bill No. 1326—An Act to amend Sections 593, 598, and 604 of the Civil Code, to repeal Sections 594 and 603 thereof, and to enact Section 603, all relating to religious, social and benevolent corporations.

Assembly Bill No. 1190—An Act to provide for the formation and establishment of boulevard districts; the construction, acquisition, maintenance, control and use of boulevards, defining the term boulevard, providing for the voting, issuing and selling of bonds, and the levying of taxes to pay for the acquisition, construction, maintenance and repair of such boulevard; providing for a boulevard commission to have charge of the affairs of boulevard districts, and the construction, maintenance and repair of boulevards, within such districts; providing for the election of such commission, their terms of office, and of elections to be held in such districts; and repealing an Act entitled "An Act to provide for the formation of boulevard districts, and the construction, maintenance, and use of boulevards, and defining the term boulevard," approved March 22, 1905, and the Act amendatory thereof, approved April 15, 1908.

Assembly Bill No. 1177—An Act to provide for the division of municipalities into sewer districts, and for the construction of, or acquisition and maintenance of sewers therein, providing a system of district sewer bonds, to pay the cost of such construction of, or acquisition and also for the payment of such bonds.

Assembly Bill No. 1182—An Act to amend Sections 443 of the Political Code of the State of California and to add a new section thereto to be numbered 462.

Assembly Bill No. 828—An Act to amend Section 3493 of the Political Code, relating to land uncovered by the recession or drainage of the waters of inland lakes.

Assembly Bill No. 1077—An Act to amend an Act entitled "An Act to amend section fourteen hundred and forty-four of the Code of Civil Procedure of the State of California, relating to appraisement of estates and pay of appraisers."

Assembly Bill No. 836—An Act to amend an Act entitled "An Act to provide for temporary floors in buildings more than three stories high in the course of construction and for the protection of the life and limb of workmen employed in such buildings from falling through joists or girders, and from falling bricks, rivets, etc., approved March 6, 1906, and to make the Act apply to buildings more than two stories high in the course of construction.

Assembly Bill No. 703—An Act to amend Sections 1, 3, 5 and 6 of an Act entitled "An Act to regulate the operation of motor vehicles on public highways and making an appropriation for the purpose of carrying out the objects of this Act", approved March 22, 1905, relating to the definition of terms used in this Act, precautions to be used by the drivers of motor vehicles, the use of highways for races, punishments for violations of this Act and the licensing of chauffeurs and motor vehicle drivers.

Assembly Bill No. 1479—An Act to add a new section to the Code of Civil Procedure of the State of California to be known as section one thousand seven hundred and twenty-six *a*, relating to the payment of the burial expenses of deceased persons.

Assembly Bill No. 1367—An Act to amend Section 737 of the Political Code, relating to the salary of superior judges.

Assembly Bill No. 760—An Act to amend Sections 4097, 4101 and 4102 of the Political Code, in relation to the duties of county auditors, county treasurers, district attorneys and chairmen of boards of supervisors.

Assembly Bill No. 199—An Act providing for the supervision and control by the State Board of Charities and Corrections of the placing of dependent children into

homes, and for the supervision of all societies or organizations engaged in such work and known as children's home finding societies.

Assembly Bill No. 186—An Act to amend sections sixteen hundred and fifty-eight, sixteen hundred and sixty-one, and sixteen hundred and sixty-five of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Assembly Bill No. 357—An Act for the regulation and control of fraternal benefit societies.

Assembly Bill No. 558—An Act to amend an Act entitled "An Act to secure the payment of the claims of materialmen, mechanics, or laborers, employed by contractors upon state, municipal, or other public works," approved March 27, 1897.

Assembly Bill No. 406—An Act to amend Section 1696 of the Political Code of the State of California, relating to the duties of teachers.

Assembly Bill No. 1148—An Act to provide for the payment of judgments against school districts.

Assembly Bill No. 892—An Act to amend sections four hundred and thirty-nine and four hundred and forty of the Political Code, relating to the employees of the Controller's office and the salaries paid to such employees.

Assembly Bill No. 744—An Act to repeal an Act entitled "An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," approved March 7, 1887.

Assembly Bill No. 1503—An Act to amend section four thousand two hundred and seventy-six of the Political Code of the State of California, relating to salaries and fees of officers in counties of the forty-seventh class.

Assembly Bill No. 1574—An Act to amend Section 4274 of the Political Code of the State of California, relating to salaries and fees of officers of counties of the forty-fifth class.

Assembly Joint Resolution No. 19—Relating to a proposed amendment to the Constitution of the United States so that the laws governing marriage and divorce shall be established by federal statute and divorce proceedings heard and determined in the federal courts, and by uniform law throughout the United States.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to Section 7 of Article IX of the Constitution of the State of California, in relation to the minimum period for the use of textbooks in the common schools throughout the State.

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending section nineteen of article twelve thereof, relating to the issuing of passes to public officials.

Assembly Constitutional Amendment No. 46—A resolution to propose to the people of the State of California an amendment to section eighteen of article four of the Constitution of the State of California in relation to the impeachment of state officers and judges.

Assembly Bill No. 516—An Act to repeal Section 364 of the Political Code, relating to the Board of Examiners.

Assembly Bill No. 1406—An Act amending an Act entitled "An Act providing that, in any city of the first class or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline equipment and uniform of such police department, and from time to time alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further than such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations; nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed," approved March 23, 1907, by amending the title of said Act, and making said Act applicable to certain cities of the second and one half class.

Assembly Bill No. 377—An Act to amend Sections 626, 626a, 626d, 626f, 626j, and 626m of the Penal Code of the State of California, relating to the protection of fish and game and adding a new section thereto to be known and numbered as Section 626p.

Assembly Bill No. 1183—An Act to add a new article to Chapter III, Title I, Part III, of the Political Code, to be designated Article XX, providing for the manage-

ment and control of the Capitol building and grounds; providing for the appointment of a superintendent of the Capitol building and grounds, his assistants and employees, defining their powers and duties and fixing their compensations; repealing Sections 425 and 426 of the Political Code, relating to the appointees of the Board of Capitol Commissioners, and repealing all Acts and parts of Acts in conflict herewith.

Assembly Bill No. 1587—An Act to provide for the levy and collection of taxes for the support of the state government for the sixty-third and sixty-fourth fiscal years.

And were presented to the Governor, March 27, 1911, at eleven o'clock and thirty minutes P. M.

RANDALL, Chairman.

REPORT OF SELECT COMMITTEE.

The committee to wait upon the Senate appeared before the bar of the House, and reported that the instructions of the Assembly had been carried out, and that the Senate would communicate its wishes through a committee from that body.

COMMITTEE FROM THE SENATE.

Senators Hewitt, Strobridge, and Caminetti appeared before the bar of the Assembly and informed the Assembly that the Senate was ready to adjourn, and asked if the Assembly had any further message to convey to the Senate.

The Speaker replied that the Assembly had concluded its labors and was ready to adjourn, and had no further communication to make to the Senate.

READING AND APPROVAL OF MINUTES.

The minutes of Monday, March 27, 1911, were read, and on motion of Mr. Bohnett approved.

ADJOURNMENT.

At twelve o'clock, midnight, of Monday, March 27, 1911, the Hon. A. H. Hewitt, Speaker of the Assembly, announced that the time for final adjournment of the thirty-ninth session of the Legislature of the State of California had arrived, and thereupon declared the Assembly adjourned *sine die*.

A. H. HEWITT,

Speaker of the Assembly

H. G. CATTELL,

Speaker pro tem of the Assembly.

L. B. MALLORY,

Chief Clerk of the Assembly

H. A. HARPER,

Minute Clerk of the Assembly

ARTHUR S. MOORE,

Journal Clerk of the Assembly